

February 22, 2019

The Honorable Russell Jennings, Chairperson
House Committee on Corrections and Juvenile Justice
Statehouse, Room 151-S
Topeka, Kansas 66612

Dear Representative Jennings:

SUBJECT: Fiscal Note for HB 2305 by Representative Holscher, et al.

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2305 is respectfully submitted to your committee.

HB 2305 would amend current law to require the Crime Victims Compensation Board to make available on its official website a method for submitting an online application to the Board. The bill would expand the reasons under which compensation could not be awarded unless an application has been filed within two years of reporting the incident to include seeking medical attention for the incident or filing a petition with a court for a protection order related to the incident, whichever is earlier.

The bill would add to the possibility of a compensation award if a claimant sought medical attention for the incident or filed a petition with a court for a protective order related to the incident. HB 2305 would remove the Board's option to deny, withdraw, or reduce a claim upon a finding that a claimant has not fully cooperated with law enforcement agencies related to the incident.

The Office of Attorney General states that its current systems do not offer a solution that allows for the local, secure handing of application data and the Office would have to put out a request for proposal to build a system that allows secure transmission and storage of applicant claims.

The Office indicates that allowing additional individuals to file claims by loosening reporting requirements and removing the requirement for cooperation with law enforcement could increase expenditures from the Crime Victims Compensation Fund; however, the Office cannot estimate a fiscal effect. Also, the agency notes the increased number of claims could increase the chance that the Board would be sued by claimants who were appealing the denial of their claims, which would incur legal expenses for the Office in defending the Board.

The Office estimates enactment of HB 2305 could jeopardize the state's federal funding for the Crime Victim Compensation Program because a requirement of receiving the federal funding is that the program must promote victim cooperation with reasonable requests of law enforcement. By repealing the law enforcement cooperation provision, the Office states it could put Kansas out of compliance. The state receives, through the federal Victims of Crime Act, a grant equal to 60.0 percent of the total awarded to victims from state funds in the previous federal fiscal year. In FY 2018, the Board received \$1.5 million in federal funding. Any fiscal effect associated with HB 2305 is not reflected in *The FY 2020 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink that reads "L. L. Campbell". The signature is written in a cursive style with a large initial "L" and a distinct "L" and "C" for the last name.

Larry L. Campbell
Director of the budget

cc: Willie Prescott, Office of the Attorney General
Janie Harris, Judiciary