

March 25, 2021

REVISED

The Honorable Mike Petersen, Chairperson
Senate Committee on Transportation
Statehouse, Room 345-S
Topeka, Kansas 66612

Dear Senator Petersen:

SUBJECT: Revised Fiscal Note for SB 305 by Senate Committee on Ways and Means

In accordance with KSA 75-3715a, the following revised fiscal note concerning SB 305 is respectfully submitted to your committee.

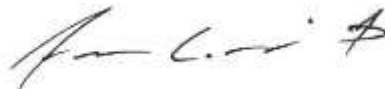
SB 305 would allow law enforcement agencies to collect captured license plate data and would require the data to be stored immediately and accessed only for a legitimate law enforcement purpose. The bill would prohibit the distribution of license plate data for commercial purposes and would allow law enforcement agencies to exchange data. The bill would allow law enforcement agencies to contract for license plate data storage and would require agencies to adopt and maintain certain policies and procedures. Captured license plate data would be required to be kept confidential and would not be subject to the Kansas Open Records Act until July 1, 2026. The bill would make knowingly using, obtaining, or attempting to obtain captured license plate data under false pretenses a class C nonperson misdemeanor.

Since the original fiscal effect statement was issued, the Office of Judicial Administration and the League of Kansas Municipalities have provided information on the fiscal effects of this bill. The Office of Judicial Administration indicates that enactment of the bill could increase the number of cases filed in district courts because it creates a new crime. This could increase the amount of time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. Since the crime would carry a misdemeanor penalty, the bill could also result in more supervision of offenders by court services officers. In addition, the bill could result in the collection of docket fees, supervision fees, and fines assessed in cases filed under the provisions of the bill. However, a fiscal effect cannot be determined because the number of additional cases cannot be estimated.

The Motor Carrier Troop of the Highway Patrol currently uses license plate readers and has policies and procedures in place with the company it contracts with for the collection, storage, and use of data. The Patrol indicates that the bill may require minimal adjustments to the policies and procedures but would have a fiscal effect that could be absorbed within existing resources. Any fiscal effect associated with SB 305 is not reflected in *The FY 2022 Governor's Budget Report*.

The Kansas Association of Counties indicates that enactment of the bill could increase costs for counties related to license plate data storage costs. However, a fiscal effect cannot be estimated. The League of Kansas Municipalities indicates the bill would have a negligible fiscal effect on cities to implement new procedures.

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: Sherry Macke, Highway Patrol
Wendi Stark, League of Municipalities
Jay Hall, Association of Counties
Debbie Thomas, Judiciary