

February 4, 2025

CORRECTED

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

Dear Representative Humphries:

SUBJECT: Corrected Fiscal Note for HB 2131 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following corrected fiscal note concerning HB 2131 is respectfully submitted to your committee.

HB 2131 would enact the Pete Coones Memorial Act and would become part of the Kansas Code of Criminal Procedure. The bill would specify in any criminal prosecution, the prosecuting attorney would have to disclose their intent to introduce testimony of a jailhouse witness regarding statements made by a suspect or defendant while the witness and suspect or defendant were both incarcerated. The prosecuting attorney would be required to provide the defense the following:

1. The criminal history of the jailhouse witness, including any pending or dismissed criminal charges;
2. The jailhouse witness's cooperation agreement and any benefit that has been requested by, provided to, or would be provided in the future to the jailhouse witness;
3. The contents of any statement allegedly given by the suspect or defendant to the jailhouse witness and the contents of any statement given by the jailhouse witness to law enforcement regarding the statements allegedly made by the suspect or defendant, including the time and place statements were given;
4. Any information regarding the jailhouse witness recanting testimony or statements, including the time and place of the recantation, the nature of the recantation, and the names of the people present at the recantation; and
5. Any information concerning other criminal cases in which the testimony of the jailhouse witness was introduced or was intended to be introduced by a prosecuting attorney regarding statements made by a suspect or defendant, including any cooperation agreement and any benefit that the jailhouse witness received in such case.

The court could allow a prosecutor an extension of the time for compliance if the jailhouse witness was not known or the information could not be discovered or obtained by the prosecution exercising due diligence within such time period. The court could issue protective measures if it finds the jailhouse witness could be in danger of physical harm for disclosing information.

Prosecutors would be required to maintain a central record of any case in which testimony by a jailhouse witness is introduced or would be intended to be introduced by the prosecution regarding statements made by a suspect or defendant and the substance of such testimony and any benefit that has been requested by, provided to, or would be provided to a jailhouse witness in connection with testimony provided by the witness.

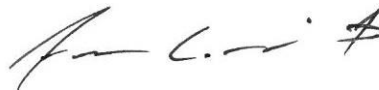
Prosecutors would have to forward information specified in the bill to the Kansas Bureau of Investigation (KBI). HB 2131 would require the KBI to maintain a statewide database that would not be subject to the Kansas Open Records Act and would be accessible only to prosecutors. This provision would expire on July 1, 2029, unless the Legislature acts to continue the provision. In the fiscal note originally issued, this provision was incorrectly reported as not being subject to expiration or review. Prosecutors would have to notify victims of any benefits provided to a jailhouse witness in connection with their testimony.

The KBI estimates additional expenditures of \$185,180 from the State General Fund in FY 2026 and \$32,320 in FY 2027 if the bill were enacted. The agency states it would leverage the existing security infrastructure of the Kansas Criminal Justice Information System (KCJIS) incurring incidental costs for security requirements of the system. The agency indicates prosecuting attorneys accessing the system could incur negligible costs if they are not already active users of KCJIS. The KBI would be able to expand on existing record management systems into the KCJIS infrastructure in order to fulfill the requirements of the bill.

Based on an estimate of no more than 600 prosecuting attorneys in the state, and possible low usage of the database, the KBI further estimates that no more than 50 concurrent users would be active in the system at any given time. At this level of licensing, the KBI estimates the initial cost for the database would be \$165,000 for licensing, with an additional cost of \$14,410 for training and installation, and \$5,770 for maintenance. The ongoing expense for system maintenance would be \$32,320 annually starting in FY 2027. The KBI states the \$185,180 cost could be scaled depending on the number of concurrent users needed for the database.

The Office of Judicial Administration states the bill's enactment could have a fiscal effect on Judicial Branch operations because the bill's provisions could extend the length of certain cases due to additional hearings and additional factors for the court to consider. The Office states a fiscal effect cannot be estimated until the Judicial Branch has had an opportunity to operate under the bill's provisions. Any fiscal effect associated with HB 2131 is not reflected in *The FY 2026 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam C. Proffitt", followed by a stylized flourish.

Adam C. Proffitt
Director of the Budget

cc: Trisha Morrow, Judiciary
Jay Hall, Kansas Association of Counties
Wendi Stark, League of Kansas Municipalities
Paul Weisgerber, Kansas Bureau of Investigation