

January 13, 2023

The Honorable Mike Petersen, Chairperson
Senate Committee on Transportation
300 SW 10th Avenue, Room 546-S
Topeka, Kansas 66612

Dear Senator Petersen:

SUBJECT: Fiscal Note for SB 2 by Senator Faust-Goudeau

In accordance with KSA 75-3715a, the following fiscal note concerning SB 2 is respectfully submitted to your committee.

SB 2 would allow someone whose driving privileges have been revoked for failure to comply with a traffic citation to submit a written request for restricted driving privileges to the Division of Motor Vehicles at the Department of Revenue. Individuals convicted for driving with a canceled, suspended, or revoked license more than three times would not qualify for restricted driving privileges. The Division of Motor Vehicles would be required to rescind restricted driving privileges if the individual is found guilty of a violation that results in a license suspension, revocation, or cancellation other than for failure to comply with a traffic citation. A person operating a motor vehicle in violation of the restrictions provided in the bill would be guilty of operating a vehicle in violation of restrictions on a driver's license or permit which carries a misdemeanor penalty.

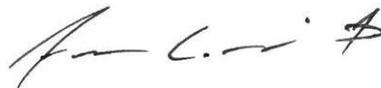
The Office of Judicial Administration indicates enactment of the bill could increase the number of cases filed in district courts because it creates a new crime. This could increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. Since this crime carries a misdemeanor penalty, there could also be more supervision of offenders required to be performed by court services officers. The Office also states that the bill could result in the collection of additional docket fees, probation fees and fines assessed under the provisions of the bill, most of which would be deposited in the State General Fund. However, a fiscal effect cannot be determined because the number of additional cases is unknown.

The Kansas Sentencing Commission indicates that enactment of SB 2 may decrease the number of prison beds needed, but the total cannot be determined. Under current law, individuals arrested for driving a motor vehicle while suspended, revoked, or canceled may be subject to a search. Those searches may produce evidence of felony violations, such as possession of a controlled substance or firearm. However, enactment of the bill would result in such drivers being considered to be legally operating a vehicle and therefore not subject to a search as a result of driving with a suspended, revoked, or cancelled driver's license. As a result, prison admissions and bed space may decrease because the number of searches may also decrease. However, an effect cannot be determined because the reduction in searches cannot be estimated. The current estimated available bed capacity is 9,428 for males and 936 for females. Based upon the Commission's most recent ten-year projection contained in its *FY 2023 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population will total 7,933 male and 764 female inmates in FY 2023 and 8,043 male and 740 female inmates in FY 2024.

The Department of Corrections indicates enactment of the bill would have a negligible fiscal effect on the agency that could be absorbed within existing resources.

The Department of Revenue indicates enactment of the bill would allow approximately 3,300 drivers to be eligible for a restricted license, but the bill would have no fiscal effect on the agency. Any fiscal effect associated with SB 2 is not reflected in *The FY 2024 Governor's Budget Report*.

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: Vicki Jacobsen, Judiciary
Randy Bowman, Department of Corrections
Scott Schultz, Sentencing Commission
Lynn Robinson, Department of Revenue