

February 14, 2017

The Honorable Pete DeGraaf, Chairperson
House Committee on Government, Technology and Security
Statehouse, Room 458-W
Topeka, Kansas 66612

Dear Representative DeGraaf:

SUBJECT: Fiscal Note for HB 2332 by House Committee on Government,
Technology and Security

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2332 is respectfully submitted to your committee.

HB 2332 would prohibit a person or entity that provides electronic communication services or remote computing services from knowingly divulging the contents of an electronic communication or storage, except to a subscriber or customer of the service. Any information from an electronic communication or remote computing services that is divulged would not be subject to discovery, subpoena or other means of legal compulsion and would not be admissible in evidence in any judicial or administrative proceeding. If any of the contents of an electronic communication or electronic storage device are protected by attorney-client privilege, use of services or inadvertent disclosure of the contents would not constitute waiver of the attorney-client privilege. Any terms of use of electronic communication or remote storage services that waive attorney-client privilege would be declared to be against the public policy of the state and declared null and void.

The Office of the Attorney General indicates the agency could incur additional expenses if it is required to go through additional legal processes to obtain records that are not voluntarily disclosed; however, the Office is unable to estimate the fiscal effect. The Office of Judicial Administration states the bill would have no fiscal effect on the Judicial Branch. Any fiscal effect associated with HB 2332 is not reflected in *The FY 2018 Governor's Budget Report*.

Sincerely,



Shawn Sullivan,
Director of the Budget

cc: Ashley Michaelis, Judiciary
Willie Prescott, Office of the Attorney General