

February 2, 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 377 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 377 is respectfully submitted to your committee.

Under current law, a law enforcement officer is allowed to request a person who is operating or attempting to operate a vehicle to undergo a preliminary screening test of the person's breath, saliva, or both if the officer has reasonable suspicion that the person is under the influence of alcohol, drugs, or both. SB 377 would require that the officer have reasonable suspicion that the person operating or attempting to operate a vehicle has alcohol, drugs, or both in the person's system before requesting that the person submit to a preliminary screening test.

The Office of Judicial administration states enactment of SB 377 could result in additional driving under the influence arrests, cases filed, and litigation. Additionally, the Office states there could be a fiscal effect on both docket fees and fine revenue if additional cases are filed. Until the courts have had an opportunity to operate under the provisions of SB 377, an accurate estimate of the fiscal effect upon the Judicial Branch cannot be given. Any fiscal effect associated with SB 377 is not reflected in *The FY 2017 Governor's Budget Report*.

The League of Kansas Municipalities and the Kansas Association of Counties cannot determine what, if any, fiscal effect enactment of SB 377 would have on local governments.

Sincerely,



Shawn Sullivan,
Director of the Budget

cc: Larry Baer, League of Municipalities
Melissa Wangemann, Association of Counties
Jack Smith, Department of Revenue
Ashley Michaelis, Judiciary