

January 27, 2014

The Honorable Jeff King, Chairperson
Senate Committee on Judiciary
Statehouse, Room 341-E
Topeka, Kansas 66612

Dear Senator King:

SUBJECT: Fiscal Note for SB 270 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 270 is respectfully submitted to your committee.

SB 270 would amend the Kansas Code of Criminal Procedure regarding rules for defendants who seek a mental status defense. The bill would impose new procedural requirements for the admission of expert evidence relating to a defendant's mental status and would require the court to order an additional expert examination upon motion of the prosecution when those requirements are met. Mental status would include, but not be limited to, mental disease or defect, voluntary intoxication, compulsion, use of force, or any other mental status of the defendant bearing on either the issue of intent or the issue of punishment in a capital case or an off-grid person felony case. All new procedural rules imposed under SB 270 would apply retroactively.

The Office of Judicial Administration indicates that SB 270 could increase the number of motions and issues to be decided in capital and off-grid felony cases being heard in the district courts, and the number of issues on appeal related to mental status defense. It is possible that some challenges to the provisions of the bill could occur which would increase the time spent by district and appellate courts deciding these issues; and, the retroactive application of these provisions could raise additional challenges. However, until the courts have an opportunity to operate with the provisions of SB 270 in place, an accurate estimate of the fiscal effect on expenditures by the Judicial Branch cannot be given. The Office of the Attorney General indicates that Kansas counties would incur additional costs to obtain expert examinations in mental status defense cases as a result of this bill. The extent of these additional costs is not known. The Kansas Sentencing Commission indicates that the bill would have no fiscal effect

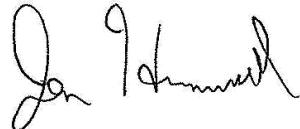
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on prison admissions or beds or the workload of the Commission. The Board of Indigents Defense Services estimates that SB 270 would have no fiscal effect on operating costs.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Hummell".

Jon Hummell,
Interim Director of the Budget

cc: Mary Rinehart, Judiciary
Willie Prescott, Attorney General's Office
Scott Schultz, Sentencing Commission