

March 20, 2023

The Honorable Fred Patton, Chairperson
House Committee on Judiciary
300 SW 10th Avenue, Room 582-N
Topeka, Kansas 66612

Dear Representative Patton:

SUBJECT: Fiscal Note for HB 2352 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2352 is respectfully submitted to your committee.

HB 2352 would specify that a plaintiff's attorney would have the burden of proving beyond a reasonable doubt that the interest in the property is subject to forfeiture. The bill would also clarify that if the state proves that the interest in the property is subject to forfeiture, the court would be required to make a determination of liability.

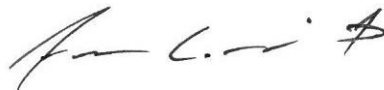
The Kansas Highway Patrol estimates additional expenditures of \$324,511 from the Kansas Highway Patrol Operations Fund in FY 2024, along with an additional 3.00 FTE positions if the bill is enacted. The Patrol indicates if the agency is required to prove beyond a reasonable doubt that seized property is subject to forfeiture, the costs of investigation and prosecution would increase. The additional \$324,511 would be to hire three additional Criminal Intelligence Analyst FTE positions in FY 2024. The Division of the Budget notes that the Kansas Highway Patrol Operations Fund receives its revenue from a transfer from the State Highway Fund of the Kansas Department of Transportation. If expenditures are increased by \$324,511, there would also need to be a corresponding transfer increase of the same amount in FY 2024.

The Office of Judicial Administration estimates enactment of HB 2352 would have a negligible fiscal effect on the operations of the Judicial Branch. The Office of the Attorney General indicates the bill's enactment would result in fewer forfeiture cases being filed, which would reduce the amount of funds that would be made available to law enforcement and other agencies, including the Attorney General. The Office is unable to estimate a fiscal effect at this time. The Kansas Bureau of Investigation indicates enactment of the bill would not have a fiscal

effect on agency operations. Any fiscal effect associated with HB 2352 is not reflected in *The FY 2024 Governor's Budget Report*.

The League of Kansas Municipalities states there could be a fiscal effect on cities; however, the League is unable to estimate what that fiscal effect would be.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", followed by a stylized flourish or symbol.

Adam Proffitt
Director of the Budget

cc: Vicki Jacobsen, Judiciary
Sherry Macke, Highway Patrol
Paul Weisgerber, Kansas Bureau of Investigation
John Milburn, Office of the Attorney General