

Office of the Attorney General

Administration Division

Consequences of Not Funding this Program

The office management functions of the Kansas Attorney General's office would not take place.

| Statutory Basis | Mandatory vs. Discretionary | MOE/Match Requirement | Priority Level |
|--------------------------|------------------------------------|------------------------------|-----------------------|
| Kan. Const., Art. 1, § 1 | Mandatory | No | 1 |

Program Goals

A. To provide timely and accurate information to the Legislature and the public on legal matters affecting the state, and to provide for the effective servicing of citizen advisory groups. Kan. Const., art. 1, § 1. Objective #1: To inform and educate the electronic and print news media about the Office of the Kansas Attorney General, the actions and activities of the Attorney General as they relate to matters of public interest, and laws of the State of Kansas.

B. To provide timely and accurate information to the Legislature and the public on legal matters affecting the state, and to provide for the effective servicing of citizen advisory groups. Kan. Const., art. 1, § 1. Objective #2: Discuss and prepare, in a timely manner, accurate information for testimony to or for meetings with the Kansas Legislature.

Program History

The Administration Division provides communications and day-to-day office management of the agency.

Performance Measures

| <i>Output Measures</i> | <i>Goal</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3- yr. Avg.</i> |
|--|-------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|--------------------|
| | | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Est.</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| 1. Number of formal releases of opinions, news, information and the Attorney General's consumer protection advice | A | 290 | 298 | 252 | 275 | 241 | 250 | 250 | 264 |
| 2. Percentage of fiscal note inquiries responded to in a timely manner | B | 98% | 98% | 99% | 100% | 100% | 100% | 100% | 99% |
| 3. Number of fiscal note inquiries responded to in a timely manner | B | 79 | 63 | 99 | 65 | 53 | 75 | 60 | 72 |
| 4. Number of brochures, documents, reports, media releases, videos, and other informational materials created or made available on the agency website. | B | 6,731 | 7,618 | 8,512 | 9,400 | 9,366 | 10,250 | 11,100 | 8,499 |

Funding

| <i>Funding Source</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3-yr. Avg.</i> |
|-----------------------|----------------|----------------|----------------|-----------------|----------------|----------------|----------------|-------------------|
| | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Approved</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| State General Fund | \$ 82,600 | \$ 1,995 | \$ 1,521 | \$ 1,860 | \$ 309 | \$ - | \$ - | \$ 1,275 |
| Non-SGF State Funds | 554,668 | 759,370 | 671,465 | 785,241 | 848,842 | 978,685 | 980,990 | 759,892 |
| Federal Funds | 151,406 | 141,347 | 85,261 | - | 139,952 | 62,500 | 62,500 | 122,187 |
| | \$ 788,673 | \$ 902,713 | \$ 758,248 | \$ 787,101 | \$ 989,103 | \$ 1,041,185 | \$ 1,043,490 | \$ 883,354 |
| FTE | 8.98 | 8.98 | 8.98 | 8.98 | 8.98 | 8.98 | 8.98 | 8.98 |

Office of the Attorney General

Fiscal

Consequences of Not Funding this Program

The agency would need to rely on Department of Administration resources to accomplish these day-to-day tasks.

| Statutory Basis | Mandatory vs. Discretionary | MOE/Match Requirement | Priority Level |
|--------------------------|------------------------------------|------------------------------|-----------------------|
| Kan. Const., Art. 1, § 1 | Mandatory | No | 1 |

Program Goals

To provide skilled and comprehensive administrative support to the Office of the Kansas Attorney General. K.S.A. 75-709, 75710, 75311175 -3717, 75-3729, 75-3736; 75-4701 et seq.; 75-5501 et seq.; and amendments thereto.

A. Prepare and present the annual budget and support it before the Division of Budget, Governor and Legislature. Monitor administration of the approved

B. Provide timely, detailed, and accurate fiscal services in accordance with the budget plan.

C. Acquire necessary goods and services, including adequate office facilities and motor vehicles of appropriate quality and quantity, within established funding, in a timely manner and at competitive prices. Purchases are made in accordance with state purchasing guidelines and contracts.

