

January 23, 2012

The Honorable Pat Colloton, Chairperson
House Committee on Corrections and Juvenile Justice
Statehouse, Room 167-W
Topeka, Kansas 66612

Dear Representative Colloton:

SUBJECT: Fiscal Note for HB 2468 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2468 is respectfully submitted to your committee.

Current law relating to discovery requirements of defense attorneys requires that if the defendant seeks discovery and inspection of results or reports as described in the bill, the defendant would permit the attorney for the prosecution to inspect and copy or photograph information that the defendant intends to produce at any hearing that is material to the case and would not place an unreasonable burden on the defense.

New provisions of this bill would impose the following additional requirements on the defendant. The defendant must provide for the attorney for the prosecution, no less than 30 days prior to trial:

1. A summary or written report on what any expert witness intends to testify, including witness' qualifications, the witness' opinions, and the bases and reasons for such opinions;
2. The names and addresses of all prospective witnesses; and
3. Any tangible papers, objects or exhibits that the defendant intends to produce.

Estimated State Fiscal Effect				
	FY 2012 SGF	FY 2012 All Funds	FY 2013 SGF	FY 2013 All Funds
Revenue	--	--	--	--
Expenditure	--	--	\$94,462	\$94,462
FTE Pos.	--	--	--	--

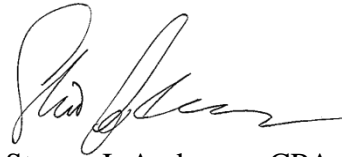
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According to the Office of Judicial Administration, passage of HB 2468 would have no fiscal effect on the Judicial Branch. According to the Board of Indigents Defense Services, passage of this bill would require that an expert must be approved, complete all work, and file a report 30 days in advance of the trial setting even if plea negotiations are ongoing. Currently, the Board of Indigents Defense Services does not approve funding for expert services unless and until defense counsel can advise that the case will not plea and will proceed to trial. This requirement would increase the Board's expenditures from the State General Fund for expert services by an estimated 10.0 percent of the amount currently spent, or \$94,462. Any fiscal effect resulting from enactment of HB 2468 is not included in *The FY 2013 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", written in a cursive style.

Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Pat Scalia, BIDS
Mary Rinehart, Judiciary