

January 28, 2013

The Honorable Lance Kinzer, Chairperson
House Committee on Judiciary
Statehouse, Room 165-W
Topeka, Kansas 66612

Dear Representative Kinzer:

SUBJECT: Fiscal Note for HB 2017 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2017 is respectfully submitted to your committee.

HB 2017 would amend current law concerning appeals, trials and violations of the Uniform Act Regulating Traffic on Highways. Current law requires that an appeal from a municipal court stay all proceedings on the judgement related to the appeal. HB 2017 would prohibit an appeal from being filed until after a sentence has been imposed.

The bill would also require the court to notify the victim of a traffic accident resulting in serious bodily harm or death, or the victim's family prior to sentencing, and offer them the opportunity to make a victim's impact statement. Persons convicted of a violation of the Uniform Act Regulating Traffic on Highways which resulted in serious injury or death could be ordered to pay restitution as a condition of probation or parole, in addition to any other penalty provided by law. This section of the law would not apply to alcohol or drug related offenses which result in serious injury or death.

The bill specifies penalties for certain traffic violations that result in a vehicle accident or collision causing serious bodily harm to a person, upon a first conviction, would be unclassified misdemeanors punishable by a fine of not less than \$250 and not more than \$1,000 and suspension of driving privileges for no more than 90 days. A second or subsequent conviction would be punishable by a fine of not less than \$500 and no more than \$2,000, with a sentence of not less than 90 days imprisonment and suspension of driving privileges for a period of no more than one year. Violations that result in a vehicle accident or collision causing the death of a person, would be unclassified misdemeanors punishable by a fine of not less than \$500 and not more than \$2,000, not less than six months imprisonment, and suspension of driving privileges for no more than three years. In lieu of a fine, the person could be required to complete 1,000 hours of community service. A second or subsequent conviction would be punishable by a fine of not less than \$5,000, a sentence of not less than one year's imprisonment and suspension of driving privileges for a period of no more than three years.

The bill provides a definition of “victim” and provides that no appeal would be taken more than 14 days after the date a sentence is imposed. The bill would also expand the definition of “criminally injurious conduct” to include conduct that would constitute a violation of the Uniform Act Regulating Traffic on Highways which resulted in serious bodily injury or death.

Estimated State Fiscal Effect				
	FY 2013 SGF	FY 2013 All Funds	FY 2014 SGF	FY 2014 All Funds
Revenue	--	--	--	--
Expenditure	--	\$35,261	--	\$102,430
FTE Pos.	--	--	--	2.00

According to the Judicial Branch, passage of HB 2017 would not result in any additional criminal cases being filed in the district courts because it is likely that persons who commit the acts addressed in the bill could and would be charged with other crimes under current law, such as vehicular homicide or battery. Passage of the bill could, however, increase the number of appeals relating to violations of the Uniform Act Regulating Traffic on Highways, as new criminal provisions are sometimes challenged on appeal until legal definitional and application issues are settled by appellate courts. This would increase time spent by judicial and nonjudicial personnel of the district and appellate courts in processing, researching, and hearing cases. However, until the courts have had an opportunity to operate under the provisions of the bill, an accurate estimate of the fiscal effect on expenditures and revenues for the Judicial Branch cannot be given.

While the Division of Vehicles of the Kansas Department of Revenue already records the convictions associated with the specific statutes referred to in the bill, it does not currently impose a license sanction. In calendar year 2012, the Division received 12,252 convictions of this type; however it is unknown how many of those convictions were for the specific crimes mentioned in the bill and the result of an accident or collision resulting in serious bodily injury or death. The Division states that the additional work of imposing these new sanctions could not be absorbed within existing resources. While Kansas courts can submit the convictions electronically to the Division, changes to the electronic submission program and the current drivers license system to include fields identifying these convictions would be needed. To implement the changes, the Division would need to fill 2.00 additional FTE positions at an annual cost of \$50,402 each for a total cost of \$100,804. Additional one-time operating expenses for equipment and supplies would cost \$8,806 and ongoing annual other operating expenditures would be \$1,626. Costs for programming by the motor vehicle system’s vendor would be \$10,855 (65 hours X \$167/hour) and the cost of programming by agency programmers would be \$7,200 (240 hours X \$30/hour).

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The total amount needed upon passage of HB 2017 for FY 2013 would be \$35,261, which would include all programming costs, one-time operating expenses, and salaries and wages for 2.00 FTE positions for one month (\$8,400 salaries and wages + \$18,055 programming + \$8,806 one-time operating expenses). For FY 2014, the total amount needed would be \$102,430 (\$100,804 salaries and wages + \$1,626 ongoing annual other operating expenditures). For both years, the source of funding would be the Vehicle Operating Fund. Any fiscal effect associated with HB 2017 is not reflected in *The FY 2014 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", with a long horizontal flourish extending to the right.

Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Mary Rinehart, Judiciary