

February 21, 2022

The Honorable Kellie Warren, Chairperson
Senate Committee on Judiciary
Statehouse, Room 346-S
Topeka, Kansas 66612

Dear Senator Warren:

SUBJECT: Fiscal Note for SB 415 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 415 is respectfully submitted to your committee.

Under current law, law enforcement agencies must have written policies about how to respond to a domestic violence call. SB 415 would amend the written policy requirement to include when an officer receives complaints of domestic violence from two or more persons, in addition to evaluating each complaint separately, the officer would be required to determine who was the primary aggressor. The statement would direct that arrest would be the preferred response only with respect to the primary aggressor and not the preferred response with respect to a person who acts in a reasonable manner in defense of a person. The bill would add a definition for “primary aggressor.”

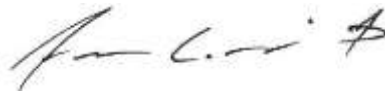
Under current law, a court cannot enter a protection from abuse order against the plaintiff unless one of several factors are determined, including the issuing court having made specific findings of abuse against both the plaintiff and defendant and determined that both parties acted primarily as aggressors. The bill would remove this provision and would instead require that the court to find that the plaintiff acted as the primary aggressor.

The Office of Judicial Administration states enactment of SB 415 could have a fiscal effect on the Judicial Branch because the bill’s provisions would require a judge to consider various factors when determining the primary aggressor in domestic violence cases and the Office indicates it is possible that these cases could be extended, which could increase time spent by court employees and judges processing and deciding these cases. According to the Office, a fiscal effect cannot be estimated until the Judicial Branch has had an opportunity to operate under the bill’s provisions.

The Kansas Sentencing Commission indicates enactment of the bill could have an effect on prison admissions and beds; however, the Commission does not have enough information to make an estimate. The Department of Corrections states the enactment of the bill would not have a fiscal effect on agency operations. Any fiscal effect associated with SB 415 is not reflected in *The FY 2023 Governor's Budget Report*.

The Kansas Association of Counties indicates the bill's enactment could increase administrative costs required for law enforcement officer training and procedural development. Additionally, the Association states enactment of the bill could decrease emergency responder costs if further domestic violence incidents are prevented. The League of Kansas Municipalities indicates the bill's enactment would not have a fiscal effect on cities.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt
Director of the Budget

cc: Vicki Jacobsen, Judiciary
Scott Schultz, Sentencing Commission
Randy Bowman, Corrections
Paul Weisgerber, KBI
Wendi Stark, League of Municipalities
Jay Hall, Association of Counties