

February 22, 2023

The Honorable Kellie Warren, Chairperson
Senate Committee on Judiciary
300 SW 10th Avenue, Room 346-S
Topeka, Kansas 66612

Dear Senator Warren:

SUBJECT: Fiscal Note for SB 146 by Senator Holland

In accordance with KSA 75-3715a, the following fiscal note concerning SB 146 is respectfully submitted to your committee.

SB 146 would establish the Clergy Sexual Predator Reporting Act, or CLEAR Reporting Act. The bill would allow individuals to request an inquiry and investigation by the Attorney General by filing a statement under penalty of perjury, declaring that the person was a victim of or a witness to sexual abuse committed by a religion minister. If the Attorney General has reasonable grounds to believe that a crime has been committed based on the Attorney General's own inquiries or as a result of statements filed pursuant to the inquiry or investigation, the Attorney General must apply to a district judge to conduct an inquisition or petition for a state grand jury to be summoned. If the Attorney General is required to petition for a grand jury to be summoned, then the Attorney General would petition to the chief judge of any district court. The chief judge or their designee would then be required to order a grand jury that has jurisdiction to investigate and indict for crimes committed anywhere in the state to be summoned.

The bill does not specify what prosecutor would be expected to prosecute any charges resulting from the provisions of the bill. However, if the Office of the Attorney General would prosecute these cases, it would require the agency to hire 2.00 Assistant Attorney General FTE positions, 2.00 Investigator FTE positions, and 1.00 Administrative FTE position. The additional costs to hire the new positions would be \$544,218 from the State General Fund in FY 2024. Included in this amount is \$517,920 in salaries and wages and \$26,298 for office rent, information technology costs, professional licensing, training, and office furnishings and supplies.

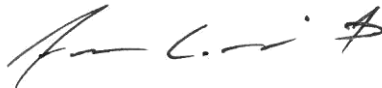
The Kansas Bureau of Investigation (KBI) currently has a special task force assigned to investigate complaints of sexual abuse committed by members of clergy. The employees assigned

to the task force would return to their original duties once the cases are concluded. If the Attorney General would direct the KBI to investigate cases based on SB 146, the KBI may need to formalize the task force and then additional positions and related costs would be needed from the State General Fund. However, because the KBI does not know the additional caseload it could be assigned, a fiscal effect cannot be estimated.

The Office of Judicial Administration states that SB 146 could create additional work for district court chief judges if the Attorney General requests to summon a grand jury, and criminal cases could be filed with the district court if the grand jury results in charges. However, a fiscal effect cannot be determined. Any fiscal effect associated with SB 146 is not reflected in *The FY 2022 Governor's Budget Report*.

The Kansas Association of Counties states that there could be some costs associated with court proceedings, but a fiscal effect cannot be determined. The League of Kansas Municipalities states that SB 146 would have no fiscal effect on cities.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt
Director of the Budget

cc: John Milburn, Office of the Attorney General
Vicki Jacobsen, Judiciary
Jay Hall, Kansas Association of Counties
Wendi Stark, League of Kansas Municipalities
Paul Weisgerber, Kansas Bureau of Investigation