

February 13, 2015

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

Dear Senator King:

SUBJECT: Fiscal Note for SB 104 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 104 is respectfully submitted to your committee.

SB 104 would allow hearings before a municipal judge that occur prior to trial to take place by two-way electronic audio-visual communication. Audio-visual communication would also be allowed in nonevidentiary hearings to determine the merits of a motion and in arraignment proceedings in district court at which the defendant stands mute or enters a not guilty plea, unless good cause is shown why it should not be utilized. However, a defendant in a felony case must be present in any arraignment in which a no contest or guilty plea is entered. The bill would eliminate provisions which require a defendant to be informed of his or her right to be personally present, but a defendant would still be allowed to object to conducting a proceeding through audio-visual communication. Finally, the bill would allow witness testimony to be transmitted from a different location whenever a party requests the use of audio-visual communication by written notice at least seven days prior to the scheduled proceeding.

The Kansas Association of Counties indicates SB 104 could reduce costs of transporting criminals to court, but would require counties to purchase audio-visual communication equipment if one does not have the technology available. In any case, the costs associated with this bill cannot be determined until the courts have had an opportunity to operate with its provisions in place.

Sincerely,



Shawn Sullivan,
Director of the Budget

cc: Mary Rinehart, Judiciary
Melissa Wangemann, KAC