

February 22, 2021

The Honorable Fred Patton, Chairperson  
House Committee on Judiciary  
Statehouse, Room 519C-N  
Topeka, Kansas 66612

Dear Representative Patton:

**SUBJECT:** Fiscal Note for HB 2365 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2365 is respectfully submitted to your committee.

HB 2365 would provide immunity from criminal prosecution for possession of controlled substances or drug paraphernalia for any person and up to four other individuals acting in concert with a person who:

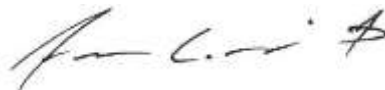
1. Initiated contact with a law enforcement officer, law enforcement agency, or emergency medical services and requested medical assistance for themselves or on a person's behalf because he or she reasonably believed the person was in need of medical assistance; and cooperated with law enforcement officers and emergency medical services personnel in providing medical assistance;
2. Provided the person's full name, the names of not more than four other persons acting in concert with the person, if applicable, and any other relevant information requested by law enforcement or emergency medical services; and
3. Remained at the scene with the person who reasonably appeared to need medical assistance until emergency medical services personnel and law enforcement officers arrived.

The bill would prohibit a person from initiating or maintaining an action against a law enforcement officer, or the officer's employer, for failure to comply with the provisions of this bill. A law enforcement officer would be immune from liability for arresting a person who is later determined to be immune from prosecution except in cases of reckless or intentional misconduct. The provisions of HB 2365 would not apply to a person seeking medical assistance during the

course of the execution of an arrest warrant or search warrant or a lawful search. The bill indicates nothing in the bill should be construed to preclude a person who is immune from criminal prosecution from being prosecuted on the basis of evidence obtained from an independent source. Finally, no property seized by law enforcement during an encounter that results in a person being immune from criminal prosecution would be subject to civil asset.

Assuming no criminal cases would be filed under the provisions of HB 2365 or any cases filed would ultimately be dismissed because of the immunity provisions, the Office of Judicial Administration indicates it would have no fiscal effect on the revenues or expenditures of the Judicial Branch. The Kansas Sentencing Commission indicates HB 2365 would have no fiscal effect on prison admissions, beds, or the workload of journal entries of the Commission.

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: Scott Schultz, Sentencing Commission