

March 6, 2017

The Honorable Jacob LaTurner, Chairperson  
Senate Committee on Federal and State Affairs  
Statehouse, Room 136-E  
Topeka, Kansas 66612

Dear Senator LaTurner:

**SUBJECT:** Fiscal Note for SB 128 by Senator Haley

In accordance with KSA 75-3715a, the following fiscal note concerning SB 128 is respectfully submitted to your committee.

Under current law, if an offender's crime is motivated, entirely or in part, by the race, color, religion, ethnicity, national origin, or sexual orientation of the victim, including the mere perception or belief that the victim has these traits, this may be used as an aggravating factor when a judge imposes an upward departure from the presumptive sentence prescribed in the Kansas Criminal Code. SB 128 would remove this motivation as a general aggravating factor, and place it within the statute governing sentencing for nondrug crimes, to allow for longer sentences to be imposed. The new penalties that may be imposed for a hate crime under the provisions of SB 128 are listed below:

1. If the underlying crime carries a presumptive term of imprisonment, the sentence would be double the maximum duration of the presumptive term;
2. If the underlying crime carries a presumptive nonprison term, the sentence would be presumptive imprisonment for double the maximum duration of the presumptive imprisonment term; and
3. If the underlying crime is off-grid, the sentence would be double the sentence prescribed by law for the crime.

SB 128 would also require the Attorney General to collect and disseminate data on criminal acts that demonstrate prejudice on the basis of race, color, religion, ethnicity, national origin, sexual orientation or disability. Law enforcement agencies would be required to report such information to the Attorney General on a monthly basis. The Attorney General would also be required to train all law enforcement officers in identifying, responding to, and reporting those criminal acts using curriculum developed and certified by the Kansas Commission on Peace Officers' Standards and Training.

Estimated State Fiscal Effect				
	FY 2018 SGF	FY 2018 All Funds	FY 2019 SGF	FY 2019 All Funds
Revenue	--	--	--	--
Expenditure	\$183,283	\$183,283	\$157,283	\$157,283
FTE Pos.	--	2.00	--	2.00

The Office of the Attorney General estimates SB 128 would increase its expenditures by \$183,283 in FY 2018 and \$157,283 in FY 2019 for 1.00 Trainer FTE position and 1.00 Secretary II FTE position to provide annual training to 435 law enforcement agencies in Kansas. This estimate includes annual expenses for office rent, travel, vehicle maintenance, parking, information technology services, professional licensing, publications, training, office supplies and printing. The FY 2018 estimate also includes one-time costs totaling \$26,000 for office furnishings, a new vehicle, computer equipment, and to setup an online reporting system. The agency indicates the costs to draft rules and regulations for reporting could be absorbed within existing resources. The Office of Judicial Administration indicates SB 128 would increase its revenues from docket fees and expenditures for time spent by judicial and nonjudicial staff processing, researching, and hearing additional cases and appeals, but an estimate cannot be provided.

The Kansas Commission on Peace Officers' Standards and Training indicates SB 128 would increase its expenditures related to developing and certifying the curriculum the Office of the Attorney General would use to train all law enforcement officers in identifying, responding to, and reporting the crimes specified in the bill, but is unable to provide an estimate of costs. If the Kansas Law Enforcement Training Center (KLETC) were required to train the more than 8,000 Kansas law enforcement officers on the new curriculum specified in SB 128, the agency indicates additional resources would be required beyond its normal operating budget. However, KLETC indicates the development of a new hate crimes curriculum could be accomplished with existing staff and resources.

The Kansas Sentencing Commission and the Department of Corrections indicate SB 128 would increase prison admissions and beds, and the journal entry workload of the Commission.

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An estimate cannot be provided. The Kansas Association of Counties and the League of Kansas Municipalities indicate SB 128 could have a fiscal effect on units of local government. Any fiscal effect associated with SB 128 is not reflected in *The FY 2018 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: Ashley Michaelis, Judiciary  
Scott Schultz, Sentencing Commission  
Willie Prescott, Office of the Attorney General  
Brock Ingmire, League of Municipalities  
Melissa Wangemann, Association of Counties  
Kim Torrey, Highway Patrol  
Shelia Sawyer-Tyler, KBI