

February 5, 2013

The Honorable Jeff King, Chairperson
Senate Committee on Judiciary
Statehouse, Room 341-E
Topeka, Kansas 66612

Dear Senator King:

SUBJECT: Fiscal Note for SB 92 by Senator Smith

In accordance with KSA 75-3715a, the following fiscal note concerning SB 92 is respectfully submitted to your committee.

SB 92 would require that on and after January 1, 2014, when an adult is arrested or charged with the commission or attempted commission of a sexually violent crime, a law enforcement officer responding to the scene of the crime would report on the Kansas Standard Offense Report (KSOR) the presence of pornographic materials found pursuant to a lawful search:

1. At the scene of the crime;
2. On the person arrested of the crime;
3. At the residence of the person arrested of the crime; and
4. In the vehicle of the person arrested of the crime.

On or before January 1, 2014, the Kansas Bureau of Investigation (KBI) must make the necessary changes to the KSOR and the Kansas Incident Based Reporting System (KIBRS) handbook and update rules and regulations concerning the training of law enforcement agencies to implement the provisions of SB 92. The bill would define “pornographic materials” and “sexually violent crime.”

Estimated State Fiscal Effect				
	FY 2013 SGF	FY 2013 All Funds	FY 2014 SGF	FY 2014 All Funds
Revenue	--	--	--	--
Expenditure	--	--	\$325,000	\$325,000
FTE Pos.	--	--	--	--

The Honorable Jeff King, Chairperson

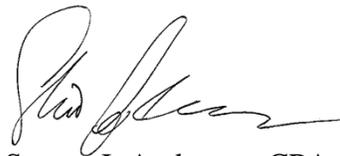
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The KBI indicates the existing KIBRS repository houses the KSOR and the Kansas Standard Arrest Report (KSAR). The existing KIBRS repository was implemented in 1999 and it is an aged system that is no longer supported and consistent funding has never been provided for its ongoing maintenance and upkeep, according to the KBI. The agency states the KIBRS repository can no longer be efficiently expanded to house additional information. A new KIBRS repository would have to be constructed to comply with the provisions of SB 92. The KBI estimates total expenditures for a new KIBRS repository at \$325,000 from the State General Fund in FY 2014. Of that amount, \$140,000 would be for requirements and designs, \$165,000 would be for the development of the repository, and \$20,000 to print 300,000 forms to reflect the changes the bill would make to the KSAR, KSOR, and the Kansas Supplemental Offense Report. Further, the agency notes it would need \$415,000 from the State General Fund in FY 2015 for the new repository. Of that amount, \$165,000 would be for continued development, \$220,000 for testing and training, and \$30,000 for data migration. Both the FY 2014 and FY 2015 requested expenditures would be one-time costs, according to the KBI.

The League of Kansas Municipalities states that passage of SB 92 would require additional time by law enforcement to make the additional searches and, when necessary, obtain search warrants to secure a lawful search. Further, the League indicates additional legal and staff time would be required to prepare and obtain warrants. The League indicates it is not known how many “sexually violent crimes” are reported and investigated in Kansas cities and it is not known in what number of those incidents that additional search warrants would be required. The League states it is not possible to quantify the actual fiscal effect passage of SB 92 would have upon Kansas cities. The Office of Judicial Administration and the Kansas Association of Counties state passage of SB 92 would have no fiscal effect on the Judicial Branch and to Kansas counties. Any fiscal effect associated with SB 92 is not reflected in *The FY 2014 Governor’s Budget Report*.

Sincerely,



Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Linda Durand, KBI
Larry Baer, LKM
Melissa Wangemann, KAC
Kim Torrey, KHP
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