

March 8, 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 536 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 536 is respectfully submitted to your committee.

SB 536 would require the Attorney General to investigate allegations of misconduct by a prosecuting attorney that could have contributed to a wrongful conviction. If the investigation results in evidence that supports the allegations, the Attorney General would prosecute the appropriate criminal charges and commence ouster proceedings against the prosecuting attorney. A prosecuting attorney would not have immunity from criminal charges or ouster proceedings.

The Kansas Sentencing Commission states that enactment of SB 536 could have an effect on prison admissions and bed space, but the effect cannot be estimated at this time. The current estimated available bed capacity is 9,428 for males and 936 for females. Based upon the Commission's most recent ten-year projection contained in its *FY 2022 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population will total 7,782 male and 756 female inmates in FY 2022 and 7,736 male and 730 female inmates in FY 2023.

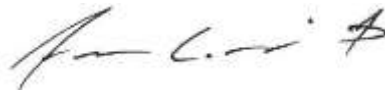
The Department of Corrections states that because of the small number of wrongful convictions cases in previous years, it estimates very few, if any, prosecuting attorneys would be sentenced to prison because of criminal charges filed under the provisions of the bill. Any fiscal effect would be absorbed within existing resources.

The Office of the Attorney General (OAG) states that it already has authority to commence ouster proceedings. The OAG would also be given original criminal jurisdiction to prosecute such criminal cases without needing a request for assistance from the county or district attorney where

the original crime occurred. The OAG states that no cases encountered thus far have merited criminal referrals and therefore the bill would not have a fiscal effect.

The Office of Judicial Administration states that the bill would not have a fiscal effect. Any fiscal effect associated with SB 536 is not reflected in *The FY 2023 Governor's Budget Report*.

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: Willie Prescott, Office of the Attorney General  
Vicki Jacobsen, Judiciary  
Scott Schultz, Sentencing Commission  
Randy Bowman, Corrections