

January 21, 2016

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

Dear Senator King:

SUBJECT: Fiscal Note for SB 327 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 327 is respectfully submitted to your committee.

Under current law, when a person is charged with a felony, a magistrate's finding of probable cause that the person should be bound over for trial may only be based on hearsay evidence when the victim of the crime is a child less than 13 years of age and the evidence is presented at the examination by way of the child's videotaped statements or other means. SB 327 would strike this limitation, allowing hearsay evidence to be used during the preliminary examination for any reason.

The State Board of Indigent's Defense Services (BIDS) indicates the enactment of SB 327 would cause filing of motions by defense counsel and scheduled hearings by the courts. BIDS indicates it could incur additional costs to pay for the hours of appointed attorneys and costs needed to hire additional public defenders in the geographic areas that have defender offices. BIDS estimates one extra hour for each assigned counsel case could mean additional costs of \$780,000 from the State General Fund in FY 2017 since the Board is currently paying assigned counsel \$65 per hour for a total of 12,000 cases (12,000 cases x \$65 = \$780,000).

The Office of Judicial Administration indicates that SB 327 would have no fiscal effect on the expenditures or revenues of the Judicial Branch. Any fiscal effect associated with SB 327 is not reflected in *The FY 2017 Governor's Budget Report*.

Sincerely,



Shawn Sullivan,
Director of the Budget

cc: Ashley Michaelis, Judiciary