

January 22, 2018

The Honorable Rick Wilborn, Chairperson
Senate Committee on Judiciary
Statehouse, Room 541-E
Topeka, Kansas 66612

Dear Senator Wilborn:

SUBJECT: Fiscal Note for SB 281 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 281 is respectfully submitted to your committee.

SB 281 would change the name of the Protection from Stalking or Sexual Assault Act to the "Protection from Stalking, Sexual Assault or Human Trafficking Act" to include protection for victims of human trafficking, in addition to those who are victims of stalking or sexual assault. The bill would define "human trafficking" and "human trafficking victim."

The bill would allow a parent of a minor child, an adult residing with a minor child, a county or district attorney, or the Attorney General to seek relief, under the Act, for a minor child who is alleged to be a human trafficking victim by filing a verified petition with any district judge or with the clerk of the court alleging acts committed by an individual that are alleged to constitute human trafficking.

Under SB 281, no docket fee would be charged when a person seeks relief. Also, a court would be required to hold a hearing on a petition requesting protection from human trafficking within 21 days. The bill would enlarge the scope of the order that may be issued by a judge to include restraining the defendant from following, harassing, telephoning, contacting, recruiting, harboring, transporting, or committing or attempting to commit human trafficking on the victim. The order would also include a statement that says if the order is violated, the violation could constitute a sex offense for which the accused may be prosecuted.

SB 281 has the potential for increasing litigation in the courts because of the new provisions created by the bill. If it does, the Office of Judicial Administration indicates that there would be a fiscal effect on the operations of the court system. However, it is not possible to predict the number of additional court cases that would arise or how complex and time-consuming they would be.

The Honorable Rick Wilborn, Chairperson

January 22, 2018

Page 2—SB 281

Therefore, a precise fiscal effect cannot be determined. In any case, the fiscal effect would most likely be accommodated within the existing schedule of court cases and would not require additional resources.

The Kansas Sentencing Commission indicates enactment of SB 281 could have an effect on prison admissions and bed space; however, any effect would be negligible. The Office of the Attorney General states any fiscal effect resulting from the enactment of SB 281 could be handled within existing resources. Any fiscal effect associated with SB 281 is not reflected in *The FY 2019 Governor's Budget Report*.

The Kansas Association of Counties states there could be added enforcement costs because of the scope protective orders; however, the Association cannot estimate what those costs might be.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

cc: Melissa Wangemann, Association of Counties
Willie Prescott, Office of the Attorney General
Scott Schultz, Sentencing Commission
Ashley Michaelis, Judiciary