

# STATE OF KANSAS



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GOVERNOR JEFF COLYER, M.D.  
LARRY L. CAMPBELL, CHIEF BUDGET OFFICER

February 21, 2018

The Honorable Rick Wilborn, Chairperson  
Senate Committee on Judiciary  
Statehouse, Room 541-E  
Topeka, Kansas 66612

Dear Senator Wilborn:

**SUBJECT:** Fiscal Note for SB 361 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 361 is respectfully submitted to your committee.

SB 361 would enact the Police and Citizen Protection Act. The bill would require every state, county, and municipal law enforcement officer who is primarily assigned to patrol duties to be equipped with a body camera while performing those duties beginning on and after July 1, 2020. The bill outlines rules for use of the body cameras. Law enforcement agencies would be required to retain the video and audio recorded by the body camera for four weeks, unless any of the circumstances specified in the bill are present, in which case the recording would be retained for three years or as long as required by law for evidence that may be useful in a criminal prosecution. The bill specifies that law enforcement agencies would seek grants and other financial assistance from the federal government and other public or private sources to implement the provisions of the bill.

Under the bill, certain people may request to listen to an audio recording or view a video made by a body camera or vehicle camera. The bill would require that law enforcement agencies comply with a request within 24 hours and specifies that people with a written release from the next of kin of the decedent may make the request. SB 361 would also require law enforcement agencies to disclose audio or video made with a body or vehicle camera within five business days if the officer used a firearm in the course of duty or used force that resulted in great bodily injury or death. Law enforcement agencies would be required to redact certain information and situations listed in the bill, but would be prohibited from redacting the identify of an officer after the investigation is concluded or after 270 days.

According to the Office of Judicial Administration, enactment of SB 361 would not create new crimes; however, equipping law enforcement officers with body cameras in order to record

law enforcement actions would provide additional factors to consider within existing cases. The provisions of the Act could provide additional evidence in a case and could increase the number of arguments that could be presented regarding the recordings themselves. The Office is unable to estimate how many cases would include additional arguments in the district or appellate courts as a result of police recordings or whether passage of the Act would result in the filing of additional appeals.

The Office of the Attorney General states enactment of the bill could increase the number of requests for opinions interpreting the provisions. Also, the number of inquiries, complaints, and litigation could increase. If a court case were filed regarding the bill's provisions, the Attorney General may become involved.

Since SB 361 would require that every law enforcement officer who is primarily assigned to patrol duties to be equipped with a body camera beginning in FY 2021, the Kansas Highway Patrol estimates additional expenditures of \$1,417,362 in FY 2020 if the bill were enacted. Of that amount, \$1,402,362 would be to equip troopers with body cameras and the necessary equipment and \$15,000 would be for training. The agency estimates on-going costs of \$834,000 in FY 2021 to store and maintain the footage and to maintain equipment. The expenditures would come from the Kansas Highway Patrol Operations Fund, which receives its revenue from transfers from the State Highway Fund of the Kansas Department of Transportation. Any fiscal effect associated with SB 361 is not reflected in *The FY 2019 Governor's Budget Report*.

The League of Kansas Municipalities and the Kansas Association of Counties state because of the wide range of costs for equipment, storing, deleting, and reviewing tapes it is not possible to provide a fiscal effect to local governments.

Sincerely,



Larry L. Campbell  
Chief Budget Officer

cc: Chardae Caine, League of Municipalities  
Melissa Wangemann, Association of Counties  
Sherry Macke, Highway Patrol  
Ashley Michaelis, Judiciary  
Shelia Sawyer-Tyler, KBI  
Willie Prescott, Office of the Attorney General