Program History

Fiscal provides budgetary and financial support for the agency.

Performance Measures

| <i>Output Measures</i> | | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | |
|---|-------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|--------------------|
| | <i>Goal</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Est.</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | <i>3- yr. Avg.</i> |
| <i>Output Measures</i> | | | | | | | | | |
| 1. Number of Programs and subprograms addressed in the strategic plan through goals, objectives, strategies, outcome and output measurements. | A | 45 | 47 | 48 | 49 | 50 | 51 | 52 | 48 |
| 2. Number of transactions processed | B | 11989 | 10,948 | 10,089 | 10,250 | 10,929 | 11,000 | 11,250 | 10,655 |

Funding

| <i>Funding Source</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | |
|-----------------------|----------------|----------------|----------------|-----------------|----------------|----------------|----------------|-------------------|
| | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Approved</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | <i>3-yr. Avg.</i> |
| State General Fund | \$ 10,405 | \$ 600 | \$ 300 | \$ 255 | \$ 50 | \$ - | \$ - | \$ 317 |
| Non-SGF State Funds | 175,142 | 200,618 | 200,080 | 262,275 | 258,608 | 289,641 | 292,227 | 219,769 |
| Federal Funds | - | - | - | - | - | 5,000 | 5,000 | - |
| | \$ 185,547 | \$ 201,218 | \$ 200,380 | \$ 262,530 | \$ 258,658 | \$ 294,641 | \$ 297,227 | \$ 220,085 |
| FTE | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 | 2.8 |

Office of the Attorney General

Information Technology

Consequences of Not Funding this Program

The agency would need to rely on Department of Administration and Office of Information and Technology Services resources to accomplish these day-to-day tasks.

| Statutory Basis | Mandatory vs. Discretionary | MOE/Match Requirement | Priority Level |
|--------------------------|------------------------------------|------------------------------|-----------------------|
| Kan. Const., Art. 1, § 1 | Mandatory | No | 1 |

Program Goals

A. To provide skilled and comprehensive administrative support to the Office of the Kansas Attorney General. K.S.A. 75-709, 75710, 75311175 -3717, 75-3729, 75-3736; 75-4701 et seq.; 75-5501 et seq.; and amendments thereto.

Program History

The Information Technology Division provides information technology related support for the agency.

Performance Measures

There are no performance measures for this program.

Funding

| <i>Funding Source</i> | <i>FY 2019 Actuals</i> | <i>FY 2020 Actuals</i> | <i>FY 2021 Actuals</i> | <i>FY 2022 Approved</i> | <i>FY 2022 Actuals</i> | <i>FY 2023 Est.</i> | <i>FY 2024 Est.</i> | <i>3-yr. Avg.</i> |
|-----------------------|----------------------------|----------------------------|----------------------------|-----------------------------|----------------------------|-------------------------|-------------------------|-------------------|
| State General Fund | \$ 34,388 | \$ 1,275 | \$ 675 | \$ 720 | \$ 138 | \$ - | \$ - | \$ 696 |
| Non-SGF State Funds | 185,284 | 343,202 | 378,639 | 401,599 | 446,911 | 500,540 | 505,009 | 389,584 |
| Federal Funds | - | - | - | | 3,445 | 5,000 | 5,000 | 1,148 |
| | \$ 219,672 | \$ 344,477 | \$ 379,314 | \$ 402,319 | \$ 450,494 | \$ 505,540 | \$ 510,009 | \$ 391,428 |
| FTE | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 |

Office of the Attorney General

Human Resources

Consequences of Not Funding this Program

The agency would need to rely on Department of Administration resources to accomplish these day-to-day tasks.

| Statutory Basis | Mandatory vs. Discretionary | MOE/Match Requirement | Priority Level |
|--------------------------|------------------------------------|------------------------------|-----------------------|
| Kan. Const., Art. 1, § 1 | Mandatory | No | 1 |

Program Goals

A. To provide skilled and comprehensive administrative support to the Office of the Kansas Attorney General. K.S.A. 75-709, 75710, 75311175 -3717, 75-3729, 75-3736; 75-4701 et seq.; 75-5501 et seq.; and amendments thereto. Objective #2: To ensure that the Office of the Kansas Attorney General is staffed with competent and qualified employees, to maintain a quality work environment for those employees and to ensure that federal and state employment laws are adhered to concerning the hiring, firing, discipline, and treatment of employees who work in the Office of the Kansas Attorney General.

