

February 15, 2021

The Honorable Kellie Warren, Chairperson
Senate Committee on Judiciary
Statehouse, Room 441B-E
Topeka, Kansas 66612

Dear Senator Warren:

SUBJECT: Fiscal Note for SB 150 by Senate Committee on Judiciary

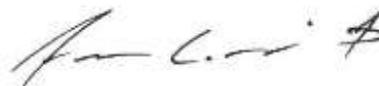
In accordance with KSA 75-3715a, the following fiscal note concerning SB 150 is respectfully submitted to your committee.

SB 150 would regulate attorney advertising beyond the scope of the Kansas Rules of Professional Conduct, but would not restrict the Kansas Supreme Court from regulating lawyer advertising concurrently. A violation would constitute an unlawful and deceptive trade practice. The bill would specify that the use of protected health information to obtain a client is a class A nonperson misdemeanor.

The Office of Judicial Administration states enactment of SB 150 could increase the number of cases filed in district court because it creates a new crime, which could result in more time spent by court employees and judges processing and hearing cases. Since the crime carries a misdemeanor penalty, there could also be more supervision of offenders required to be performed by court services officers. According to the Office, a fiscal effect cannot be estimated. The Office estimates enactment of the bill could result in the collection of additional docket fees, supervision fees, and fines assessed in those cases filed under the bill's provisions.

The Office of the Attorney General states enactment of the bill could be constitutionally challenged by individual lawyers, law firms, or legal organizations. The defense could be handled by the agency; however, it is possible that outside counsel would be needed to defend any lawsuit. Any fiscal effect associated with SB 150 is not reflected in *The FY 2022 Governor's Budget Report*.

Sincerely,



Adam Proffitt
Director of the Budget

cc: Debbie Thomas, Judiciary
Scott Schultz, Sentencing Commission
Randy Bowman, Corrections
Willie Prescott, Office of the Attorney General