

March 6, 2019

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

Dear Senator Wilborn:

SUBJECT: Fiscal Note for SB 154 by Senator Haley

In accordance with KSA 75-3715a, the following fiscal note concerning SB 154 is respectfully submitted to your committee.

SB 154 would allow individuals convicted of certain offenses to petition the convicting court to vacate the conviction or any diversion agreement, if the individual committed the crime as a result of being a victim of human trafficking, aggravated human trafficking or commercial sexual exploitation of a child. The bill would also identify the processes to have convictions and diversion agreements vacated.

The Kansas Bureau of Investigation, Kansas Highway Patrol, Department of Corrections, and Department for Children and Families indicate enactment of SB 154 would have no fiscal effect on agency operations.

The Office of Judicial Administration estimates enactment of SB 154 would have a fiscal effect on the courts because individuals convicted of certain offenses and meeting a specific list of criteria could petition courts to have certain convictions vacated. Increasing the number of petitions experienced by courts would increase staff time spent processing, researching and hearing cases. However, the Office cannot estimate the fiscal effect because the number of petitions that would be filed is unknown.

The Office of the Attorney General indicates enactment of SB 154 could have a fiscal effect on the Office. The Office indicates SB 154 does not contain language pertaining to compensation under the wrongful convictions and incarceration statute. If individuals whose sentences are vacated under SB 154 are determined to be eligible for compensation under current law, the payouts to those individuals would depend on how many individuals apply for compensation, the

amount of time the individuals were incarcerated and whether the individuals are awarded lump-sum payments or annuities. The Office of the Attorney General cannot estimate the fiscal effect of SB 154 because it is unknown whether individuals who have convictions vacated under SB 154 would be eligible for compensation and how much the compensation would be. The Office of the Attorney General also estimates the counties, district attorneys and other law enforcement agencies would have expenses related to court proceedings outlined in the bill. Any fiscal effect associated with SB 154 is not reflected in *The FY 2020 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink that reads "L. L. Campbell". The signature is written in a cursive, flowing style.

Larry L. Campbell
Director of the Budget

cc: Jackie Aubert, Children & Families
Janie Harris, Judiciary
Willie Prescott, Office of the Attorney General
Sherry Macke, Highway Patrol
Paul Weisgerber, KBI
Linda Kelly, Corrections