Program History

Human Resources supports the staff of the agency.

Performance Measures

| <i>Outcome Measures</i> | <i>Goal</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3-yr. Avg.</i> |
|---|-------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|-------------------|
| | | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Est.</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| 1. Number of openings for which applications for employment are processed | A | 45 | 41 | 37 | 45 | 43 | 55 | 45 | 40 |

Funding

| <i>Funding Source</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3-yr. Avg.</i> |
|-----------------------|----------------|----------------|----------------|-----------------|----------------|----------------|----------------|-------------------|
| | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Approved</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| State General Fund | \$ 6,042 | \$ 50 | \$ - | \$ 165 | \$ - | | | \$ 17 |
| Non-SGF State Funds | 93,092 | 99,214 | 99,578 | 148,064 | 157,374 | 176,259 | 177,833 | 118,722 |
| Federal Funds | - | - | - | - | - | 2,500 | 2,500 | - |
| | \$ 99,134 | \$ 99,264 | \$ 99,578 | \$ 148,229 | \$ 157,374 | \$ 178,759 | \$ 180,333 | \$ 118,739 |
| FTE | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 | 2.1 |

Office of the Attorney General

Criminal Litigation Division (Kansas Intelligence Fusion Center)

Consequences of Not Funding this Program

The risk to Kansas posed by these threats will be undetermined if Kansas is left to depend on increasingly insufficient federal efforts that are not focused on Kansas Security concerns. Adequate threat and risk analysis will not be performed by federal agencies in support of Kansas security efforts leaving the state unaware of threats, with an understanding of the veracity of perceived threats and with no intelligence support to develop defensive/mitigation strategies. Law enforcement and HLS entities in Kansas will be left without vetting and dissemination of national level threat reporting, and no capacity to support effective access to classified threat reporting by cleared leadership. Threats will go undetected by increasingly insufficient federal efforts that are increasingly overwhelmed and cannot build the local, state and infrastructure relationships necessary to identify local threat activity in Kansas. Threats will go undetected by increasingly insufficient federal efforts that are increasingly overwhelmed and excessively bureaucratic and simply not focused on Kansas Security concerns.

Table with 4 columns: Statutory Basis, Mandatory vs. Discretionary, MOE/Match Requirement, Priority Level. Values: K.S.A. 48-3701 through 3710, Mandatory, No, 1

Program Goals

A. The Kansas Intelligence Fusion Center Act (K.S.A. 48-3701 et seq.) establishes the Kansas Intelligence Fusion Center as part of the Adjutant General's department. The attorney general is tasked with chairing and providing administrative support of the Kansas Intelligence Fusion Center Oversight Board as well as assigning an attorney to serve as privacy and civil liberties counsel to the Center and appointing a Deputy Director for law enforcement. Objective #1: To support the work of the Kansas Intelligence Fusion Center through providing appropriate oversight, legal counsel and liaison with the law enforcement community.

Program History

The Kansas Intelligence Fusion Center (KIFC) was established with legislative authority through the appropriations process and by executive action of the governor, the adjutant general and the attorney general. The KIFC put in place careful provisions to ensure the protection of civil liberties and has continued to work closely with appropriate federal agencies to break down silos and ensure that information related to threats to our homeland receives the appropriate analysis. The Kansas approach to operating its fusion center has been noticed nationally as a model that ensures effectiveness in intelligence sharing while ensuring that the focus remains on homeland security issues and protecting civil liberties.

Performance Measures

There are no performance measures for this program.

