

February 3, 2022

The Honorable Kellie Warren, Chairperson
Senate Committee on Judiciary
Statehouse, Room 346-S
Topeka, Kansas 66612

Dear Senator Warren:

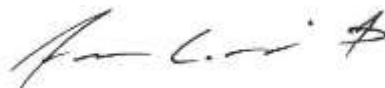
SUBJECT: Fiscal Note for SB 364 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 364 is respectfully submitted to your committee.

SB 364 would allow a witness to testify on the issue of impairment, except on the issue of specific alcohol concentration level, if the witness is qualified by knowledge, skill, experience training, or education. The testimony would have to be related to the results of a standardized field sobriety test, including, but not limited to, the horizontal gaze nystagmus test, if the person has received the appropriate training or whether a person was under the influence of one or more impairing substances and the category of the substance if the person has received training and holds a current certification as a drug recognition expert.

The Office of Judicial Administration states enactment of SB 364 could extend the length of time of some driving under the influence (DUI) cases and could possibly result in more DUI cases being filed and more convictions, which could result in more time spent by court employees and judges processing and deciding these cases. According to the Office, a fiscal effect cannot be estimated. Any fiscal effect associated with SB 364 is not reflected in *The FY 2023 Governor's Budget Report*.

Sincerely,



Adam Proffitt
Director of the Budget

cc: Vicki Jacobsen, Judiciary