

February 4, 2025

The Honorable Kellie Warren, Chairperson  
Senate Committee on Judiciary  
300 SW 10th Avenue, Room 346-S  
Topeka, Kansas 66612

Dear Senator Warren:

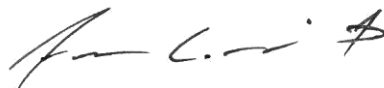
**SUBJECT:** Fiscal Note for SB 60 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 60 is respectfully submitted to your committee.

SB 60 would prohibit consideration by a sentencing court of a second or successive habeas motion unless (1) the court relies on a new rule of constitutional law, made retroactive by the Kansas Supreme Court or the United States Supreme Court, and applies to the prisoner's case or (2) the factual basis for the claim could not have been discovered previously through due diligence and the facts, if proven, would establish by clear and convincing evidence that, but for the constitutional error, no reasonable fact finder would have found the prisoner guilty. The bill also defines second and successive motions. The bill would specify that ineffectiveness of counsel would not be grounds for relief in a subsequent action unless such claim alleges the ineffectiveness completely foreclosed the prisoner's ability to appeal or seek discretionary review by an appellate court. The bill would also specify that a prisoner sentenced to death may appeal to the Kansas Supreme Court as a matter of right and that a habeas motion filed by a prisoner sentenced to death must be expedited.

The Office of Judicial Administration indicates enactment of the bill would have a minimal fiscal effect that could be absorbed within existing resources. Any fiscal effect associated with SB 60 is not reflected in *The FY 2026 Governor's Budget Report*.

Sincerely,



Adam C. Proffitt  
Director of the Budget

cc: Trisha Morrow, Judiciary