

February 25, 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 161 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 161 is respectfully submitted to your committee.

SB 161 would define “primary aggressor” as the person determined to be the most significant aggressor, rather than the first aggressor. In determining the primary aggressor, the court or an officer would consider the intent of the law to protect victims of domestic violence from continuing abuse, the threats creating fear of physical injury, the history of domestic violence between the persons involved, the nature of the injuries suffered or inflicted on another, and whether either person involved acted in self-defense.

The bill would amend current law regarding written policies for law enforcement agencies and require that the policies include a determination of who was the primary aggressor. The statement would direct that arrest is the preferred response only with respect to the primary aggressor and not the preferred response with respect to a person who acts in a reasonable manner in defense of a person.

SB 161 has the potential for increasing litigation in the courts because of the additional provisions a judge would have to consider when determining the primary aggressor in domestic violence cases created by the bill. If litigation would increase, the Office of Judicial Administration indicates that there would be a fiscal effect on the operations of the court system. However, it is not possible to estimate the number of additional court cases that would arise or how complex and time-consuming the cases would be. The fiscal effect would most likely be negligible and could be accommodated within the existing budget resources. Any fiscal effect associated with SB 161 is not reflected in *The FY 2020 Governor’s Budget Report*.

The Office of Judicial Administration indicates enactment of SB 161 could have a fiscal effect on local law enforcement agencies because the bill's provisions would require a law enforcement officer to consider various factors when determining the primary aggressor during domestic violence investigations and reports.

Sincerely,

A handwritten signature in black ink that reads "L. L. Campbell". The signature is written in a cursive style with a large initial "L" and a smaller "L" followed by "Campbell".

Larry L. Campbell  
Director of the Budget

cc: Janie Harris, Judiciary  
Scott Schultz, Sentencing Commission  
Linda Kelly, Corrections