

March 4, 2020

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

Dear Senator Wilborn:

**SUBJECT:** Fiscal Note for SB 430 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 430 is respectfully submitted to your committee.

SB 430 would require each law enforcement agency to adopt written policies regarding officer-involved deaths or use of aggressive force that involve a law enforcement officer by July 1, 2021. The bill would require such policies to include:

1. A requirement that when an officer-involved death or use of aggressive force occurs, an investigation must be conducted by an outside law enforcement agency;
2. A requirement that law enforcement agencies cooperate and share information with the agency conducting the investigation;
3. A statement requiring the outside agency to produce a written, investigative report which must contain a complete and accurate summary of the investigation and an explanation of any charges filed;
4. Procedures to inform and update the individual involved in the use of aggressive force or decedent's next of kin about the investigation;
5. A requirement that the outside agency make reasonable efforts to identify an individual involved in a use of excessive force incident or a decedent's next of kin; and,
6. A requirement that the investigative report must be released to the individual involved in the use of aggressive force or the decedent's next of kin within 30 days of the completion of the investigation.

If there is no basis to prosecute the officer involved in the death or the use of aggressive force, the bill would require the county or district attorney of the county in which the officer involved is employed to release the report. If there is a basis to prosecute, the bill would not

require the release of the report until prosecution has been completed. Finally, the bill would not consider such reports to be criminal investigations and would require reports to remain open under the Kansas Open Records Act (KORA).

The Office of the Attorney General indicates that the bill allows the county or district attorney to redact information from the report before it is released but that the bill also deems the report to be open under KORA. The Office states that this will likely lead to disputes, which could result in litigation or additional KORA complaints. However, a fiscal effect cannot be determined because the nature of the litigation or the number of complaints that might be filed cannot be estimated.

The Kansas Bureau of Investigation indicates that it currently assists local law enforcement agencies with officer-involved shootings, and that the bill would likely result in it assisting in additional investigations. However, a fiscal effect cannot be determined because the number of additional cases cannot be estimated.

The League of Kansas Municipalities and the Kansas Association of Counties indicates that there may be additional costs to local law enforcement agencies to conduct investigations and create reports. However, a fiscal effect cannot be determined because the number of additional investigations and reports cannot be estimated.

The Kansas Highway Patrol indicates that enactment of the bill would have no fiscal effect. Any fiscal effect associated with SB 430 is not reflected in *The FY 2021 Governor's Budget Report*.

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 "C".

Larry L. Campbell  
Director of the Budget

cc: Paul Weisgerber, KBI  
Sherry Macke, Highway Patrol  
Willie Prescott, Office of the Attorney General  
Trey Cocking, League of Municipalities  
Jay Hall, Association of Counties