

February 16, 2021

The Honorable Kellie Warren, Chairperson
Senate Committee on Judiciary
Statehouse, Room 441B-E
Topeka, Kansas 66612

Dear Senator Warren:

SUBJECT: Fiscal Note for SB 74 by Senator Holland

In accordance with KSA 75-3715a, the following fiscal note concerning SB 74 is respectfully submitted to your committee.

SB 74 would establish the Clergy Sexual Predator Reporting Act, or CLEAR Reporting Act. The bill would allow individuals to request an inquiry and investigation by the Attorney General by filing a statement under penalty of perjury, declaring that the person was a victim of or a witness to sexual abuse committed by a religion minister. If the Attorney General has reasonable grounds to believe that a crime has been committed based on the Attorney General's own inquiries or as a result of statements filed pursuant to the inquiry or investigation, the Attorney General must apply to a district judge to conduct an inquisition or petition for a state grand jury to be summoned. If the Attorney General is required to petition for a grand jury to be summoned, then the Attorney General would petition to the chief judge of any district court. The chief judge or their designee would then be required to order a grand jury that has jurisdiction to investigate and indict for crimes committed anywhere in the state to be summoned.

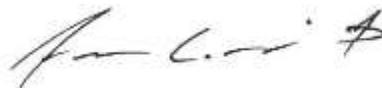
Estimated State Fiscal Effect				
	FY 2021 SGF	FY 2021 All Funds	FY 2022 SGF	FY 2022 All Funds
Revenue	--	--	--	--
Expenditure	--	--	\$159,925	\$159,925
FTE Pos.	--	--	1.00	1.00

The bill does not specify what prosecutor would be expected to prosecute any charges resulting from the provision of the bill. However, if the Office of the Attorney General would prosecute these cases, it would require the agency to hire 1.00 Assistant Attorney General FTE position that specializes in sexual abuse cases. The additional costs to hire the new position would be \$159,925 from the State General Fund in FY 2022. Included in this amount is \$130,999 in salaries and wages and \$28,926 for office rent, travel expenses, information technology costs, professional licensing and training, and office furnishings and supplies. The agency states there may be additional investigative or grand jury costs if the bill were enacted, but this fiscal effect cannot be estimated because the number of cases that would be filed is unknown.

The Kansas Bureau of Investigation (KBI) currently has a special task force assigned to investigate complaints of sexual abuse committed by members of clergy. The employees assigned to the task force would return to their original duties once the cases are concluded. If the Attorney General would direct the KBI to investigate cases based on SB 74, the KBI may need to formalize the task force and then additional positions and related costs would be needed from the State General Fund. However, because the KBI does not know the additional caseload it could be assigned, a fiscal effect cannot be estimated.

The Office of Judicial Administration states that SB 74 could create additional work for district court chief judges if requested to summon a grand jury or inquisition results from charges; however, a fiscal effect cannot be determined. Any fiscal effect associated with SB 74 is not reflected in *The FY 2022 Governor's Budget Report*. The Kansas Association of Counties states that there could be some costs associated with court proceedings, but a fiscal effect cannot be determined. The League of Kansas Municipalities states that SB 74 would have no fiscal effect on cities.

Sincerely,



Adam Proffitt
Director of the Budget

cc: Wendi Stark, League of Municipalities
Jay Hall, Association of Counties
Debbie Thomas, Judiciary
Willie Prescott, Office of the Attorney General