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GOVERNOR JEFF COLYER, M.D.
LARRY L. CAMPBELL, CHIEF BUDGET OFFICER

March 5, 2018

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

Dear Senator Wilborn:

SUBJECT: Fiscal Note for SB 359 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 359 is respectfully submitted to your committee.

SB 359 would amend current law to define “profiling on the basis of ethnicity,” “racial profiling or other biased policing,” and “routine investigatory activities.” Under current law, the “collection of data” means information collected after each traffic stop. The bill would change the definition to mean information collected “when a person is issued a citation as the result of a pedestrian or traffic stop.”

SB 359 would require certain data to be collected on citations beginning on and after July 1, 2018. The data collected on citations issued by Kansas law enforcement officers would be sent to the Kansas Bureau of Investigation (KBI) within 15 days after the citation is issued and compiled into a statewide citation database. The KBI would provide the Attorney General with compiled statewide citation data each month, which would be made available to the public and to law enforcement agencies. The data would be analyzed by statistical experts for patterns of racial profiling or other biased policing at least once every three months. The results of each three-month statistical analysis would be posted on the official website of the Attorney General within two weeks after each analysis is completed.

Law enforcement agencies or individual officers who need to correct their racial or other biased policing behavior would be contacted by the Attorney General’s Office within two weeks after a pattern of biased policing has been identified, as outlined in the bill. An annual report summarizing the types of citizen contacts and which law enforcement agencies needing to end their racial profiling or other biased policing would be prepared by the Attorney General and submitted to the Legislature, the Governor, and Kansas law enforcement agencies on or before

January 10 of each year. Each annual report would be posted on the official website of the Attorney General by January 15 of each year.

The bill would require any law enforcement officer to provide, without being asked, the officer's business card to any person whom the law enforcement officer has detained in a traffic or pedestrian stop. The business card would include identifying information about the law enforcement officer including, but not limited to, the law enforcement officer's name, division, precinct, badge or other identification number, and a telephone number that may be used to report any comments regarding the stop.

SB 359 would address the current process for civil causes of action for racial profiling. Under current law, the district courts may hear actions after disposition of a complaint. Parties are entitled to recover damages if the court finds that racial profiling or other biased policing occurred. The bill would prevent the complaint process from hindering a civil lawsuit in district court against a law enforcement officer or agency by allowing parties to move forward with civil cause without a disposition. The district court would be required to determine whether an officer or agency engaged in racial profiling or other biased policing.

The Office of Judicial Administration states enactment of SB 359 could increase the number of civil cases because there would be less of a hindrance to file a case. This would increase the time spent by district court judicial and nonjudicial personnel in processing, hearing, and researching cases. In addition, more data would be required to be collected, which could create the need for the Judicial Branch eCourt system to be modified. Modifying the eCourt system would include many hours of computer programming. Enactment of the bill could result in the collection of docket fees for cases filed under the bill's provisions.

The Office of the Attorney General estimates that enactment of the bill would result in additional State General Fund expenditures of \$138,162 in FY 2019, for additional 1.50 FTE positions to carry out the bill's provisions. Of that amount, \$87,805 would be for an additional 1.00 Data Analyst FTE position and \$27,451 would be for a 0.50 Administrative Assistant FTE position. The remaining \$22,906 would be for office rent, furniture, training, and other operating expenditures. The additional positions would process, collect, manage, and distribute the data required by the bill.

The Kansas Bureau of Investigation estimates additional State General Fund expenditures of \$125,000 in FY 2018 if SB 359 is enacted. The additional expenditures would be necessary to make changes to the agency's eCitation system to carry out the bill's provisions (1,000 hours x \$125 per hour).

The Kansas Highway Patrol estimates additional fee fund expenditures of \$41,200 resulting from the enactment of SB 359 in FY 2019. Of that amount, \$38,000 would be for an additional 1.00 Administrative Assistant FTE position to manage the data collection required by the bill and \$3,200 would be for business cards for troopers. The additional funding would come from the Kansas Highway Patrol Operations Fund, which would require a corresponding transfer

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from the State Highway Fund of the Kansas Department of Transportation. Any fiscal effect associated with SB 359 is not reflected in *The FY 2019 Governor's Budget Report*.

Both the Kansas Association of Counties and the League of Kansas Municipalities state that enactment of SB 359 would increase costs to local law enforcement agencies because of the additional reporting requirements; however, a fiscal effect cannot be estimated.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Campbell", written in a cursive style.

Larry L. Campbell
Chief Budget Officer

cc: Chardae Caine, League of Municipalities
Melissa Wangemann, Association of Counties
Sherry Macke, Highway Patrol
Ashley Michaelis, Judiciary
Willie Prescott, Office of the Attorney General
Shelia Sawyer-Tyler, KBI