

February 16, 2021

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

Dear Representative Patton:

**SUBJECT:** Fiscal Note for HB 2387 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2387 is respectfully submitted to your committee.

The bill would define the crime of operating an aircraft under the influence and set the penalties to be either a class A misdemeanor or a severity level 6, nonperson felony depending on certain conditions. The bill would also specify the fines, terms of imprisonment, public service conditions, conditions of probation, work release, or house release conditions that may apply. The bill would also outline a process for law enforcement to test for the presence of alcohol or drugs. The bill would allow a law enforcement officer to request a test if the officer has probable cause to believe a violation exists. The bill would also grant civil and criminal immunity to law enforcement officers acting in accordance with the provisions of the bill. A law enforcement officer would be allowed to request a person operating or attempting to operate an aircraft to submit to preliminary drug and alcohol screening if the officer has reasonable suspicion a violation has occurred. Finally, HB 2387 would repeal existing statute regarding operating an aircraft under the influence.

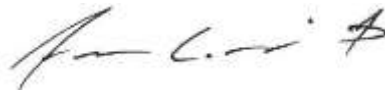
The Office of Judicial Administration indicates that enactment of the bill could result in additional cases being filed and could affect the complexity of the cases, which could result in additional time being spent by judges and court staff in processing and hearing these cases. The bill could also result in the collection of additional docket fees, fines and other costs. However, a fiscal effect cannot be determined because the number of additional cases cannot be estimated.

The Department of Corrections states that because operating an aircraft under the influence is a class A nonperson misdemeanor or a severity level 6, nonperson felony the bill would have a

minimal fiscal effect on probation or facility caseloads that could be absorbed within existing resources.

The Division of the Budget has requested fiscal effect information from the Sentencing Commission but has not received a response yet. As soon as the necessary information is received, the fiscal note will be updated. Any fiscal effect associated with HB 2387 is not reflected in *The FY 2022 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt  
Director of the Budget

cc: Randy Bowman, Corrections  
Scott Schultz, Sentencing Commission  
Debbie Thomas, Judiciary