

March 5, 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 146 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 146 is respectfully submitted to your committee.

SB 146 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 146 would require certain data to be collected on citations beginning on and after July 1, 2015. 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 within two weeks after each analysis is completed.

Law enforcement agencies or individual officers who need to correct 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 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 by January 15 of each year.

Any law enforcement officer would be required to 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 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.

The KBI indicates it would need \$1,312,955 from the State General Fund for FY 2016 to implement SB 146. Of the total amount, \$615,391 would be for salaries and wages for 15.00 FTE positions to enter citation data and for storage and maintenance of data and reports; \$525,000 would be for database expansion and data entry; \$97,587 would be for office area work stations, chairs, and computers; \$50,000 would be for software maintenance; and \$24,977 would be for leasing office space. For FY 2017 and future fiscal years, the agency would need \$690,368 from the State General Fund for annual costs to implement the provisions of SB 146. Of the total amount, \$615,391 would be for salaries and wages for 15.00 FTE positions to enter citation data for the entire state and for storage and maintenance of data and reports; \$50,000 would be for software maintenance; and \$24,977 would be for leasing office space. The Division of the Budget considers the fiscal estimate prepared by the KBI to be excessive. Although it is understandable that the agency would want to be prepared for the implementation of SB 146, it appears that the estimate includes more FTE positions as well as more operating expenditures than would be necessary.

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 \$138,164 in FY 2016 from the State General Fund if SB 146 was enacted. Of the total amount, \$120,161 would be for salaries and wages for 2.00 FTE positions, a statistical expert to analyze data and a senior administrative assistant to assist the statistical expert and \$18,003 would be for office supplies, rent, and to set up an online reporting system. For FY 2017 and future fiscal years, the agency indicates it would need \$129,499 from the State General Fund to carry out the provisions of SB 146. Of the total amount, \$120,161 would be for salaries and wages for 2.00 FTE positions, a statistical expert to analyze data and a senior administrative assistant to assist the statistical expert and \$9,338 would be for office supplies and rent.

The Kansas Highway Patrol estimates additional expenditures of \$61,935 from agency fee funds in FY 2016. Of this amount, \$26,935 would be for business cards, \$25,000 would be for changes to the agency's database, and \$10,000 would be for changes to the agency's printed citation and other operating expenditures. For FY 2017 and future fiscal years, the agency estimates additional expenditures of \$31,935. Of that amount, \$26,935 would be for business cards and \$5,000 would be for software maintenance.

The Honorable Gregory Smith, Chairperson
March 5, 2015
Page 3—SB 146

The League of Kansas Municipalities states enactment of SB 146 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 146 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: Larry Baer, League of Municipalities
Melissa Wangemann, Association of Counties
Kim Torrey, Highway Patrol
Mary Rinehart, Judiciary
Shelia Sawyer-Tyler, KBI
Willie Prescott, Attorney General's Office
Gary Steed, Peace Officers
Ruth Glover, Human Rights Commission