

February 27, 2013

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

Dear Senator King:

SUBJECT: Fiscal Note for SB 29 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 29 is respectfully submitted to your committee.

SB 29 would amend current law to define “profiling on the basis of ethnicity,” racial profiling or other biased policing,” and “routine investigatory activities.” Under current law, the “collection of data” means information collected after each traffic stop. The bill would change the definition to mean information collected “when a person is issued a citation as the result of a pedestrian or traffic stop.”

SB 29 would require certain data to be collected on citations beginning on and after July 1, 2013. The data collected on citations issued by Kansas law enforcement officers would be sent to the Kansas Bureau of Investigation (KBI) within 15 days after the citation is issued and compiled into a statewide citation database. The KBI would provide the Attorney General with compiled statewide citation data each month, which would be made available to the public and to law enforcement agencies. The data would be analyzed by statistical experts for patterns of racial profiling or other biased policing at least once every three months. The results would be posted on the official website of the Attorney General on and after December 31, 2013.

Law enforcement agencies or individual officers who need to correct their racial or other biased policing behavior would be contacted by the Attorney General’s Office within two weeks after a pattern of biased-based policing has been identified, as outlined in the bill. An annual report summarizing the types of citizen contacts and which law enforcement agencies needing to end their racial or other biased policing would be prepared by the Attorney General and submitted to the Legislature, Governor, and Kansas law enforcement agencies on or before January 10 of each year. Each annual report would be posted on the official website of the Attorney General.

Any law enforcement officer would provide, without being asked, the officer’s business card to any person whom the law enforcement officer has detained in a traffic or pedestrian stop.

The business card would include identifying information about the law enforcement officer including, but not limited to, the law enforcement officer’s name, division, precinct, badge or other identification number, and a telephone number that may be used to report any comments regarding the stop.

| Estimated State Fiscal Effect | | | | |
|-------------------------------|----------------|----------------------|----------------|----------------------|
| | FY 2013 SGF | FY 2013 All Funds | FY 2014 SGF | FY 2014 All Funds |
| Revenue | -- | -- | -- | -- |
| Expenditure | -- | -- | \$651,253 | \$682,253 |
| FTE Pos. | -- | -- | 15.00 | 15.00 |

The Kansas Bureau of Investigation (KBI) indicates it would need \$536,253 from the State General Fund for FY 2014 to implement SB 29. Of the total amount, \$390,000 would be for salaries and wages for 13.00 FTE clerical positions to enter citation data for the entire state; \$100,000 would be for database expansion and data entry; \$21,996 would be for office area work stations, chairs, and computers; \$21,657 would be for leasing office space; and \$2,600 would be for office supplies. For FY 2015 and future fiscal years, the agency would need \$414,257 from the State General Fund for annual costs to implement the provisions of SB 29. Of the total amount, \$390,000 would be for salaries and wages for 13.00 FTE clerical positions to enter citation data for the entire state, \$21,657 would be for leasing office space, and \$2,600 would be for office supplies.

The Attorney General notes that because of the number of citations and the complexity in interpreting the data in this specialized area, the agency would require an analyst with experience in racial and other biased-based policing, which necessitates going through the state bidding process to determine the actual costs of analyses by statistical experts. The Attorney General indicates it would need \$115,000 in FY 2014 from the State General Fund if SB 29 was enacted. Of the total amount, \$108,000 would be for salaries and wages for two Senior Administrative Assistant FTE positions to assist the statistical expert and \$7,000 for office supplies, including computers and furniture. For FY 2015 and future fiscal years, the agency indicates it would need \$110,700 from the State General Fund to carry out the provisions of SB 29. Of the total amount, \$108,000 would be for the two Senior Administrative Assistant FTE positions to continue to assist the statistical expert and \$2,700 for office supplies. Additional staff time would be required to fulfill the obligations of the Attorney General’s Office to post quarterly statistical analyses and annual reports on the agency’s website, according to the agency.

The Department of Revenue indicates that Alcoholic Beverage Control (ABC) agents would be required to provide data specified in the bill to the KBI and would require agents to provide to a person stopped or questioned by an agent a business card with specific information. The Department indicates it would need \$30,000 in FY 2014 for one-time costs from agency fee funds to develop an automated data collection and reporting process and \$1,000 would be needed for annual costs associated for annual forms and business cards.

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The League of Kansas Municipalities states enactment of SB 29 could have a significant fiscal effect upon Kansas cities with police departments. According to the League, the mandated expanded information gathering and reporting would result in manpower lost from regular policing duties. There may be the need for additional clerical staff to assist in the reporting requirements and data maintenance. Any fiscal effect associated with SB 29 is not reflected in *The FY 2014 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", written in a cursive style.

Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Linda Durand, KBI
Kim Torrey, Highway Patrol
Mary Rinehart, Judiciary
Willie Prescott, Attorney General's Office
Larry Baer, League of Kansas Municipalities