

January 21, 2020

The Honorable Fred Patton, Chairperson  
House Committee on Judiciary  
Statehouse, Room 519C-N  
Topeka, Kansas 66612

Dear Representative Patton:

**SUBJECT:** Fiscal Note for HB 2424 by Representative Benson

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2424 is respectfully submitted to your committee.

HB 2424 would require each law enforcement agency to have written policies for investigations of officer-involved deaths. The policies would require at least two investigators and neither investigator could be employed by the law enforcement agency that employs the officer involved in the death. If the officer-involved death is traffic related, then the policy would require the use of a crash reconstruction unit from a law enforcement agency that does not employ the officer involved in the death, except a state law enforcement agency may be allowed to use its own crash reconstruction unit. Each policy may allow for an internal investigation if the internal investigation does not interfere with the external investigation being conducted.

Compensation for the participating in an investigation would be consistent with mutual aid agreements. The investigators conducting the investigation would be required to provide a complete report to the county or district attorney in which the officer-involved death occurred. If the county or district attorney determines there is no basis to prosecute the law enforcement officer, then the investigator would release the report with redactions. The Open Records Act would not prevent disclosure of any report required to be disclosed by this bill.

The Kansas Bureau of Investigation assumes that most law enforcement agencies would refer the officer-involved death cases to their agency. The agency states that it would require an additional 10.00 FTE at a cost of \$1,482,677 from the State General Fund for FY 2021. Of this amount, \$857,947 would be for salary and wage expenditures and \$624,730 would be for one-time operating costs of vehicles and equipment. The agency indicates the number of additional cases would be dependent upon the number of officer-involved deaths. However, the Division of the Budget believes that this estimate may be high given the Kansas Bureau of Investigation currently performs this duty within existing resources when asked by other law enforcement agencies.

The Kansas Highway Patrol states that it currently has mutual aid agreements with other law enforcement agencies in Kansas that would conduct investigations at little to no charge. Therefore, the Kansas Highway Patrol would incur some expenses; however, the fiscal effect cannot be estimated because the number of officer-involved deaths that may occur is unknown.

The Office of Attorney General states that it may have to provide additional Attorney General opinions and could receive more inquiries or complaints based on public records disclosed or not disclosed. However, the fiscal effect cannot be estimated because the number of additional opinions, inquiries or complaints is unknown.

The League of Kansas Municipalities states that the enactment of the bill could increase costs to local governments based on the need for increased personnel for mutual aid agreements and for redaction costs. However, the fiscal effect cannot be estimated because the number of officer-involved deaths that may occur is unknown.

The Kansas Association of Counties states that there could be additional costs to counties to complete investigations and to provide reports. However, the fiscal effect cannot be estimated because the number of officer-involved deaths that may occur is unknown. Any fiscal effect associated with HB 2424 is not reflected in *The FY 2021 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink that reads "L. L. Campbell". The signature is written in a cursive, flowing style.

Larry L. Campbell  
Director of the Budget

cc: Sherry Macke, Highway Patrol  
Paul Weisgerber, KBI  
Willie Prescott, Office of the Attorney General  
Kaitlyn Willis, League of Municipalities  
Jay Hall, Association of Counties