

February 18, 2016

The Honorable Gregory Smith, Chairperson
Senate Committee on Corrections and Juvenile Justice
Statehouse, Room 441-E
Topeka, Kansas 66612

Dear Senator Smith:

SUBJECT: Fiscal Note for SB 461 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 461 is respectfully submitted to your committee.

SB 461 would require the Office of the Attorney General to investigate every death of a person caused by a law enforcement officer, regardless of whether the person was in detention at the time of the action that resulted in the person's death. The bill would require the agency to collect and record data on each incident that results in a person being injured or killed by a law enforcement officer. The Attorney General would have exclusive supervision and control of all investigations and have all rights and powers of a prosecuting attorney. If it is determine that prosecution is appropriate, the Attorney General would refer the evidence to a grand jury. The Attorney General's authority to conduct investigations and prosecute related crimes would supersede the authority of any other prosecutor.

The Office of the Attorney General would be required to provide a report to the Governor if the Office declines to refer evidence to a grand jury or if a grand jury declines to return an indictment.

Estimated State Fiscal Effect				
	FY 2016 SGF	FY 2016 All Funds	FY 2017 SGF	FY 2017 All Funds
Revenue	--	--	--	--
Expenditure	--	--	\$716,590	\$716,590
FTE Pos.	--	--	--	5.00

The Office of the Attorney General notes that according to the Kansas Bureau of Investigation (KBI), there are approximately 30 cases per year that the Office would be required to investigate and review for prosecution under SB 461. The Office estimates that investigating and reviewing these cases would require additional expenditures totaling \$716,590 from the State General Fund and 5.00 new FTE positions in FY 2017.

Of the total cost, \$487,180 would be for the salaries and wages expenses for the new positions, which would include \$228,672 for 2.00 Assistant Attorney General FTE positions, \$192,458 for 2.00 Special Agent in Charge FTE positions, and \$66,050 for 1.00 Legal Assistant FTE position. The total costs also include \$229,410 for associated expenses including \$96,880 for travel expenses, \$43,240 for vehicles, \$24,250 for office rent, \$19,810 for law enforcement equipment, \$23,090 for information technology services and purchases, \$8,140 for vehicle maintenance and parking fees, \$6,250 for office furniture, \$5,000 for training and \$2,750 for office supplies, licensing and publications.

The Office of the Attorney General indicates that there would be court-related expenses associated with convening grand juries, prosecuting cases, providing expert witnesses and creating transcripts. For major cases, these costs can approach \$50,000 per case. The Office is unable to estimate the fiscal effect from these expenses because it is unknown how many cases would require prosecution.

According to the Office of Judicial Administration, the Judicial Branch would incur additional expenditures from grand jury proceedings and any additional court filings that occur from the investigations. These proceedings and filings would also increase the time spent by judges and court staff on cases. However, the Office of Judicial Administration is unable to estimate the fiscal effect because the number of cases that would occur as a result of the bill cannot be predicted. Any fiscal effect associated with SB 461 is not reflected in *The FY 2017 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: Willie Prescott, Attorney General's Office