

February 3, 2014

The Honorable John Rubin, Chairperson
House Committee on Corrections and Juvenile Justice
Statehouse, Room 151-S
Topeka, Kansas 66612

Dear Representative Rubin:

SUBJECT: Fiscal Note for HB 2463 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2463 is respectfully submitted to your committee.

HB 2463 would permit victims who have been injured as a result of terrorism or illegal use of weapons of mass destruction to bring legal action in an appropriate state court. Victims could recover up to three times the actual damages sustained or \$10,000, whichever is greater, and the cost of the action including reasonable attorney's fees. Actions must be filed within five years after the date of discovery of the crime or the conclusion of a related criminal case, whichever occurs later. At the victim's request, the Attorney General may pursue cases on behalf of Kansas victims with all damages awarded going to those victims; however, the Attorney General may seek reasonable attorney fees and costs.

The bill would make it illegal to raise, solicit, collect or provide material support or resources to use for the purposes of planning, preparing, carrying out or aiding in terrorism, the hindering the prosecution of terrorism, or the concealment of or the escape from a terrorism act.

The crimes of terrorism, illegal use of weapons of mass destruction, indecent solicitation of a child, aggravated indecent solicitation of a child, and sexual exploitation of a child would be added to the list of offenses that would give rise to forfeiture.

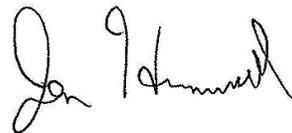
The Office of Judicial Administration indicates that HB 2463 has the potential to increase the number of cases relating to terrorism filed in district courts and the number of appeals filed in appellate courts. This would increase the time spent by district and appellate court judicial and non-judicial personnel to process, research, and hear cases. Likewise, the additional cases could also result in the collection of added revenue from docket fees. However, it is not possible to

predict the number of additional court cases or appeals that would arise or how complex and time-consuming they would be. Therefore, a precise fiscal effect cannot be determined.

The Attorney General's Office indicates that while there would be costs associated with representing victims in civil actions, those costs would be recoverable under the provisions of the bill. Pursuing forfeiture actions would also add to agency expenditures but those are anticipated to be small and would be offset by additional revenue from recoveries. Local governments could also see increased revenues from more forfeiture actions. The precise fiscal effect is difficult to estimate because the number of terrorism cases and forfeiture actions that would result from passage of HB 2463 is unknown.

According to the Kansas Sentencing Commission, the bill may have an effect on prison admissions and bed space; however no data exist for the crimes of terrorism or illegal use of weapons of mass destruction from which an estimate can be made. The Commission reports that according to the Kansas Bureau of Investigation there was one arrest for the crime of terrorism at the beginning of FY 2014. Disposition of the case is still pending. In the event that the crimes do occur and the offenders are indigent, there would be a fiscal effect for the Board of Indigents Defense Services. However, the absence of data also inhibits the Board from estimating a specific effect. Any fiscal effect associated with HB 2463 is not reflected in *The FY 2015 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Hummell". The signature is fluid and cursive, with a large initial "J" and "H".

Jon Hummell,
Interim Director of the Budget

cc: Mary Rinehart, Judiciary
Scott Schultz, Sentencing Commission
Jeremy Barclay, KDOC
Willie Prescott, Attorney General's Office
Larry Baer, LKM
Melissa Wangemann, KAC
Pat Scalia, BIDS