

February 6, 2024

The Honorable Kellie Warren, Chairperson
Senate Committee on Judiciary
300 SW 10th Avenue, Room 346-S
Topeka, Kansas 66612

Dear Senator Warren:

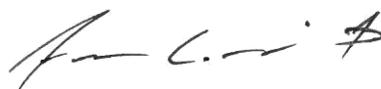
SUBJECT: Fiscal Note for SB 439 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 439 is respectfully submitted to your committee.

SB 439 would prohibit the use of restraints on juvenile defendants during legal hearings unless the court finds restraints to be necessary. The court would be allowed to authorize the use of restraints if they are needed to prevent physical harm to the juvenile or another person during the hearing, if there is a well-founded belief that the juvenile is a substantial flight risk, or if the juvenile has a recent history of disruptive behavior that has placed others at risk of substantial harm. In these cases, the court would be required to make a written recommendation for the least restrictive type of restraints necessary. The court's recommendation would be made part of the official record. Any type of court-ordered restraint would be required to allow for sufficient movement of the juvenile's hands so that the juvenile is able to read and handle documents necessary to the hearing. Under no circumstances would a juvenile be allowed to be restrained to a wall, the floor, furniture, or another juvenile during the hearing.

The Judiciary indicates that the bill may increase agency operating expenditures as it requires the court to issue additional findings in certain situations; however, an exact estimate of this effect cannot be determined. The Department of Corrections indicates that enactment of the bill would have no fiscal effect on its operations. Any fiscal effect associated with SB 439 is not reflected in *The FY 2025 Governor's Budget Report*.

Sincerely,



Adam C. Proffitt
Director of the Budget

cc: Trisha Morrow, Judiciary
Jennifer King, Department of Corrections