

February 8, 2011

The Honorable Tim Owens, Chairperson
Senate Committee on Judiciary
Statehouse, Room 559-S
Topeka, Kansas 66612

Dear Senator Owens:

SUBJECT: Fiscal Note for SB 73 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 73 is respectfully submitted to your committee.

SB 73 relates to discovery in a criminal case. The substantive provisions of SB 73 are as follows:

1. Any property or material that constitutes a visual depiction of the sexual exploitation of a child would remain with the prosecution, law enforcement, or the court;
2. If the state makes property or material that constitutes a visual depiction reasonably available to the defendant, the court would deny the defendant's request to copy, photograph, duplicate, or reproduce such property or material submitted as evidence; and
3. Such property or material would be reasonably available if the prosecution provides ample opportunity for its inspection, viewing, and examination at a law enforcement facility by the defendant, the defendant's attorney, and any person the defendant may seek to qualify to furnish expert testimony at trial.

Passage of SB 73 would have no fiscal effect on the Judiciary.

Sincerely,



Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Mary Rinehart, Judiciary