



January 23, 2024

The Honorable Mike Petersen, Chairperson
 Senate Committee on Transportation
 300 SW 10th Avenue, Room 546-S
 Topeka, Kansas 66612

Dear Senator Petersen:

SUBJECT: Fiscal Note for SB 335 by Senate Committee on Transportation

In accordance with KSA 75-3715a, the following fiscal note concerning SB 335 is respectfully submitted to your committee.

SB 335 would increase the penalties for passing another vehicle on a two-lane highway when approaching within 100 feet of a stationary emergency, construction, or maintenance vehicle that is obviously engaged in duty or flashing its lights. Under current statute, law enforcement officers are required to issue a warning for such violations.

The bill would remove the warning requirement and categorize this violation as a traffic infraction with a fine of \$400. The bill would create a severity level 6, person felony with a fine of \$1,000 for violations that result in injury or great bodily harm to any person operating a fire department vehicle, police vehicle, or ambulance. The bill would also create a severity level 4, person felony with a fine of \$7,500 for violations that result in the death of any person operating a fire department vehicle, police vehicle, or ambulance.

Estimated State Fiscal Effect			
	FY 2024	FY 2025	FY 2026
Expenditures			
State General Fund	--	\$123,375	\$123,375
Fee Fund(s)	--	--	--
Federal Fund	--	--	--
Total Expenditures	--	\$123,375	\$123,375
Revenues			
State General Fund	--	--	--
Fee Fund(s)	--	--	--
Federal Fund	--	--	--
Total Revenues	--	--	--
FTE Positions	--	1.00	1.00

The Board of Indigents Defense Services indicates that due to staffing shortages, any new felony cases charged under the provisions of the bill would require State General Fund expenditures

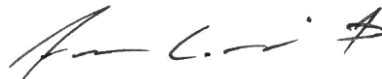
of \$123,375 in both FY 2025 and FY 2026 to support 1.00 new FTE attorney position. The Board indicates that more positions may be needed depending on the number of new cases charged. To meet the constitutionally required standard of reasonably effective counsel on felony cases of this severity, agency attorneys would be required to spend an average of 57 hours per case on direct work related to the bill. The Board estimates that it would require an additional 1.00 FTE attorney position for every 21 new cases charged under the bill, assuming that each public defender has an average of 1,480 hours per year to spend on direct casework and that the average indigency rate is 84.0 percent.

The Board also indicates that for every 3.00 FTE attorney positions required to implement the bill, it would be required to hire 1.00 FTE investigator position and 1.00 FTE mental health advocate or social worker position to comply with national staffing standards. The average cost of these positions is \$86,250 and \$99,750, respectively. For every 4.00 FTE attorney positions required to implement the bill, national staffing standards require the addition of 1.00 FTE legal assistant position and 1.00 FTE administrative assistant position at an average cost of \$86,250 and \$72,750, respectively. However, the cost of these additional positions is not included in the fiscal effect estimate because the exact number of new cases that will be charged under the provisions of the bill cannot be estimated.

The fiscal effect above is based on an estimate of increased workload that would result from the passage of this bill. Because of the difficulty of judging the effect on public defense expenditures, the fiscal effect could vary within a reasonable range from the amount shown. The assumptions used by the agency for this bill could be producing a fiscal effect at the upper end of that range.

The Judiciary indicates that by creating new crimes and increasing penalties for existing violations, the bill could increase agency operating expenditures due to a greater number of cases filed in district court. However, the agency is unable to provide an exact estimate of this fiscal effect. The Judiciary indicates that the bill's enactment could result in the collection of docket fees and fines in those cases filed under the bill's provisions, which would be credited to the State General Fund and other state funds. The Sentencing Commission indicates that the bill could increase prison admissions and agency workload, but the potential fiscal effect is likely to be small. The Department of Corrections indicates that the bill may increase agency operating expenditures by a negligible amount that could be absorbed within existing resources. According to the Highway Patrol and Attorney General, enactment of the bill would not have a fiscal effect on their operations. Any fiscal effect associated with SB 335 is not reflected in *The FY 2025 Governor's Budget Report*.

Sincerely,



Adam C. Proffitt
Director of the Budget

cc: Trisha Morrow, Judiciary
Sherry Macke, Kansas Highway Patrol
Jennifer King, Department of Corrections
Heather Cessna, Board of Indigents Defense Services
William Hendrix, Office of the Attorney General
Scott Schultz, Kansas Sentencing Commission