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Laura Kelly, Governor

February 24, 2020

The Honorable Rick Wilborn, Chairperson
Senate Committee on Judiciary
Statehouse, Room 541C-E
Topeka, Kansas 66612

Dear Senator Wilborn:

SUBJECT: Fiscal Note for SB 372 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 372 is respectfully submitted to your committee.

SB 372 would require a court to enter an order prohibiting an individual from filing subsequent duplicate liens or other claims, if the court sets aside a lien or other claim. The order must include an instruction that the filer seek approval from the court before filing subsequent liens or other claims and a warning that violation of the order could lead to civil and criminal penalties.

The bill would create a new prohibition against presenting a lien or financing statement that the presenter knows or should know is false to the recorder of record. SB 372 would also prohibit the presentation of any document to the recorder of record that is intended to be filed publicly and the presenter knows or should know is false and is presented to harass an entity, individual, or public official, or obstruct governmental operations or judicial procedures. Violation would be a severity level 8, nonperson felony.

The Office of Judicial Administration states that enactment of SB 372 could increase the number of cases filed in district court because it creates a new crime, which would result in more 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 states enactment of the bill could result in additional prison admissions and beds; however, the Commission does not have enough information to estimate an effect. Any fiscal effect associated with SB 372 is not reflected in *The FY 2021 Governor's Budget Report*.

Sincerely,



Larry L. Campbell
Director of the Budget

cc: Mary Rinehart, Judiciary
Janelle Williams, Judicial Council
Scott Schultz, Sentencing Commission
Randy Bowman, Corrections
Lynn Robinson, Department of Revenue
Jay Hall, Association of Counties