

January 25, 2024

The Honorable Stephen Owens, Chairperson
House Committee on Corrections and Juvenile Justice
300 SW 10th Avenue, Room 546-S
Topeka, Kansas 66612

Dear Representative Owens:

SUBJECT: Fiscal Note for HB 2487 by Representative Hoheisel, et al.

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2487 is respectfully submitted to your committee.

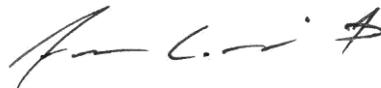
HB 2487 would provide immunity from criminal prosecution and any city ordinance or county resolution for individuals who initiate contact with law enforcement or emergency medical services and request medical assistance from the result of using a controlled substance, or for individuals who rendered aid to another person who reasonably appeared to need medical assistance as the result of the use of a controlled substance, or initiated contact with law enforcement or emergency medical services and requested medical assistance for another person. Immunity would not be applicable if there is a presumption of intent to distribute during the course of an arrest or search warrant, or lawful search. A person could not initiate action against a law enforcement officer based on officer's compliance or failure to comply with the provision of the bill. Except for cases of reckless or intentional misconduct, a law enforcement officer would be immune from liability for arresting a person who is later determined to be immune from prosecution from the provision of the bill.

The Kansas Commission on Peace Officers' Standards and Training (KSCPOST) states that its sole funding source is municipal court cost fees. The agency receives \$5.00 of each assessed court cost that is utilized to pay for its operating expenditures. Drug possession crimes, such as a first and second offenses for possession of marijuana as well as lysergic acid diethylamide (LSD) and drug paraphernalia, represent cases that could, under the bill, avoid prosecution and thus reduce KSCPOST revenues. The agency conservatively estimates that 5.0 percent of people charged with misdemeanor drug crimes would utilize the provisions of the bill, which would cause a reduction of approximately \$20,000 starting in FY 2025.

The Office of the Attorney General, the Kansas Bureau of Investigation, the Emergency Medical Services Board, the Office of Judicial Administration, and the Kansas Highway Patrol all state that the bill would not have a fiscal effect. Any fiscal effect associated with HB 2487 is not reflected in *The FY 2025 Governor's Budget Report*.

The Kansas Association of Counties states that it cannot estimate how often the provision of the bill would be used to avoid prosecution and what local resources would be used in those instances. Therefore, the Association cannot estimate a precise fiscal effect. The League of Kansas Municipalities states that enactment of the bill would require municipalities and law enforcement officers to develop and implement new procedures related to drug crimes. These added duties would require additional time and training which would increase expenditures. However, a precise estimate cannot be determined.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam C. Proffitt", with a stylized flourish at the end.

Adam C. Proffitt
Director of the Budget

cc: Sherry Macke, Kansas Highway Patrol
Paul Weisgerber, Kansas Bureau of Investigation
Joe House, Emergency Medical Services Board
Wendi Stark, League of Kansas Municipalities
Jay Hall, Kansas Association of Counties
Trisha Morrow, Judiciary
Doug Schroeder, Peace Officers Standards & Training
Ruth Glover, Human Rights Commission
William Hendrix, Office of the Attorney General