



February 10, 2025

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

Dear Representative Humphries:

SUBJECT: Fiscal Note for HB 2349 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2349 is respectfully submitted to your committee.

HB 2349 would amend the Scrap Metal Theft Reduction Act. Law enforcement officers would be authorized to conduct investigations in violation of the Act and any investigative reports would be submitted to the Attorney General regardless of if local action is taken. If local enforcement action is taken, it would be reported to the Attorney General.

The bill would make it unlawful for any person to knowingly avoid reporting requirements, use a false description of items sold or purchased, conceal the identity of the seller, or accept items that are prohibited. A first violation would be a class B nonperson misdemeanor and a second or subsequent conviction would be class A nonperson misdemeanor. The bill would make it unlawful for a scrap metal dealer to purchase scrap metal if their license is suspended or revoked or if they have committed two or more violations of purchasing scrap metal without having proper registration. Violations of this type would be a class A nonperson misdemeanor. Municipalities would not be permitted to enact or enforce any ordinance, resolution, or regulation relating to the Act that is in conflict with the Act and any criminal or civil penalty would be required to be the same as the Act.

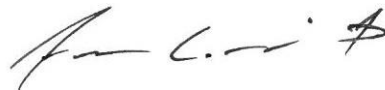
The Office of the Attorney General would require \$39,797 in FY 2026 and \$41,786 in FY 2027 from the State General Fund to finance a 0.50 Administrative Specialist position, including related operating expenditures. This position would review the local law enforcement's investigative reports and actions taken pertaining to violations of the Scrap Metal Theft Reduction Act.

The Office of Judicial Administration states that the bill could increase the number of cases filed in district courts because the bill creates new crimes. This would increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. Because these crimes carry misdemeanor penalties, there could also be more supervision of offenders required to be performed by court services officers. The bill could result in the collection of docket fees, fines, and supervision fees that would be deposited into the State General Fund. However, it is not possible to estimate the number of additional court cases that would arise or how complex and time-consuming they would be. Therefore, a fiscal effect cannot be estimated.

The Kansas Highway Patrol states that the bill would not have a fiscal effect. Any fiscal effect associated with HB 2349 is not reflected in *The FY 2026 Governor's Budget Report*.

The Kansas Association of Counties states that the bill could have a fiscal effect on counties depending on the cost associated with investigations and court proceedings. However, the Association cannot estimate a precise fiscal effect. The League of Kansas Municipalities states that the bill could have fiscal effect on cities depending on the number of violations and ordinances each city has in relation to the Act. However, the League states that any affect would be negligible.

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: Sherry Macke, Kansas Highway Patrol
Wendi Stark, League of Kansas Municipalities
Jay Hall, Kansas Association of Counties
Matt Bingesser, Office of the Attorney General
Trisha Morrow, Judiciary