

STATE OF KANSAS



DIVISION OF THE BUDGET
LONDON STATE OFFICE BUILDING
900 SW JACKSON STREET, ROOM 504
TOPEKA, KS 66612

PHONE: (785) 296-2436
FAX: (785) 296-0231
LARRY.CAMPBELL@KS.GOV

GOVERNOR JEFF COLYER, M.D.
LARRY L. CAMPBELL, CHIEF BUDGET OFFICER

February 9, 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 336 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 336 is respectfully submitted to your committee.

SB 336 would allow for damages of \$80,000 per year of imprisonment in a state correctional facility; \$25,000 per year of parole, post-release supervision or required registration under the Kansas Offender Registration Act; and reasonable attorney fees and litigation costs for any claimant wrongfully convicted of a felony under the Kansas Criminal Code. The bill would also allow other non-monetary relief to be provided by the state including vocational training, tuition assistance, counseling, housing assistance and health insurance coverage. The bill would require a claimant to demonstrate that he or she received a felony conviction that was reversed or vacated, did not commit perjury or fabricate evidence in order to be convicted and did not otherwise cause the conviction. The bill would require the court to determine whether the claimant would be paid in a lump sum or by annuity and would require the court to enter a certificate of innocence and an order of expungement to the Kansas Bureau of Investigation and any other criminal justice agency that may have record of the conviction and arrest. Funding for any damages awarded would come from the Kansas Tort Claims Fund of the Office of the Attorney General.

Estimated State Fiscal Effect				
	FY 2018 SGF	FY 2018 All Funds	FY 2019 SGF	FY 2019 All Funds
Revenue	--	--	--	--
Expenditure	--	--	\$4,200,000	\$4,200,000
FTE Pos.	--	--	--	--

The Honorable Rick Wilborn, Chairperson

February 9, 2018

Page 2—SB 336

The Office of the Attorney General (OAG) estimates that SB 336 could increase State General Fund expenditures by at least \$4.2 million in FY 2019, mostly for compensation of two wrongful convictions that are currently before the court. The estimate includes \$3.2 million (\$80,000 per year of incarceration x 40 years) of recovery in addition to \$1.0 million in legal fees, non-monetary damages, and other unknown cases that may emerge if the bill is enacted. The OAG indicates that there is an unknown number of legal cases that could lead to substantial payouts in the future, but their fiscal effect of those cases cannot be estimated at this time.

The Office of Judicial Administration indicates that SB 336 could increase costs from additional time spent by judicial and nonjudicial personnel processing, researching and hearing new cases and appeals in district court and appellate court related to wrongful felony convictions. Likewise, the court could also see increased docket fee revenues from the additional filings. However, the fiscal effect cannot be estimated.

The Kansas Department of Corrections and the Kansas Bureau of Investigation indicate that SB 336 would have no fiscal effect. Any fiscal effect associated with SB 336 is not reflected in *The FY 2019 Governor's Budget Report*.

Sincerely,



Larry L. Campbell
Chief Budget Officer

cc: Ashley Michaelis, Judiciary
Willie Prescott, Office of the Attorney General
Shelia Sawyer-Tyler, KBI
Linda Kelly, Corrections