

March 16, 2011

The Honorable Pete Brungardt, Chairperson  
Senate Committee on Federal and State Affairs  
Statehouse, Room 136-E  
Topeka, Kansas 66612

Dear Senator Brungardt:

**SUBJECT:** Fiscal Note for SB 161 by Senator Haley

In accordance with KSA 75-3715a, the following fiscal note concerning SB 161 is respectfully submitted to your committee.

SB 161 would require that beginning on January 1, 2012, a uniform citizen contact data form would be filled out by all Kansas law enforcement officers on each traffic or pedestrian stop. The uniform citizen contact data form would be used in addition to the traffic tickets currently used by law enforcement agencies throughout the state. The form would be designed by the Kansas Criminal Justice Coordinating Council in consultation with representatives from various groups specified in SB 161. Also outlined in the bill are the data elements that would be collected at each stop. A law enforcement officer would be required to sign the form after making each stop and a copy would be given to the motorist or pedestrian who was stopped.

Within 15 days after the stop, the form would be sent by the law enforcement agency to the Office of the Attorney General. The information would be compiled into a statewide citizen contact database. The Attorney General would be required to compile data received each month and make the data available to the public and all law enforcement agencies. The data would be analyzed by statistical experts for patterns of racial profiling at least once every three months. The results of each three-month analysis would be posted on the website of the Attorney General beginning with the data collected from January 1, 2012, through March 31, 2012.

Law enforcement agencies or individual officers would be contacted by the Attorney General within two weeks after a pattern of racial discrimination is identified. The pattern would be defined as one standard deviation above the mean for all races of motorists and pedestrians stopped in a five-block radius in a town or city or a ten-mile section of road or highway. An annual report summarizing the types of citizen contacts and which law enforcement agencies that need to end racially biased policing would be prepared by the Attorney General and submitted annually to the Legislature, Governor, and Kansas law enforcement agencies on or before January 31. The report would be posted on the Attorney General's website.

The Office of the Attorney General states there are over 7,300 law enforcement officers in Kansas. The agency estimates that there are 5,000 involved in patrol and other duties resulting

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in covered actions. Further, the agency estimates that each of the 5,000 officers conducts five traffic and pedestrian stops a day, which would result in 25,000 forms each day being submitted to the Attorney General. The agency indicates passage of SB 161 would require 3.00 additional FTE positions. The positions would do data entry, maintain the online data base, prepare reports, and conduct notifications to local law enforcement agencies. The Office of the Attorney General indicates additional expenditures of \$148,600 from the State General Fund would be needed to implement SB 161 in FY 2012. Of that amount, \$135,000 would be for salaries and wages for the additional 3.00 FTE positions and \$13,600 would be for other operating expenditures. The agency further states it would need \$55,000 in additional expenditures from the State General Fund in FY 2012 for one-time costs. Of that amount, \$20,000 would be for database development (200 hours x \$100 an hour), \$20,000 for website development (200 hours x \$100 an hour), and \$15,000 for other operating expenditures.

The Attorney General further states that SB 161 would require statistical experts to analyze the data every three months. The agency estimates the number of hours needed for the analysis would not be possible to determine accurately. Based on the assumption that there would be 25,000 reports a day, in 90 days' time, there would be 2,250,000 forms that would need to be analyzed. Further, the Attorney General notes, if there would be a legitimate basis for the stop, it would be necessary to assume that any meaningful analysis would entail reviewing the facts and circumstances of each particular stop. Even assuming five minutes to read and analyze the data on each form would require 187,500 hours of expert analysis each quarter, which would equate to an additional 90.00 FTE positions or literally millions of dollars in expert fees, according to the Office of the Attorney General.

The Kansas Highway Patrol states it would need \$1,817 from the State General Fund in FY 2012 to create the forms. The Kansas Human Rights Commission indicates its sole responsibility under SB 161 would be to provide input into the design of the uniform citizen contact data form. The Commission states it can provide the required consultation within existing resources. The League of Kansas Municipalities estimates that passage of SB 161 would have a fiscal effect on all cities in Kansas that maintain police forces because of the additional time required of each officer at the time of the stop to accurately acquire and record the information called for in the uniformed citizen contact data form. The League states it is not possible to quantify the actual costs to cities because it is not known how many citizen contacts would occur or how long gathering the information and completing the form would take. Any fiscal effect associated with SB 161 is not reflected in *The FY 2012 Governor's Budget Report*.

Sincerely,



Steven J. Anderson, CPA, MBA

Director of the Budget

cc: Kim Torrey, KHP  
Ruth Glover, Human Rights  
Eric Williams, KPOST

Larry Baer, League of KS Municipalities  
Megan Pinegar, Attorney General's Office