

February 16, 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 365 by Senate Committee on Judiciary

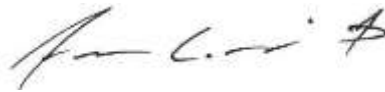
In accordance with KSA 75-3715a, the following fiscal note concerning SB 365 is respectfully submitted to your committee.

Under current law, a court has discretion regarding whether to order a first-time offender to undergo a domestic violence offender assessment, which is conducted by a certified batterer intervention program. The bill would require the court to order a first-time offender to undergo an assessment as a condition of any grant of probation, suspension of sentence or parole, or of any other release. If a person is convicted of a crime with a domestic violence offender designation, and the court orders a domestic violence offender assessment, the court would be required to provide to the certified batterer intervention program completing the assessment a copy of the charging affidavit, complaint, information, or indictment and other documents the court determines are relevant to the completion of the assessment.

The bill would specify that if a diversion agreement relates to a domestic violence offense, the required domestic violence offender assessment would be conducted by a certified batterer intervention program and would also require the prosecutor to provide to the program completing the assessment a copy of the complaint and any other documents the prosecutor determines are relevant to the completion of the assessment. If a court orders a domestic violence offender assessment as part of a proceeding related to legal custody, residency, or visitation of minor children, the court would be required to provide to the certified batterer intervention program completing the assessment a copy of any affidavit, petition, pleading, motion, order, and other documents the court determines are relevant to the completion of the assessment.

The Office of Judicial Administration states enactment of SB 365 could have a fiscal effect on Judicial Branch operations because the bill's provisions would require district court clerks and court service officers to locate and provide relevant documents to the certified batterer intervention programs. According to the Office, a fiscal effect cannot be estimated until the Judicial Branch has had an opportunity to operate under the bill's provisions. Any fiscal effect associated with SB 365 is not reflected in *The FY 2023 Governor's Budget Report*.

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: Vicki Jacobsen, Judiciary  
Scott Schultz, Sentencing Commission  
Randy Bowman, Corrections