

February 2, 2026

The Honorable Kellie Warren, Chairperson
Senate Committee on Judiciary
300 SW 10th Avenue, Room 346-S
Topeka, Kansas 66612

Dear Senator Warren:

SUBJECT: Fiscal Note for SB 326 by Senate Committee on Transportation

In accordance with KSA 75-3715a, the following fiscal note concerning SB 326 is respectfully submitted to your committee.

SB 326 would amend the statute governing officer certification requirements following a driving under the influence test failure. Under current law, when an officer administers an alcohol or drug test that results in a test failure, the certification must state there were reasonable grounds to believe the person was operating a vehicle while under the influence of alcohol, drugs, or both. The bill would add language allowing the certification to also state the officer had reasonable grounds to believe the person was attempting to operate a vehicle while under the influence. This would make test failure certifications consistent with existing language for test refusal certifications, which already include the “attempting to operate” language.

The Sentencing Commission estimates that enactment of SB 326 would have no effect on prison admissions or prison bed space. The Department of Corrections indicates that enactment of the bill would have no fiscal effect on the agency. The Board of Indigents Defense Services indicates that enactment of the bill would have a negligible fiscal effect on the agency.

The Judiciary indicates that enactment of the bill could increase the number of cases filed in district courts because it would expand covered conduct to include attempting to operate a vehicle while under the influence. This could increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. The bill could also result in the collection of docket fees and fines, which would be deposited into the State General Fund. However, the Judiciary states that a precise fiscal effect cannot be determined until the agency has

had an opportunity to operate under the bill's provisions. Any fiscal effect associated with SB 326 is not reflected in *The FY 2027 Governor's Budget Report*.

The League of Kansas Municipalities indicates that implementation of the bill would require municipalities and law enforcement officers to develop and implement new procedures related to driving under the influence, requiring additional time and training for law enforcement officers. However, a precise estimate of this fiscal effect cannot be determined at this time. The Kansas Association of Counties indicates that enactment of the bill would have no fiscal effect on counties.

Sincerely,



Adam C. Proffitt
Director of the Budget

cc: Ann Sagan, Board of Indigents Defense Services
Jennifer King, Department of Corrections
Scott Schultz, Kansas Sentencing Commission
Trisha Morrow, Judiciary
Jay Hall, Kansas Association of Counties
Wendi Stark, League of Kansas Municipalities