

February 23, 2012

The Honorable Lance Kinzer, Chairperson
House Committee on Judiciary
Statehouse, Room 165-W
Topeka, Kansas 66612

Dear Representative Kinzer:

SUBJECT: Fiscal Note for HB 2736 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2736 is respectfully submitted to your committee.

Under current law, a person may seek relief under the Protection from Stalking Act by filing a verified petition with the district judge or clerk of the court in the county where the stalking occurred. HB 2736 would add a requirement for the petition to include the known or estimated age of the defendant. Clerks would be required to review all petitions and no petition may be filed if the age of the defendant is not sufficiently stated. If the age of the defendant is stated on the petition as 14 years of age or less, clerks would be required to refer petitioners to counties or district attorneys, who then must investigate whether the defendant is a child in need of care. If the county or district attorney determines that the defendant named in the petition is a child in need of care, the county or district attorney would be required to file a separate petition alleging that the child is in need of care.

The Office of Judicial Administration states that passage of HB 2736 would increase the amount of time needed for clerks to review stalking petitions to ensure that all petitions meet the requirements proposed by the bill. In FY 2011, there were 5,255 stalking petitions filed. Using this data, the Office estimates that a total of 438 additional hours of staff time could be necessary to accommodate the new petition requirements. It is likely that the petitions would be reviewed by temporary clerk staff, which would cost a total of \$4,424, including \$4,059 for salaries (438 hours x \$9.268 per hour) and \$365 for fringe benefits. It is presumed that these costs could be absorbed within existing court resources. Any fiscal effect associated with HB 2736 is not reflected in *The FY 2013 Governor's Budget Report*.

Sincerely,



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

cc: Mary Rinehart, Judiciary