

January 21, 2014

The Honorable Jeff King, Chairperson
Senate Committee on Judiciary
Statehouse, Room 341-E
Topeka, Kansas 66612

Dear Senator King:

SUBJECT: Fiscal Note for SB 257 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 257 is respectfully submitted to your committee.

SB 257 would make a variety of amendments to statutes governing rules for appellate procedure in death penalty cases and rules for motions attacking sentences. The bill would take effect and be in force from and after its publication in the *Kansas Register*.

Because SB 257 would reduce the amount of time available to prepare appeals and responding briefs, the Board of Indigents Defense Services estimates the bill would require the agency to add 19.00 additional staff immediately, increasing the agency's operating costs by \$660,507 in FY 2014 and \$1,778,319 in FY 2015, all from the State General Fund, to hire and equip the new staff. The 19.00 FTE positions would include twelve attorneys, three legal assistants, and four investigators.

The Office of Judicial Administration indicates that SB 257 would require an expedited time frame for decisions in death penalty cases, which are to be given priority by the courts under current law. This expedited time frame for these types of cases would be difficult to comply with because of their nature and complexity, despite how few might be under review at any one time. The Office cannot predict at what point the Court could not comply with the deadlines and at which time additional justices and non-judicial staff would have to be added. Also, the court could experience a backlog in other cases as attention is focused on these cases. While some of the bill's provisions appear intended to reduce the number of filings and the amount of time to address them, it is anticipated that additional time will be needed for the Court of Appeals to authorize the filing of second and subsequent motions, which is a new requirement in SB 257, and for the district court to determine if the claim satisfies the new standards in this bill. Until the courts have an opportunity to operate with the provisions of SB 257 in place, an

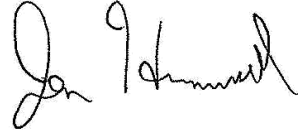
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accurate estimate of the fiscal effect on expenditures by the Judicial Branch cannot be given. Any fiscal effect associated with SB 257 is not reflected in *The FY 2015 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Hummell". The signature is fluid and cursive, with the first name "Jon" written in a larger, more prominent script than the last name "Hummell".

Jon Hummell,
Interim Director of the Budget

cc: Mary Rinehart, Judiciary
Pat Scalia, Indigents Defense Services