Office of the Attorney General

Funding

| <i>Funding Source</i> | <i>FY 2019 Actuals</i> | <i>FY 2020 Actuals</i> | <i>FY 2021 Actuals</i> | <i>FY 2022 Approved</i> | <i>FY 2022 Actuals</i> | <i>FY 2023 Est.</i> | <i>FY 2024 Est.</i> | <i>3-yr. Avg.</i> |
|-----------------------|----------------------------|----------------------------|----------------------------|-----------------------------|----------------------------|-------------------------|-------------------------|-------------------|
| State General Fund | \$ 57,864 | \$ 59,948 | \$ 64,358 | \$ 65,583 | \$ 64,768 | \$ 73,746 | \$ 74,625 | \$ 63,025 |
| Non-SGF State Funds | - | 1,984 | 510 | 132 | 477 | - | - | \$ 990 |
| Federal Funds | - | - | - | - | - | - | - | \$ - |
| | \$ 57,864 | \$ 61,932 | \$ 64,868 | \$ 65,715 | \$ 65,245 | \$ 73,746 | \$ 74,625 | \$ 64,015 |
| FTE | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 |

Office of the Attorney General

COVID

Consequences of Not Funding this Program

N/A

| <u>Statutory Basis</u> | <u>Mandatory vs. Discretionary</u> | <u>MOE/Match Requirement</u> | <u>Priority Level</u> |
|------------------------|------------------------------------|------------------------------|-----------------------|
|------------------------|------------------------------------|------------------------------|-----------------------|

Program Goals

N/A

Program History

Performance Measures

There are no performance measures for this program.

Funding

| <i>Funding Source</i> | <i>FY 2019 Actuals</i> | <i>FY 2020 Actuals</i> | <i>FY 2021 Actuals</i> | <i>FY 2022 Approved</i> | <i>FY 2022 Actuals</i> | <i>FY 2023 Est.</i> | <i>FY 2024 Est.</i> | <i>3-yr. Avg.</i> |
|-----------------------|----------------------------|----------------------------|----------------------------|-----------------------------|----------------------------|-------------------------|-------------------------|-------------------|
| State General Fund | \$ - | \$ 182 | \$ 2,236 | \$ - | \$ - | \$ - | \$ - | \$ 806 |
| Non-SGF State Funds | - | 20,557 | (11,144) | - | - | - | - | 3,138 |
| Federal Funds | - | 57,111 | 95,009 | - | - | - | - | 50,707 |
| | \$ - | \$ 77,850 | \$ 86,101 | \$ - | \$ - | \$ - | \$ - | \$ 54,650 |
| FTE | -- | -- | -- | -- | -- | -- | -- | -- |

Office of the Attorney General

Solicitor's Division

Consequences of Not Funding this Program

See respective program tabs for specific consequences of each program.

| <u>Statutory Basis</u> | <u>Mandatory vs. Discretionary</u> | <u>MOE/Match Requirement</u> | <u>Priority Level</u> |
|------------------------------|------------------------------------|------------------------------|-----------------------|
| See respective program tabs. | Mandatory | No | 1 |

Program Goals

A. K.S.A. 75-764 requires that notice be provided to the Attorney General or prosecuting attorney, as appropriate, when the validity of a Kansas law is challenged on grounds that the law violates the state constitution, federal constitution, or federal law. All notices sent to the Attorney General are directed to the Solicitor Division for handling. Objective #1: Review and recommend for possible intervention or litigation or appellate support all Notices of Constitutional Challenges received by the OAG pursuant to K.S.A. 75-764 and Supreme Court Rules 11.01, 147, and 148.

B. K.S.A. 75-764 requires that notice be provided to the Attorney General or prosecuting attorney, as appropriate, when the validity of a Kansas law is challenged on grounds that the law violates the state constitution, federal constitution, or federal law. All notices sent to the Attorney General are directed to the Solicitor Division for handling. Objective #2: When appropriate, file all necessary motions to intervene and required related pleadings in support of the constitutionality of Kansas laws under challenge in district or appellate courts.

C. Support the traditional role of the Attorney General in providing the Governor advice about the legal sufficiency of extradition documents and when requested by the Governor, investigating demands made upon the Governor by the executive authorities of other states for the surrender of a person in this state who has been charged with a crime in another state. Objective #1: Provide legal assistance to the Governor of Kansas for extradition of fugitives who have taken asylum in Kansas and to county and district attorneys of other states when the State of Kansas is requesting the return of fugitives from justice.

