

February 19, 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 491 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 491 is respectfully submitted to your committee.

SB 491 would standardize fingerprinting requirements for criminal justice agencies and other governmental agencies to verify identification, qualifications and fitness for employment, licensure, registration, certification or permit for those who are required to be fingerprinted. Fingerprints and criminal history records received would be confidential and would not be subject to the Kansas Open Records Act. The bill added that the Division of Vehicles, of the Department of Revenue, could require a person applying for a commercial driver's license to be fingerprinted and submit to a state and national criminal history record check. Currently, the Division only requires fingerprints for a hazmat endorsement. The bill would also clarify who would be required to be fingerprinted. The bill would expand who would be held liable for disclosure of information received under the provisions of the bill, which would be a class A nonperson misdemeanor and grounds for removal from office in some instances based on the information received from the fingerprint results.

Currently, the Kansas Department for Aging and Disability Services can charge \$19 for each criminal history record check for individuals applying for work in an adult care home, mental health center, substance abuse provider, psychiatric residential treatment facility, or home health agency. The bill would allow the Department to charge a reasonable fee for a criminal history record check.

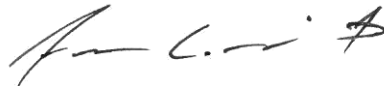
The Department for Aging and Disability Services indicates that the bill would allow the agency to charge the entire costs of background checks, which is \$47, instead of the current statutory amount of \$19. The Department currently absorbs the additional costs through its fee funds. The agency estimates that because they would now be allowed to collect the entire costs of the background checks, its fee fund revenues would increase by \$4.8 million.

The Office of Judicial Administration states that enactment of the bill could increase the number of cases filed in district court because it creates new crimes which would increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. Because the crimes would carry misdemeanor penalties, there could be additional supervision of offenders required to be performed by court services officers. The bill could also increase the collection of supervision fees that are deposited into its fee funds. The bill could increase the collection of docket fees, fines and supervision fees that would be deposited into the State General Fund. However, a fiscal effect cannot be estimated.

The Division of the Budget received responses from approximately 32 state agencies, including regulatory boards, and they all stated that the provisions of the bill would not have a fiscal effect on agency operations. Any fiscal effect associated with SB 491 is not reflected in *The FY 2025 Governor's Budget Report*.

Kansas Association of Counties states that if an entity currently is not using this process, then it would require them to update their processes. However, a fiscal effect for such entities cannot be estimated. The League of Kansas Municipalities states that the bill would not have a fiscal effect on cities.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam C. Proffitt", followed by a stylized flourish or symbol.

Adam C. Proffitt  
Director of the Budget

cc: Trisha Morrow, Judiciary  
Leigh Keck, Department for Aging & Disability Services  
Jay Hall, Kansas Association of Counties  
Wendi Stark, League of Kansas Municipalities