

February 15, 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 2228 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2228 is respectfully submitted to your committee.

HB 2228 would require all law enforcement agencies to adopt a written policy requiring submission of all sexual assault kits that correspond to a law enforcement report of sexual assault to the Johnson County Criminalistics Laboratory, Sedgwick County Regional Forensic Science Center, the Kansas Bureau of Investigation (KBI) or other accredited forensic laboratory. The bill describes items that must be in the policy, including that the policies must be adopted and implemented prior to July 1, 2022. The bill would require that each sexual assault kit received by Johnson County Criminalistics Laboratory, Sedgwick County Regional Forensic Science Center, and the KBI would be examined if the kit is required to be released to a law enforcement agency in connection with a report of a sexual assault. HB 2228 would also increase the amount of time the KBI would keep all unreported sexual assault kits from five years to 20 years.

The bill would require child advocacy centers to be recognized by the National Children's Alliance. Under current law a child advocacy center provides medical exams. HB 2228 would also require that a child advocacy center provide evidence collection for physical, mental, emotional, or sexual abuse, including sexual assault evidence collection on site at the center or provide referrals for medical examination services or evidence collection. The bill would also require that the centers use sexual assault kits approved by the KBI sexual assault evidence collection kits or similar ones approved by the KBI.

Estimated State Fiscal Effect				
	FY 2021 SGF	FY 2021 All Funds	FY 2022 SGF	FY 2022 All Funds
Revenue	--	--	--	--
Expenditure	--	--	\$28,000	\$28,000
FTE Pos.	--	--	--	--

The Kansas Bureau of Investigation could establish the written policy required by the bill within existing resources. The KBI indicates that unreported sexual assault kits are currently being stored for five years within its facilities. The bill would require those kits to now be stored for 20 years and additional shelving would be required to store those kits. The agency estimates it would cost \$28,000 in FY 2022 from the State General Fund to purchase and install the shelves.

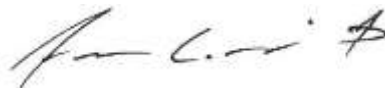
The Office of the Attorney General states the bill could result in additional cases being referred for prosecution by local county or district attorneys. The agency's ability to accept the cases would be based on capacity. The cost of the prosecution, other than employee time, would be borne by the county requesting assistance. Because the Office cannot estimate the number of cases, a fiscal effect cannot be determined.

The Kansas Board of Healing Arts indicates that the bill could create additional complaints and investigations. Therefore, the agency could have additional expenditures; however, the agency estimates that the effect would be negligible and could be absorbed within existing resources.

The Kansas Highway Patrol states that amending its operation policies could be done within existing resources. The Department for Children and Families states that enactment of HB 2228 would not have a fiscal effect. The Office of Judicial Administration states that any additional expenditures would be negligible and would be absorbed within existing resources. Any fiscal effect associated with HB 2228 is not reflected in *The FY 2022 Governor's Budget Report*.

The Kansas Association of Counties states that HB 2228 would result in additional expenditures to apply policies, collect evidence, and maintain proper custody in the transition of the evidence to ensure admissibility. The League of Kansas Municipalities states that HB 2228 would not have a fiscal effect on cities.

Sincerely,



Adam Proffitt
Director of the Budget

cc: Wendi Stark, League of Municipalities
Jay Hall, Association of Counties
Paul Weisgerber, KBI
Sherry Macke, Highway Patrol
Kim Holter, Children & Families
Susan Gile, Board of Healing Arts
Dan Thimmesch, Health & Environment
Debbie Thomas, Judiciary
Willie Prescott, Office of the Attorney General