

February 18, 2014

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

Dear Senator King:

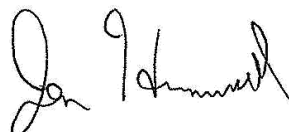
SUBJECT: Fiscal Note for SB 401 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 401 is respectfully submitted to your committee.

HB 401 would modify the affirmative defenses available when an individual is charged with promoting material that is harmful to minors. Under current law, it is considered a defense if the harmful material was purchased, leased or otherwise acquired by a public, private, or parochial school, college or university, and the material was sold, leased, or was distributed by a teacher or staff member as part of an approved program of instruction at the school. The bill would change this to eliminate "public, private, or parochial school" from the list of institutions.

SB 401 could increase the number of cases filed in district courts and the number of appeals relating to promotion of harmful materials to minors. This, in turn, would increase the time spent by district court and appellate court judicial and non-judicial personnel in processing, researching, and hearing cases. However, it is not possible to predict how complex or time consuming the cases would be. Therefore, a precise fiscal effect cannot be determined.

Sincerely,



Jon Hummell,
Interim Director of the Budget

cc: Dale Dennis, Education
Kelly Oliver, Board of Regents
Mary Rinehart, Judiciary