D. Build and sustain a team of appellate attorneys who can efficiently, effectively, and ethically represent the State of Kansas in criminal direct appeals and collateral appeals before state and federal appellate courts. K.S.A. 75-702, K.S.A. 75-703, K.S.A. 75-764, and amendments thereto; K.S.A. 60-1501, K.S.A. 60-1507, 28 U.S.C. § 2241 et seq. and amendments thereto; Memorial Hospital Ass'n, Inc. v. Knutson, 239 Kan. 663, 667-68, 772 P.2d 1093 (1986). Objective #5: Provide for the defense of the State, its agencies and employees in collateral appeals and petitions for state habeas corpus relief filed pursuant to K.S.A. 60-1501 and 1507 by individuals held in the custody of State institutions.

Office of the Attorney General

Program History

The Solicitor Division was created as a free-standing Division within the Office of Attorney General at the beginning of FY 2017. The Division as it now stands was made up of components that were housed within the Administration, Civil Litigation, and Criminal Litigation Divisions of the OAG. Within the Solicitor Division are housed four programs: Civil Appeals, Criminal Appeals, Contracted County Criminal Appeals, and Review of Notices of Constitutional Challenges. Civil Appeals: In FY 2017 the new freestanding Solicitor Division was established with two Civil appeals attorneys. Criminal Appeals: Starting with Fiscal Year 2017, the Criminal Appeals program was folded into the new freestanding Solicitor Division. Contracted County Appeals: In 2014, the Attorney General was granted new statutory authority to allow the attorney general's office to enter into contracts with county and district attorneys to handle the appeals from locally prosecuted criminal cases. Commencing in FY 2015 the OAG began contracting with County and District Attorneys to handle their criminal appeals. Participation has grown each year and interest has been expressed by several additional counties. Review of Notices of Constitutional Challenges: New Section 1 of 2016 Senate Bill 334, codified at K.S.A 75-764, requires that notice be provided to the Attorney General or prosecuting attorney, as appropriate, when the validity of a Kansas law is challenged on grounds that the law violates the state constitution, federal constitution, or federal law. All notices sent to the Attorney General are directed to the Solicitor Division for handling. Extraditions: In 2021, this responsibility was transferred to the Solicitor Division from the Criminal Division.

Performance Measures

| <i>Output Measures</i> | <i>Goal</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3- yr. Avg.</i> |
|--|-------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|--------------------|
| | | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Est.</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| 1. Notices Received and Reviewed by the Solicitor Division | A | 104 | 173 | 109 | 150 | 85 | 150 | 150 | 122 |
| 2. Cases in which Interventions or Other Relevant Pleadings are filed by the Solicitor Division pursuant to K.S.A. 2016 Supp. 75-764 | B | 5 | 4 | 4 | 5 | 5 | 5 | 5 | 4 |
| 3. Extradition requests processed. | C | 138 | 144 | 139 | 130 | 171 | 130 | 130 | 151 |

Funding

| <i>Funding Source</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3-yr. Avg.</i> |
|-----------------------|----------------|----------------|----------------|-----------------|----------------|----------------|----------------|-------------------|
| | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Approved</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| State General Fund | \$ 59,753 | \$ 26,987 | \$ 3,713 | \$ 15,740 | \$ 2,474 | \$ 10,000 | \$ 10,000 | \$ 11,058 |
| Non-SGF State Funds | 137,930 | 132,879 | 111,368 | 94,244 | 87,741 | 94,676 | 95,870 | 110,663 |
| Federal Funds | - | - | - | - | - | - | - | - |
| | \$ 197,683 | \$ 159,866 | \$ 115,081 | \$ 109,984 | \$ 90,215 | \$ 104,676 | \$ 105,870 | \$ 121,721 |
| FTE | 1.35 | 1.35 | 1.35 | 1.35 | 1.35 | 1.35 | 1.35 | 1.35 |

Office of the Attorney General

Solicitor's Division (Criminal)

Consequences of Not Funding this Program

Failure to respond to criminal appeals may result in the reversal of the underlying conviction to the detriment of public safety. A failure to file a responsive brief in an appeal of a habeas corpus petition may result in the release of the person imprisoned. A failure to participate in criminal appeals may result in the reversal of the underlying conviction to the detriment of public safety. A failure to respond to a habeas corpus petition may result in the release of the person imprisoned. A failure to respond to criminal appeals may result in the release of the reversal of the underlying conviction to the detriment of public safety. The state's legal interests may be unheard by cases in which the State is not a party.

