

January 29, 2015

The Honorable John Rubin, Chairperson
House Committee on Corrections and Juvenile Justice
Statehouse, Room 151-S
Topeka, Kansas 66612

Dear Representative Rubin:

SUBJECT: Fiscal Note for HB 2137 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2137 is respectfully submitted to your committee.

HB 2137 would enact the Police and Citizen Protection Act. The bill would require every state, county, and municipal law enforcement officer who is primarily assigned to patrol duties to be equipped with a body camera while performing those duties. The bill outlines rules for use of the body cameras. Law enforcement agencies would be required to retain the video and audio recorded by the body camera for two weeks, unless any of the circumstances specified in the bill are present, in which case the recording would be retained for three years or as long as required by law for evidence that may be useful in a criminal prosecution. HB 2137 would exempt the body camera recordings from the Kansas Open Records Act, while permitting specific individuals to request copies of the recordings. The bill specifies that law enforcement agencies would seek grants and other financial assistance from the federal government and other public or private sources to implement the provisions of the bill.

The Kansas Highway Patrol estimates additional expenditures of \$1,435,000 in FY 2016 and \$871,000 in FY 2017, along with an additional 1.00 Administrative Specialist FTE position. Of the FY 2016 amount, \$1,383,000 would be to equip troopers with body cameras and the necessary equipment; \$37,000 would be for salaries and wages for the additional FTE position; and \$15,000 would be for training. For FY 2017, \$834,000 would be for ongoing maintenance of the equipment and \$37,000 would be for salaries and wages for the additional FTE position.

The League of Kansas Municipalities and the Kansas Association of Counties states because of the wide range of costs for equipment; storing, reviewing, and deleting tapes; and requests for copies to be made and sent out, it is not possible to provide an accurate fiscal effect on local governments until given an opportunity to operate under the provisions of HB 2137.

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The Office of Judicial Administration indicates passage of HB 2137 would not create new crimes. However, equipping law enforcement officers with body cameras in order to record law enforcement actions would provide additional factors to consider within existing cases. The provisions of the bill could provide additional evidence in a case and could increase the number of arguments that could be presented regarding the recordings. The bill could increase the amount of time spent on cases filed in district courts and the number of appeals relating to offenders convicted using the audio or video recordings. Passage of HB 2137 would not affect Judicial Branch revenues unless it results in the filing of additional appeals that otherwise would not have been filed. Until the courts have been given an opportunity to operate under the provisions of HB 2137, an accurate estimate of the fiscal effect upon the Judicial Branch cannot be given. Any fiscal effect associated with HB 2137 is not reflected in *The FY 2016 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

cc: Melissa Wangemann, KAC
Larry Baer, LKM
Kim Torrey, KHP
Mary Rinehart, Judiciary