

March 9, 2015

The Honorable Gregory Smith, Chairperson
Senate Committee on Corrections and Juvenile Justice
Statehouse, Room 441-E
Topeka, Kansas 66612

Dear Senator Smith:

SUBJECT: Fiscal Note for SB 131 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 131 is respectfully submitted to your committee.

SB 131 would establish certain rights and privileges for law enforcement officers and correctional officers. The bill would create procedures and conditions for any interrogations of law enforcement officers and correctional officers who are under investigation. Complaint review boards would be composed of three members; however, five-member boards would be used for agencies or units that have more than 100 members. Board members must be law enforcement officers or correctional officers from any state, county or municipal agency within the county.

Every officer would have the right to bring civil suit against any person or organization for damages suffered during the performance of the officer's duties; for violations of the officer's civil rights; or for filing false complaints against the officer. Any punitive measures or other personnel actions that might result in the loss of pay or benefits may not be taken against any officer unless the officer is notified of the action and the reason for the action.

No disciplinary action could be undertaken against an officer if the investigation of the allegation is not completed within 180 days after the date the agency received notice of the allegation. Notice of the agency's intent to proceed with disciplinary actions must be provided to officers within 180 days after the date the agency received notice of the alleged misconduct.

The bill would not apply to law enforcement or correctional agencies whose officers are represented by a union; have a board of review; have an internal affairs department; or are facing corrective action that would not result in loss of rank, suspension or termination.

The Kansas Highway Patrol (KHP) indicates that it would incur labor and supply costs to compile all required materials and documents needed for any law enforcement officer who might

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be under investigation. There would also be capital outlay expenses for 12 audio recording devices that would need to be placed in each troop office to meet the interrogation requirements in the bill. KHP notes that there could be staffing costs associated with law enforcement officers who would be required to serve on a complaint review board rather than performing regular law enforcement duties. However, the total fiscal effect for the Kansas Highway Patrol is difficult to estimate because the number of investigations, disciplinary actions and individuals who would serve on a complaint board is unknown.

The Department of Corrections and local governments would incur similar expenditures to prepare and provide information for investigations and to manage periodic shift vacancies from staff that would be required to serve on complaint boards. However, the Department, the League of Kansas Municipalities and the Kansas Association of Counties are unable to estimate the precise fiscal effects from SB 131 on their respective correctional or law enforcement agencies. Any fiscal effect associated with SB 131 is not reflected in *The FY 2016 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

cc: Jeremy Barclay, DOC