

February 13, 2017

The Honorable Rick Wilborn, Chairperson  
Senate Committee on Judiciary  
Statehouse, Room 541-E  
Topeka, Kansas 66612

Dear Senator Wilborn:

**SUBJECT:** Fiscal Note for SB 150 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 150 is respectfully submitted to your committee.

Under current law, the Office of the Attorney General must reimburse counties for costs associated with determining whether a person may be a sexually violent predator. Costs can include, but are not limited to, investigation, prosecution, defense, juries, and fees for witnesses and experts. Reimbursements are paid from the agency's Sexually Violent Predator Expense Fund; however, if there are no monies available in the fund, counties may file a claim against the state. SB 150 would add incarceration costs, including medical costs, to the list of expenses that would be eligible for reimbursement.

The Office of the Attorney General estimates that the bill would increase state expenditures as a result of an increase in the number and potential cost of claims. According to information the Office received from the Kansas Sheriffs Association, there were two cases in which counties incurred medical expenses of \$75,000 and \$200,000, respectively, from housing persons while sexually violent predator determinations were made. The Office states that currently there is no mechanism in place to provide dedicated, ongoing revenue to the Sexually Violent Predator Expense Fund. Further, SB 150 does not provide revenue to the fund. Resources were last provided to the fund in FY 2015 with a transfer of \$25,000. However, this amount was paid out within approximately two weeks and all requests for reimbursement since then have been referred to the claims against the state process. Absent future transfers to the fund, it is assumed that any additional expenditures resulting from SB 150 would continue to be referred to the claims against the state process.

In *The FY 2018 Governor's Budget Report*, the Governor adds \$50,000 from the State General Fund in FY 2018 and FY 2019 to establish an ongoing source of funding for reimbursing counties for the costs of determining whether a person may be a sexually violent

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Page 2—SB 150

predator. The funds would be appropriated through a new State General Fund budget unit. However, it is unclear whether the appropriation would be sufficient to cover the expanded costs eligible for reimbursement in the bill.

Counties would receive additional revenue from the state to cover their costs for sexually violent predator determinations; however, the Kansas Association of Counties is unable to estimate the fiscal effect.

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, Office of the Attorney General  
Melissa Wangemann, Association of Counties