

January 31, 2022

The Honorable Kellie Warren, Chairperson
Senate Committee on Judiciary
Statehouse, Room 346-S
Topeka, Kansas 66612

Dear Senator Warren:

SUBJECT: Fiscal Note for SB 367 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 367 is respectfully submitted to your committee.

SB 367 would amend the procedures for seizure of property by law enforcement by specifying the following:

1. That property seized would be kept by the law enforcement agency and not the officer;
2. If no criminal charges are filed or prosecution is declined, the property must be returned to the rightful owner or disposed of;
3. An officer seizing the property under a search warrant must file a receipt with the magistrate who issued the search warrant instead of the magistrate before whom the person detained or arrested is taken to and a receipt may be filed electronically in a format and manner prescribed by the court;
4. Define “dangerous drugs” and “representative sample;”
5. Permit a sheriff designee to sell property at a public auction;
6. Require stolen or seized weapons be returned to the lawful owner unless there is no appropriate person to return the weapon, in which case the weapon would be returned to the person from whom it was seized;
7. Require a weapon seized from a juvenile to be returned to a parent or legal guardian;
8. Require law enforcement agencies to notify the person authorized to retrieve the weapon that the agency would not be returning the weapon if the person is prohibited by state or federal law from possessing the weapon;

9. Add a provision that an owner of a weapon who is prohibited by law from possessing the weapon may request the law enforcement agency transfer the weapon to a properly licensed federal firearm dealer designated by the owner or the owner may file a court action to request a court order to transfer the weapon as allowed by law; and
10. Make technical changes.

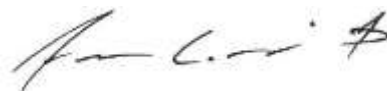
The Office of Judicial Administration states enactment of SB 367 could increase the number of cases filed in district court because it allows for court actions to be filed, which could result in more time spent by court employees and judges processing and deciding these cases. The Office estimates enactment of the bill could result in the collection of additional docket fees assessed in those cases filed under the bill's provisions. According to the Office, a fiscal effect cannot be estimated.

The Kansas Highway Patrol indicates that enactment of the bill would make it easier for the agency to return property to its lawful owner and would prevent the agency from having to purchase additional storage space and still allow the agency to keep necessary evidence for criminal prosecution or other pending litigation.

The Kansas Bureau of Investigation indicates enactment of the bill would not have a fiscal effect on agency operations. Any fiscal effect associated with SB 367 is not reflected in *The FY 2023 Governor's Budget Report*.

The League of Kansas Municipalities states enactment of the bill would have a fiscal effect on municipalities; however, the League does not have enough information to determine what the fiscal effect would be.

Sincerely,



Adam Proffitt
Director of the Budget

cc: Vicki Jacobsen, Judiciary
Paul Weisgerber, KBI
Wendi Stark, League of Municipalities
Sherry Macke, Highway Patrol