Table with 4 columns: Statutory Basis, Mandatory vs. Discretionary, MOE/Match Requirement, Priority Level. Row 1: K.S.A. 75-702, 75-704; K.S.A. 22-3612; K.S.A. 60-1501, 60-1507; K.S.A. 75-108; Supreme Court Rule 6.10.; 28 U.S.C. §§2241 and 2254. Mandatory, No, 1

Program Goals

- A. Build and sustain a team of appellate attorneys who can efficiently, effectively, and ethically represent the State of Kansas in criminal direct appeals and collateral appeals before state and federal appellate courts.
B. Build and sustain a team of appellate attorneys who can efficiently, effectively, and ethically represent the State of Kansas in criminal direct appeals and collateral appeals before state and federal appellate courts.
C. Build and sustain a team of appellate attorneys who can efficiently, effectively, and ethically represent the State of Kansas in criminal direct appeals and collateral appeals before state and federal appellate courts.

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D. Build and sustain a team of appellate attorneys who can efficiently, effectively, and ethically represent the State of Kansas in criminal direct appeals and collateral appeals before state and federal appellate courts. K.S.A. 75-702, K.S.A. 75-703, K.S.A. 75-764, and amendments thereto; K.S.A. 60-1501, K.S.A. 60-1507, 28 U.S.C. § 2241 et seq. and amendments thereto; Memorial Hospital Ass'n, Inc. v. Knutson, 239 Kan. 663, 667-68, 772 P.2d 1093 (1986). Objective #4: Provide for the defense of the State of Kansas, its agencies and employees in all petitions for federal habeas corpus relief filed pursuant to 28 U.S.C. §§ 2241 and 2254 by individuals held in the custody of State institutions.

E. Build and sustain a team of appellate attorneys who can efficiently, effectively, and ethically represent the State of Kansas in criminal direct appeals and collateral appeals before state and federal appellate courts. K.S.A. 75-702, K.S.A. 75-703, K.S.A. 75-764, and amendments thereto; K.S.A. 60-1501, K.S.A. 60-1507, 28 U.S.C. § 2241 et seq. and amendments thereto; Memorial Hospital Ass'n, Inc. v. Knutson, 239 Kan. 663, 667-68, 772 P.2d 1093 (1986). Objective #5: Provide for the defense of the State, its agencies and employees in collateral appeals and petitions for state habeas corpus relief filed pursuant to K.S.A. 60-1501 and 1507 by individuals held in the custody of State institutions.

F. Build and sustain a team of appellate attorneys who can efficiently, effectively, and ethically represent the State of Kansas in criminal direct appeals and collateral appeals before state and federal appellate courts. K.S.A. 75-702, K.S.A. 75-703, K.S.A. 75-764, and amendments thereto; K.S.A. 60-1501, K.S.A. 60-1507, 28 U.S.C. § 2241 et seq. and amendments thereto; Memorial Hospital Ass'n, Inc. v. Knutson, 239 Kan. 663, 667-68, 772 P.2d 1093 (1986). Objective #6: Utilize well-trained and resourced appellate attorneys to provide efficient, effective, and ethical legal advice and assistance to county and district attorneys in appellate and other post-conviction practice before the state courts.

G. Build and sustain a team of appellate attorneys who can efficiently, effectively, and ethically represent the State of Kansas in criminal direct appeals and collateral appeals before state and federal appellate courts. K.S.A. 75-702, K.S.A. 75-703, K.S.A. 75-764, and amendments thereto; K.S.A. 60-1501, K.S.A. 60-1507, 28 U.S.C. § 2241 et seq. and amendments thereto; Memorial Hospital Ass'n, Inc. v. Knutson, 239 Kan. 663, 667-68, 772 P.2d 1093 (1986). Objective # 7: Provide efficient, effective, and ethical legal advice concerning whether to join criminal amicus curiae briefs, and when in the best interests of the State, draft criminal amicus curiae briefs for cases before the United States Supreme Court or other appellate courts, and when advisable before trial courts.

