

January 24, 2024

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 361 by Senate Committee on Ways and Means

In accordance with KSA 75-3715a, the following fiscal note concerning SB 361 is respectfully submitted to your committee.

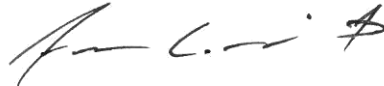
SB 361 would increase criminal penalties for a driver who leaves the scene of a deadly accident. Under current law, it is a severity level 5, person felony when a driver leaves the scene of an accident and knew or reasonably should have known that the accident resulted in injury or death. The bill would increase this penalty to a severity level 4, person felony if the accident resulted in the death of one person, and a severity level 3, person felony if the accident resulted in the death of more than one person.

The Board of Indigents' Defense Services indicates that the bill could increase agency expenditures on legal counsel and support staff. The Board estimates that a severity level 4, person felony requires 57 hours of direct case work by an attorney to provide constitutionally adequate representation, which is identical to the amount spent on the severity level 5, person felony cases charged under existing law. However, the Board indicates that severity level 3, person felony cases require 99 attorney work hours, on average. Therefore, each severity level 3, person felony case that is charged under the provisions of the bill would require the agency to perform 42 extra hours of casework. This would result in additional State General Fund expenditures of \$3,501 to \$5,040 per case, based on the rates of \$83.36 per hour for public defenders and \$120 per hour for assigned counsel. The Board indicates that it may require 1.00 new FTE attorney position and possibly additional support staff depending on the amount of additional work required by the bill.

The Judiciary indicates that enactment of the bill would have no fiscal effect on agency operations. The Department of Corrections indicates that the bill may increase agency operating

expenditures by a negligible amount that could be absorbed within existing resources. The Sentencing Commission indicates that the bill would result in one additional prison admission per year. Any fiscal effect associated with SB 361 is not reflected in *The FY 2025 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam C. Proffitt". The signature is fluid and cursive, with a large initial "A" and a stylized "P" at the end.

Adam C. Proffitt  
Director of the Budget

cc: Trisha Morrow, Judiciary  
Heather Cessna, Board of Indigents Defense Services  
Jennifer King, Department of Corrections  
Scott Schultz, Kansas Sentencing Commission