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LARRY L. CAMPBELL, CHIEF BUDGET OFFICER

February 12, 2018

The Honorable Rick Wilborn, Chairperson
Senate Committee on Judiciary
Statehouse, Room 541-E
Topeka, Kansas 66612

Dear Senator Wilborn:

SUBJECT: Fiscal Note for SB 360 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 360 is respectfully submitted to your committee.

Under current law, public agencies may require a written request and advance payment of a fee for copies of public records. SB 360 would require public agencies to provide copies and would no longer require a written request; however, public agencies could charge copying fees prior to making copies. Copies of public records maintained on a computer would be added to the list of items that must be provided by a public agency if duplication equipment is available or the devices were shown or played at a public meeting.

Certain people specified in the bill, including next of kin, could request to listen to an audio or video recording made by a body camera or vehicle camera. SB 360 would require that law enforcement agencies comply with such a request within 24 hours.

SB 360 would also require law enforcement agencies to disclose audio and video made with a body camera or vehicle camera within five business days, if the officer used a firearm in the course of duty or used force that resulted in great bodily harm or death. Law enforcement agencies would be required to redact certain information and situations listed in the bill, but would be prohibited from redacting the identity of an officer after the investigation is concluded or after 270 days.

The Office of Judicial Administration states the provisions of SB 360 could increase the amount of time spent on cases filed in district courts and the number of appeals related to offenders convicted using audio or video recordings under the bill. The Office is unable to estimate how many cases would include additional arguments in the district or appellate courts as a result of police recordings, or whether enactment of the bill would result in the filing of additional appeals.

The Kansas Bureau of Investigation indicates any fiscal effect resulting from the enactment of SB 360 could be absorbed within existing resources.

The Office of the Attorney General states enactment of SB 360 could increase the number of requests for opinions interpreting the bill's provisions and the number of inquiries and complaints could increase, which could result in the need for additional staff attorneys and investigators. Additionally, there could be additional expenditures if a court case were to be filed. Any fiscal effect associated with SB 360 is not reflected in *The FY 2019 Governor's Budget Report*.

Both the League of Kansas Municipalities and the Kansas Association of Counties indicate local governments could face additional costs related to the storage of footage, attorney time for redaction reviewing, redaction equipment, staff time for footage review, and additional cybersecurity efforts to secure the data collected if SB 360 is enacted.

Sincerely,



Larry L. Campbell
Chief Budget Officer

cc: Melissa Wangemann, Kansas Association of Counties
Willie Prescott, Attorney General
Sherry Macke, Highway Patrol
Ashley Michaelis, Judiciary
Sheila Sawyer-Tyler, Kansas Bureau of Investigation
Chardae Caine, League of Kansas Municipalities