



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 346 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 346 is respectfully submitted to your committee.

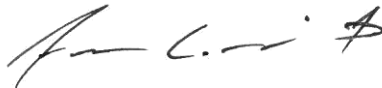
SB 346 would require courts to conduct a hearing to determine the merits of a case if a defendant to a civil action alleges that the action is an abusive civil action. The bill would set requirements for hearings that the court must follow, including evidentiary standards involving the creation of a rebuttable presumption. If the court finds by a preponderance of the evidence that the person filing a civil action is an abusive civil action plaintiff, the court would be required to dismiss the action, award reasonable attorney fees, and impose prefiling restrictions on any civil action the plaintiff attempts to file for a period of not less than 48 months but not more than 72 months. If the court finds by a preponderance of the evidence that the action is not an abusive civil action, the court would be required to grant certain legal remedies to the plaintiff.

If prefiling restrictions have been imposed as a result of finding a certain plaintiff to be abusive, the plaintiff would be allowed to appear before the court that imposed the restrictions to determine if a proposed civil action is or is not an abusive civil action. If the court determines a proposed civil action is abusive, the court would be required to dismiss the action. If the court determines a proposed civil action is not abusive, the court would be allowed to issue an order permitting the filing of the proposed civil action. The court would also be allowed to order a continuance or dismiss actions in cases in which it has determined that the plaintiff is attempting to add parties, amend the complaint, or commit other actions that the court believes would make the civil action an abusive action.

The bill would define “abusive civil action” to mean a civil action filed by a plaintiff against a defendant with whom the plaintiff shares a civil action party relationship primarily to harass or maliciously injure the defendant. The bill would define “civil action party relationship” to mean the plaintiff filing a civil action and the civil action defendant are adults who are current or former spouses, live together or have lived together, are related by blood or adoption, among other conditions. The bill would also define “harass or maliciously injure” to mean the civil action was filed with the intent to exhaust the defendant’s financial resources, prevent or interfere with the ability of a defendant to raise a child, or to force or coerce the defendant to make adverse concessions, among other conditions. The bill would take effect after its publication in the statute book.

The Office of Judicial Administration indicates enactment of the bill could increase expenditures of the Judicial Branch. The bill’s provisions would require the court to hold a hearing to determine if a case is an abusive civil action. New court procedures would need to be established as all action in the case would stop if a defendant would file a notice alleging the action is abusive. The court would also have to establish new procedures for district court clerks if a filer is deemed an abusive filer as they would be required to appear before a judge and get permission to file an action. If a permission is granted, the new filing would be required to include an attachment showing approval by a judge. The Office states that while it is difficult to determine how much additional judge and staff time the bill’s provisions would require, the new requirements could increase the workload of district court staff. However, a precise fiscal effect cannot be estimated. Any fiscal effect associated with SB 346 is not reflected in *The FY 2027 Governor’s Budget Report*.

Sincerely,

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

Adam C. Proffitt
Director of the Budget

cc: Trisha Morrow, Judiciary