

February 24, 2020

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

Dear Senator Wilborn:

**SUBJECT:** Fiscal Note for SB 445 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 445 is respectfully submitted to your committee.

SB 445 would prohibit attorney advertising beyond the scope of the Kansas Rules of Professional Conduct. The bill would also restrict the use or disclosure of protected health information to solicit individuals for legal services. Any violation for solicitation based upon protected health information would constitute an unlawful and deceptive trade practice. The bill would provide that use of protected health information to obtain a client would be a class A nonperson misdemeanor. Nothing in the bill would restrict the Kansas Supreme Court from regulating the practice of law or enforcing rules as it relates to attorneys.

The Office of Judicial Administration indicates that enactment of SB 445 could increase the number of cases filed in district courts because it creates a new crime. This would increase the amount of time judicial and nonjudicial personnel would spend processing, researching, and hearing cases. There could also be more time spent supervising offenders by Court Services Officers. The Office is unable to estimate the number of cases that could be filed, therefore a fiscal effect on the Judicial Branch cannot be determined. Any fiscal effect associated with SB 445 is not reflected in *The FY 2021 Governor's Budget Report*.

Sincerely,



Larry L. Campbell  
Director of the Budget

cc: Mary Rinehart, Judiciary