

February 5, 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 297 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 297 is respectfully submitted to your committee.

Law enforcement is required to give notice to drivers prior to conducting tests for the presence of alcohol or drugs. SB 297 would clarify that a person's consent to conduct a breath, blood or urine test is for the sole purpose of determining if the person is under the influence of alcohol or drugs. Further, the bill would clarify that if a person has been lawfully arrested, the person does not have a constitutional right to refuse a breath test, but does have a constitutional right to refuse a blood or urine test. The bill would repeal the crime of refusing to submit to a test to determine the presence of alcohol or drugs. The bill would also strike language that provides the penalties for the crime of refusing to submit to a test to determine the presence of alcohol or drugs that, under certain circumstances, are greater than or equal to the penalties for the crime of driving under the influence. However, the bill would maintain the penalty of a one-year suspension of a person's driving privileges for refusing to submit to and complete a breath, blood or urine test requested by a law enforcement officer.

Estimated State Fiscal Effect				
	FY 2018 SGF	FY 2018 All Funds	FY 2019 SGF	FY 2019 All Funds
Revenue	--	--	--	--
Expenditure	--	--	--	\$5,000
FTE Pos.	--	--	--	--

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The Kansas Department of Revenue indicates the provisions of SB 297 would increase its expenditures by \$5,000 in FY 2019 to print and distribute additional forms. The Office of Judicial Administration indicates any fiscal effect on expenditures by the Judicial Branch from the enactment of SB 297 would be negligible. The League of Kansas Municipalities indicates any fiscal effect on expenditures by municipalities that may result from the enactment of SB 297 would be negligible. Any fiscal effect associated with SB 297 is not reflected in *The FY 2019 Governor's Budget Report*.

Sincerely,

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

Shawn Sullivan,  
Director of the Budget

cc: Ashley Michaelis, Judiciary  
Chardae Caine, League of Municipalities  
Melissa Wangemann, Association of Counties