

January 22, 2018

The Honorable Blaine Finch, Chairperson
House Committee on Judiciary
Statehouse, Room 519-N
Topeka, Kansas 66612

Dear Representative Finch:

SUBJECT: Fiscal Note for HB 2459 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2459 is respectfully submitted to your committee.

HB 2459 would amend the Kansas Standard Asset Seizure and Forfeiture Act. The bill would:

1. Require the Kansas Bureau of Investigation (KBI) to establish a repository on or before July 1, 2019, which would collect information related to asset seizure activities and forfeiture funds;
2. Create reporting requirements for law enforcement agencies regarding assets seized and forfeited to the agency;
3. Require the KBI to establish a website to make information reported by law enforcement agencies available to the public;
4. Extend the amount of time an owner or interest holder of forfeited property must request an exemption from forfeiture from 30 to 60 days;
5. Prohibit the Office of the Attorney General (OAG) from receiving a fee for handling forfeiture cases referred from other law enforcement agencies;
6. Specify the special, additional law enforcement purposes for which forfeiture funds can be used by agencies;
7. Allow a court to draw an adverse inference from a claimant's or owner's assertion of the right against self-incrimination; and
8. Prohibit a county attorney, district attorney, or the Attorney General from referring forfeiture cases to attorneys with whom they have a financial interest.

Estimated State Fiscal Effect				
	FY 2018 SGF	FY 2018 All Funds	FY 2019 SGF	FY 2019 All Funds
Revenue	--	--	--	--
Expenditure	--	--	345,188	345,188
FTE Pos.	--	--	--	1.00

The Kansas Bureau of Investigation estimates HB 2459 would increase its FY 2019 expenditures by \$345,188, from the State General Fund, which includes \$280,500 in one-time costs to outsource the creation of the repository, reporting mechanisms, and public website; \$10,200 in one-time costs for information technology and furniture equipment; and \$54,488 in ongoing costs to hire 1.00 FTE position to enter data, train stakeholders, act as a subject matter expert, and respond to requests for information. The KBI indicates the current project workload of its information technology staff prohibits it from establishing these functions in-house before July 1, 2019. The KBI indicates HB 2459 would increase costs for local governments to gather and report the required information, but the fiscal effect cannot be estimated.

The OAG indicates that the bill would have no discernible fiscal effect, but a prohibition on collecting a fee for cases referred to OAG from other law enforcement agencies could reduce the number of referrals it accepts. Any fiscal effect associated with HB 2459 is not reflected in *The FY 2019 Governor's Budget Report*.

Sincerely,



Shawn Sullivan,
Director of the Budget

cc: Shelia Sawyer-Tyler, KBI
Sherry Macke, Highway Patrol
Linda Kelly, Corrections
Cheri Froetschner, Office of the Adjutant General
Willie Prescott, Office of the Attorney General
Gary Steed, Peace Officers