

February 1, 2024

The Honorable Kellie Warren, Chairperson
Senate Committee on Judiciary
300 SW 10th Avenue, Room 346-S
Topeka, Kansas 66612

Dear Senator Warren:

SUBJECT: Fiscal Note for SB 341 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 341 is respectfully submitted to your committee.

SB 341 would allow someone whose driving privileges have been revoked for failure to comply with a traffic citation to submit a written request for restricted driving privileges to the Division of Motor Vehicles at the Department of Revenue. Individuals convicted for driving with a canceled, suspended, or revoked license more than three times would not qualify for restricted driving privileges. Restricted driving privileges that are approved would remain in effect until the remainder of the period that the person's driving privileges were revoked or three years from the date the restricted driving privileges were approved, whichever is shorter. The Division of Motor Vehicles would be required to rescind restricted driving privileges if the individual is found guilty of a violation that results in a license suspension, revocation, or cancellation other than for failure to comply with a traffic citation. A person operating a motor vehicle in violation of the restrictions provided in the bill would be guilty of operating a vehicle in violation of restrictions on a driver's license or permit which carries a misdemeanor penalty. The bill would add going to or returning from dropping off or picking up one or more children from school or childcare as an allowable action under restricted driving privileges. The bill would limit the assessment of reinstatement fees to a single \$100 fee instead of the \$100 fee charged for each charge.

The Judiciary indicates enactment of SB 341 could increase the number of cases filed in district courts because it creates a new crime. This could increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. Since this crime carries a misdemeanor penalty, there could also be more supervision of offenders required to be performed by court services officers. The Judiciary indicates the bill could result in the collection of fewer driver's license reinstatement fees, most of which would be deposited in the State General Fund.

The Kansas Sentencing Commission indicates that enactment of the bill may decrease the number of prison beds needed, but the total cannot be determined. Under current law, individuals

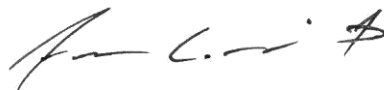
arrested for driving a motor vehicle while suspended, revoked, or canceled may be subject to a search. Those searches may produce evidence of felony violations, such as possession of a controlled substance or firearm. However, enactment of the bill would result in such drivers being considered to be legally operating a vehicle and therefore not subject to a search as a result of driving with a suspended, revoked, or cancelled driver's license. As a result, prison admissions and beds may decrease because the number of searches may also decrease. However, an effect cannot be determined because the reduction in searches cannot be estimated. The current estimated available bed capacity is 9,668 for males and 932 for females. Based upon the Commission's most recent ten-year projection contained in its *FY 2024 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population will total 8,556 male and 828 female inmates in FY 2024 and 8,847 male and 870 female inmates in FY 2025.

The Department of Corrections indicates the bill could result in the collection of fewer driver's license reinstatement fees that are partially distributed to the Juvenile Alternatives to Detention Fund. However, any reduction in receipts to the Juvenile Alternatives to Detention Fund would likely be minimal and would not have an impact on agency operations.

The Kansas Department for Aging and Disability Service indicates the bill could result in the collection of fewer driver's license reinstatement fees that are partially distributed to the Community Alcoholism and Intoxication Programs Fund. However, the amount of the reduction of driver's license reinstatement fees as a result of the bill are unknown.

The Department of Revenue indicates enactment of the bill would allow approximately 3,363 drivers to be eligible for a restricted driver's license. The Department indicates the bill could result in the collection of fewer driver's license reinstatement fees that are partially distributed to the Division of Vehicles Operating Fund. However, the amount of the reduction of driver's license reinstatement fees as a result of the bill are unknown. The Department indicates that the bill would require \$1,250 from the State General Fund in FY 2025 to implement the bill, including additional training, testing, and to modify the driver's licensing system. The required programming for this bill by itself would be performed by existing staff of the Department of Revenue. Any fiscal effect associated with SB 341 is not reflected in *The FY 2025 Governor's Budget Report*.

Sincerely,



Adam C. Proffitt
Director of the Budget

cc: Lynn Robinson, Department of Revenue
Trisha Morrow, Judiciary
Scott Schultz, Kansas Sentencing Commission
Jennifer King, Department of Corrections
Leigh Keck, Department for Aging & Disability Services