

January 26, 2021

The Honorable Fred Patton, Chairperson
House Committee on Judiciary
Statehouse, Room 519C-N
Topeka, Kansas 66612

Dear Representative Patton:

SUBJECT: Fiscal Note for HB 2078 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2078 is respectfully submitted to your committee.

HB 2078 would suspend statutory speedy trial provisions until May 1, 2024, in all criminal cases filed prior to the effective date of the Act. The bill's provisions would not apply in any criminal case filed on or after the effective date of the Act. Under current law, the Chief Justice of the Kansas Supreme Court may suspend these provisions by issuing an order. The bill would take effect upon its publication in the *Kansas Register*.

The Office of Judicial Administration states there would be a negligible fiscal effect on Judicial Branch operations resulting from the enactment of HB 2078.

The Office of the Attorney General states arguments could be raised regarding constitutional speedy trial violations because of case delays during the coronavirus pandemic. The agency estimates these issues would be raised in appeals, regardless of whether the statutory provision is suspended. The agency states that the appeals could be handled within existing resources. Any fiscal effect associated with HB 2078 is not reflected in *The FY 2022 Governor's Budget Report*.

The Kansas Association of Counties indicates enactment of the bill could have a fiscal effect on Kansas counties if counties are forced to hold defendants in the county jail while awaiting trial.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt
Director of the Budget

cc: Debbie Thomas, Judiciary
Willie Prescott, Office of the Attorney General
Jay Hall, Association of Counties