

March 18, 2013

The Honorable John Rubin, Chairperson
House Committee on Corrections and Juvenile Justice
Statehouse, Room 151-S
Topeka, Kansas 66612

Dear Representative Rubin:

SUBJECT: Fiscal Note for HB 2393 by House Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2393 is respectfully submitted to your committee.

Under current law, permanent placards and individual identification cards are to be returned to the Department of Revenue upon the death of the person with a disability. Temporary placards are to be returned to the Department of Revenue upon the expiration of the placard or upon the death of the person with a disability. Special license plates are to be returned to the county treasurer to be exchanged for another license plate upon the death of the person with a disability. The individual identification cards issued with the special license plates are to be returned to the Department of Revenue upon the death of the person with a disability. Violation of this law is an unclassified misdemeanor and is punishable by a fine of not more than \$50. HB 2393 would change the violation to a severity level ten, nonperson felony upon a first conviction and a severity level five, nonperson felony upon a second or subsequent conviction.

The Department of Revenue states that by changing the penalty from an unclassified misdemeanor to a felony the Department would need to modify its motor vehicle registration system to implement the bill's provisions and the Department's vendor is in the process of preparing cost estimates for the system modification. A revised fiscal note will be issued when the agency receives the estimates. The Kansas Sentencing Commission states that enactment of HB 2393 would have an effect on prison admission and bed space; however, the Commission estimates that most convictions would be for first time offenses, resulting in probation sentences rather than prison terms.

The Office of Judicial Administration states enactment of HB 2393 could increase the number of cases filed in district courts and the number of appeals relating to the improper use of license plates and placards for individuals with a disability. This would increase the time spent by district and appellate court personnel in processing, researching, and hearing cases. Also, the Office indicates enactment of HB 2393 could result in the collection of docket fees and penalties

The Honorable John Rubin, Chairperson

March 18, 2013

Page 2—HB 2393

in those cases filed under the bill's provisions. Until the courts have had an opportunity to operate under the provisions of HB 2393 an accurate fiscal effect cannot be estimated for the Judicial Branch. Any fiscal effect associated with HB 2393 is not reflected in *The FY 2014 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", written in a cursive style.

Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Steve Neske, Revenue
Mary Rinehart, Judiciary
Scott Schultz, Sentencing Commission