

February 26, 2016

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

Dear Senator King:

**SUBJECT:** Fiscal Note for SB 429 by Senator Haley

In accordance with KSA 75-3715a, the following fiscal note concerning SB 429 is respectfully submitted to your committee.

SB 429 would require, effective July 1, 2016, that video recordings be made for any custodial interrogation conducted in a place of detention if there is a room capable of making video recordings when the interrogation concerns an off-grid felony, a nondrug severity level one through five felony, or a drug severity level one felony. The bill would require that on July 1, 2017, video recordings be made in any place of detention for the crimes mentioned above. SB 429 bill specifies certain circumstances when a video recording would not be required. If the courts find evidence that a defendant's interrogation violated the law, the defendant would be entitled to jury instruction on the failure to record the interrogation.

The Kansas Association of Counties indicates that counties would have to purchase equipment for the video recordings and develop storage solutions to retain the recordings. However, the Association was unable to estimate the total cost for counties.

SB 429 has the potential for increasing litigation in the courts because of the new video recording procedures proposed by the bill. If it does, the Office of Judicial Administration indicates that there would be a fiscal effect on the operations of the court system. However, it is not possible to predict the number of additional court cases that would arise or how complex and time-consuming they would be. Therefore, a fiscal effect cannot be determined. In any case, the fiscal effect would most likely be accommodated within the existing schedule of court cases and

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would not require additional resources. Any fiscal effect associated with SB 429 is not reflected in *The FY 2017 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,  
Director of the Budget

cc: Ashley Michaelis, Judiciary  
Adam Pfannenstiel, Corrections  
Scott Schultz, Sentencing Commission  
Larry Baer, League of Municipalities  
Melissa Wangemann, Association of Counties  
Willie Prescott, Attorney General's Office