

March 10, 2021

The Honorable Kellie Warren, Chairperson
Senate Committee on Judiciary
Statehouse, Room 441B-E
Topeka, Kansas 66612

Dear Senator Warren:

SUBJECT: Fiscal Note for SB 198 by Senator Haley

In accordance with KSA 75-3715a, the following fiscal note concerning SB 198 is respectfully submitted to your committee.

SB 198 would create the Police and Citizen Protection Act. Starting July 1, 2021, if a state, county, and municipal law enforcement officer is equipped with a body camera, then the camera would be used to record activities during motor vehicle stops or other law enforcement actions taken during the officer's official duties. Starting July 1, 2023, every state, county and municipal law enforcement officer who is primarily assigned to patrol duties would be equipped with a body camera while performing such duties. A law enforcement officer would be required to activate the recording function whenever the officer responds to a call for service or initiates any other law enforcement encounter. If practicable, a law enforcement officer would notify another person that they are being recorded. The bill details when an officer could choose not to record and when the officer is not allowed to record.

The bill would not allow computerized facial recognition to be used with a body camera unless the use has been authorized by a court issued warrant. The bill details the length of time video and audio must be retained. If a law enforcement agency is unable to produce the required recording in connection with a criminal prosecution or civil action, it would be assumed that the recording would validate the version of the defendant in a criminal action or the party opposing the law enforcement officer or law enforcement agency in a civil action. SB 198 would also require law enforcement agencies to seek and accept grants and other financial assistance to implement the provisions of this Act.

Under current law, a law enforcement agency would allow certain individuals to listen or view a recording within 20 days of making the request. The bill would shorten that amount of

time to within 24 hours after making the request. The bill also describes other instances when a law enforcement agency would disclose information, redact, or obscure portions of an audio or video recording.

Estimated State Fiscal Effect				
	FY 2021 SGF	FY 2021 All Funds	FY 2022 SGF	FY 2022 All Funds
Revenue	--	--	--	--
Expenditure	--	--	--	\$3,362,495 to \$4,192,495
FTE Pos.	--	--	--	--

The Office of Judicial Administration states that the bill would provide additional factors to consider within existing cases. The provisions of the new Act could provide additional evidence in a case and could increase the number of arguments that could be presented regarding the recordings. The bill could increase both the amount of time spent on cases filed in district courts and the number of appeals relating to offenders convicted using recordings under this Act. The bill could affect revenues if additional appeals are filed that would otherwise not be filed. Because the number of cases and appeals are unknown, a fiscal effect cannot be estimated.

The Kansas Highway Patrol (KHP) states that it would require \$2,692,495 in FY 2022 from the KHP Operations Funds to equip all law enforcement officers with a body camera, related equipment, and 3.00 FTE positions. The KHP estimates 550 officers would need body cameras, flak jacket kits, multiple mounts, cables, docking units, warranties, evidence hosting, license and storage, and aircards for a total of \$4,594 per officer. The total cost of the equipment would be \$2,526,700 (\$4,594 equipment x 550 officers). In addition, the agency would require \$15,000 for training on the Act and how to operate the cameras and store data. The KHP would also need to hire 2.00 FTE positions to process additional records requests at a cost of \$85,526 and 1.00 Information Technology FTE position to manage the software and storage for the videos at a cost of \$65,269.

The Office of the Attorney General indicates that enactment of SB 198 could result in additional complaints being filed with the Office for alleged violations by state agencies with the Kansas Open Records Act requirements created in the bill. The bill would create the presumption in favor of a claimant in a civil lawsuit if body camera footage was not properly recorded or maintained which could create a liability to the state for cases filed against state law enforcement agencies. If those claims fall within the coverage provided by the Kansas Tort Claims Act, the Attorney General’s Office would be required to provide a defense and could be required to pay civil damages. However, because the number of additional complaints and liabilities are unknown a fiscal effect cannot be estimated.

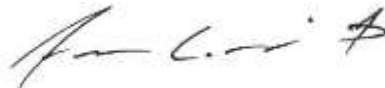
The Department of Wildlife, Parks and Tourism states that enactment of the bill would increase expenditures in FY 2023 from the Wildlife Fee Fund and the Parks Fee Fund. The agency estimates that it would incur expenditures between \$670,000 to \$850,000 to equip its officers and

obtain services for those cameras. The agency currently has some cameras; however, if the agency decided to outfit all the officers with the same equipment, it could cost between \$1.2 million and \$1.5 million from special revenue funds in FY 2023.

The Kansas Bureau of Investigation states that because they do not have any officers primarily assigned to patrol duties, that the enactment of the bill would not have a fiscal effect. Any fiscal effect associated with SB 198 is not reflected in *The FY 2022 Governor's Budget Report*.

The Kansas Association of Counties indicates that the bill could have a fiscal effect on counties related to the release of the requested information, or to redact or obscure information to meet the requirements of the bill. However, a fiscal effect cannot be estimated. The League of Kansas Municipalities, states that the bill require the purchase of equipment and increase storage capacity. Since the bill modifies the amount of time for body camera footage review, it would result in an increase in staff resources. However, a precise fiscal effect cannot be determined.

Sincerely,



Adam Proffitt
Director of the Budget

cc: Sherry Macke, Highway Patrol
Paul Weisgerber, KBI
Chris Tymeson, Wildlife, Parks & Tourism
Wendi Stark, League of Municipalities
Jay Hall, Association of Counties
Randy Bowman, Corrections
Michael Neth, Office of the Adjutant General
Willie Prescott, Office of the Attorney General
Debbie Thomas, Judiciary