

February 23, 2021

The Honorable Kellie Warren, Chairperson
Senate Committee on Judiciary
Statehouse, Room 441B-E
Topeka, Kansas 66612

Dear Senator Warren:

SUBJECT: Fiscal Note for SB 246 by Senate Committee on Judiciary

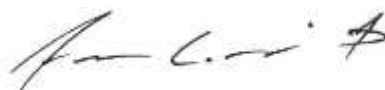
In accordance with KSA 75-3715a, the following fiscal note concerning SB 246 is respectfully submitted to your committee.

SB 246 would prohibit the observation of the collection of forensic evidence by any person other than those collecting the evidence, unless the person who the evidence is being collected from waives their right to privacy. The agency conducting the collection would be required to prepare a report outlining certain details of the collection. The bill would limit civil and criminal liability when the collection is performed in a reasonable manner according to generally accepted forensic evidence collection practices. The bill would specify that law enforcement officers would be allowed to be present during a forensic evidence collection. Finally, the bill would add a definition of "forensic evidence collection" as it relates to criminal procedure.

The Kansas Bureau of Investigation notes that enactment of the bill could create security concerns because it is possible only one officer or evidence collector would be allowed to be present with a suspect during evidence collection unless the suspect waives their right to privacy. However, a fiscal effect cannot be estimated.

The Office of the Attorney General indicates enactment of the bill would have no fiscal effect on the agency. Any fiscal effect associated with SB 246 is not reflected in *The FY 2022 Governor's Budget Report*.

Sincerely,



Adam Proffitt
Director of the Budget

cc: Paul Weisgerber, KBI
Willie Prescott, Office of the Attorney General