

February 1, 2022

The Honorable Fred Patton, Chairperson  
House Committee on Judiciary  
Statehouse, Room 582-N  
Topeka, Kansas 66612

Dear Representative Patton:

SUBJECT: Fiscal Note for HB 2538 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2538 is respectfully submitted to your committee.

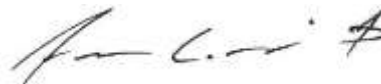
Under current law, at a preliminary examination, except for witnesses who are children less than 13 years of age, all other witnesses are examined in the defendant's presence. The bill would eliminate the exception for children under 13 years of age. HB 2538 would allow the prosecution and defense to present witnesses through a two-way electronic audio-video communication device.

Also, under current law, a court's finding of probable cause to bind the defendant over for trial may be based on hearsay evidence only when the victim is under 13 years of age. The bill would permit the court to base its finding of probable cause on hearsay evidence regardless of the age of the victim.

The Office of Judicial Administration states enactment of the bill would have a negligible fiscal effect on Judicial Branch operations. The Office states the bill would permit, but not require, the use of two-way electronic audio-video communication devices in specified court proceedings, which the Office estimates could result in some savings; however, the Office does not have enough information to estimate what, if any savings, there would be. Any fiscal effect associated with HB 2538 is not reflected in *The FY 2023 Governor's Budget Report*.

The Office further states there could be some savings to county governments; however, the Office does not have enough information to estimate any potential savings.

Sincerely,



Adam Proffitt  
Director of the Budget

cc: Vicki Jacobsen, Judiciary