



January 22, 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 2446 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2446 is respectfully submitted to your committee.

HB 2446 would allow seized property under a search warrant to be returned to the owner or disposed of if no criminal charges are filed or prosecution is declined. The bill would require the officer seizing property under a search warrant to file a copy of the receipt describing the property to the magistrate who issued the warrant, and the receipt could be filed electronically.

Current law allows for a representative sample of seized hazardous materials to be collected as evidence and then the remaining quantity be destroyed. HB 2446 would expand seized materials to include dangerous drugs as well as hazardous materials. The bill defines dangerous drug and representative sample. The bill also describes how a law enforcement agency would return seized weapons or dispose of them.

The Kansas Highway Patrol states that enactment of this bill would reduce the amount of evidence they would have to store, since the bill would only require samples. Enactment of this bill would reduce the amount of additional storage space it would rent. Any fiscal effect of this bill would be absorbed within existing resources.

The Office of the Attorney General and the Kansas Bureau of Investigation both state that this bill would have no fiscal effect on operating expenditures. The Kansas Association of Counties and the League of Kansas Municipalities both state that the bill would have a negligible fiscal effect.

HB 2446 has the potential for increasing litigation in the courts because it allows an individual to challenge a law enforcement agency's determination on returning seized firearms. 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 precise fiscal effect cannot be determined. In any case, the fiscal effect would most likely be accommodated within the existing schedule of court cases and would not require additional resources. Any fiscal effect associated with HB 2446 is not reflected in *The FY 2021 Governor's Budget Report*.

Sincerely,



Larry L. Campbell
Director of the Budget

cc: Mary Rinehart, Judiciary
Willie Prescott, Office of the Attorney General
Sherry Macke, Highway Patrol
Paul Weisgerber, KBI
Kaitlyn Willis, League of Municipalities
Jay Hall, Association of Counties
Chris Tymeson, Wildlife, Parks & Tourism