

February 10, 2015

The Honorable John Barker, Chairperson
House Committee on Judiciary
Statehouse, Room 149-S
Topeka, Kansas 66612

Dear Representative Barker:

SUBJECT: Fiscal Note for HB 2198 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2198 is respectfully submitted to your committee.

Under HB 2198, any person would be granted immunity from criminal prosecution for violations relating to the possession or consumption of alcohol when the person is less than 21 years of age provided the person conducted the following actions:

1. Contacted law enforcement or emergency medical services and requested medical assistance due to alcohol consumption;
2. Cooperated with emergency medical assistance personnel and law enforcement officers on the scene;
3. Contacted law enforcement or emergency medical services, or acted in concert with another person who contacted law enforcement or emergency medical services, and requested medical assistance for an individual who reasonably appeared to be in need of medical assistance due to alcohol consumption;
4. Provided their full name and any other relevant information requested by law enforcement or emergency medical services;
5. Remained at the scene until emergency medical assistance personnel and law enforcement officers arrived; and
6. Cooperated with emergency medical assistance personnel and law enforcement officers at the scene.

A person who is immune from prosecution under the bill may be ordered by the court to perform up to 40 hours of community service. No person would be allowed to initiate an action against a law enforcement officer based on the officer's compliance or failure to comply with HB 2198.

According to the Emergency Medical Services Board, the bill could reduce the amount of fine revenue that is credited to the Board by providing immunity to certain underage persons who would have otherwise paid a fine. However, the precise fiscal effect is difficult to determine because the number of violations that would result in immunity from prosecution is unknown. The Board notes that local governments that own or operate ambulance services could incur cost increases if passage of the bill results in increased usage of those services.

The League of Kansas Municipalities concurs that there could be a fiscal effect for local governments but the League is unable to estimate the specific fiscal effect on cities.

The Office of Judicial Administration indicates that there would be no fiscal effect on district or appellate courts. Any fiscal effect associated with HB 2198 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: Jeremy Barclay, Corrections
Jack Smith, Department of Revenue
Melissa Wangemann, Association of Counties
Larry Baer, League of Municipalities
Mary Rinehart, Judiciary
Joe House, EMS