

January 27, 2023

The Honorable Fred Patton, Chairperson
House Committee on Judiciary
300 SW 10th Avenue, Room 582-N
Topeka, Kansas 66612

Dear Representative Patton:

SUBJECT: Fiscal Note for HB 2129 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2129 is respectfully submitted to your committee.

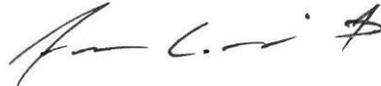
Under current law, a person in state custody, at any time after conviction for murder in the first degree, can petition the court for forensic DNA testing of biological material. HB 2129 would allow the person to petition the court after sentencing instead of after conviction of the crime. The bill would also allow a person sentenced for aggravated criminal sodomy to petition the court for DNA testing.

The bill would also add a materiality requirement to the petition by requiring someone to allege the material to be tested would be material to the prosecution instead of just related to the prosecution. The court would be required to order the testing upon a review of the totality of the available evidence. HB 2129 would require that the petitioner inform the court within 180 days after conclusion of testing that the testing is complete and whether the results are inconclusive, favorable to the petitioner, or unfavorable to the petitioner. If the petitioner fails to notify the court within 180 days after the conclusion of all DNA testing order by the court, the court would be required to dismiss the petition.

The Office of Judicial Administration states enactment of HB 2129 could have a fiscal effect on Judicial Branch operations because the bill's provisions would allow a person to petition for forensic DNA testing with the district court, which would increase the time spent by judges and court employees processing and researching any filed petitions. The Office states a fiscal effect cannot be estimated until the Judicial Branch has had an opportunity to operate under the

bill's provisions. The Office indicates the bill's enactment could result in the collection of docket fees in those petitions filed under the bill's provisions, which would be credited to the State General Fund. Any fiscal effect associated with HB 2129 is not reflected in *The FY 2024 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: Vicki Jacobsen, Judiciary
Jay Hall, Kansas Association of Counties