

January 19, 2017

The Honorable Rick Wilborn, Chairperson
Senate Committee on Judiciary
Statehouse, Room 541-E
Topeka, Kansas 66612

Dear Senator Wilborn:

SUBJECT: Fiscal Note for SB 10 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 10 is respectfully submitted to your committee.

Current law prescribes an expedited process for determining the validity of a lien or claim placed against property when the owner of the property believes the lien or claim to be fraudulent. SB 10 would amend the process for any lien or claim that has been set aside by requiring the court's finding of fact and conclusions of law to include an order prohibiting the person who filed the lien or claim from filing any future lien or claim without the approval of the court that enters the order.

The bill would also make it unlawful for any person to present to a recorder of record for filing in any public record a lien or claim against the property of a public official, when the person knows or reasonably should have known that the lien or claim is false or contains materially false, fictitious, or fraudulent representation. Any violation would be classified as a severity level 8, nonperson felony. A public official would be defined as any person who is a public officer, candidate for public office, or public employee.

The Office of Judicial Administration indicates SB 10 could have the potential to decrease expenditures and revenues related to civil lien or claim filings, and increase expenditures and revenues related to criminal filings. However, any fiscal effect that may result with the passage of this bill is expected to be negligible. The Kansas Sentencing Commission indicates the new crime created in this bill would have no immediate impact on prison

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admissions and beds. The Commission indicates the bill would affect the probation population, but a precise estimate cannot be determined because no data exists upon which an estimate would be based. Further, the Commission estimates any increase in the journal entry workload of the Commission would be negligible.

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: Ashley Michaelis, Judiciary