Program History

Criminal Appeals: Starting with Fiscal Year 2017, the Criminal Appeals program was folded into the new freestanding Solicitor Division.

Office of the Attorney General

Performance Measures

| <i>Output Measures</i> | <i>Goal</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3- yr. Avg.</i> |
|--|-------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|--------------------|
| | | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Est.</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| 1. State appellate briefs completed and filed | A | 14 | 26 | 28 | 30 | 22 | 30 | 30 | 25 |
| 2. Appellate briefs completed and filed in the 10th Circuit | B | 3 | 0 | 3 | 2 | 1 | 2 | 2 | 1 |
| <i>Additional Measures as Necessary</i> | | | | | | | | | |
| 3. U.S. Supreme Court petitions and briefs completed | C | 5 | 5 | 0 | 3 | 2 | 3 | 3 | 2 |
| 4. Federal habeas corpus cases answered | D | 10 | 21 | 20 | 15 | 27 | 15 | 15 | 23 |
| 5. Number of K.S.A. 60-1501 & 60-1507 cases and other post-conviction attacks opened | E | 5 | 7 | 5 | 7 | 5 | 7 | 7 | 6 |
| 6. Number of appellate briefs submitted to this office by local prosecutors for review and approval as to form and legal substance | F | 649 | 618 | 438 | 500 | 304 | 500 | 500 | 453 |
| 7. Number of criminal amicus briefs reviewed and acted on by the Agency | G | 15 | 13 | 9 | 17 | 9 | 17 | 17 | 10 |

Funding

| <i>Funding Source</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3-yr. Avg.</i> |
|-----------------------|----------------|----------------|----------------|-----------------|----------------|----------------|----------------|-------------------|
| | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Approved</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| State General Fund | \$ 381,440 | \$ 377,399 | \$ 456,897 | \$ 456,450 | \$ 350,074 | \$ 255,387 | \$ 247,536 | \$ 394,790 |
| Non-SGF State Funds | 53,570 | 96,149 | 86,394 | 72,495 | 91,320 | 311,728 | 319,390 | 91,288 |
| Federal Funds | 690 | 1,028 | 155 | 3,000 | 447 | 3,145 | 3,145 | 543 |
| | \$ 435,700 | \$ 474,576 | \$ 543,446 | \$ 531,945 | \$ 441,841 | \$ 570,260 | \$ 570,071 | \$ 486,621 |
| FTE | 2.0 | 2.0 | 2.0 | 2.0 | 2.0 | 2.0 | 2.0 | 2.0 |

Office of the Attorney General

Solicitor's Division (Civil)

Consequences of Not Funding this Program

Other programs would have to be discontinued to provide funding for this program. The state's legal interests may be unheard by cases in which the State is not a party. The state's legal and sovereign interests may be harmed by the unchallenged implementation of unlawful or unwarranted federal administrative rulemaking. The Sexually Violent Predator (SVP) unit of the Civil Division would need to be expanded to handle all the SVP appeals within the unit.

Table with 4 columns: Statutory Basis, Mandatory vs. Discretionary, MOE/Match Requirement, Priority Level. Values: K.S.A. 75-702; 75-710, 75-108, 75-6108, 75-6116; Mandatory; No; 1

Program Goals

- A. Build and sustain a team of appellate attorneys that can efficiently, effectively, and ethically represent the State of Kansas in civil appeals before state and federal appellate courts. K.S.A. 75-702 and 75-764. For civil appeals cases initiated by, retained, or referred to the Solicitor Division for action at the appellate court level, ensure that each and every action is handled professionally, competently, and ethically.
B. Build and sustain a team of appellate attorneys that can efficiently, effectively, and ethically represent the State of Kansas in civil appeals before state and federal appellate courts. K.S.A. 75-702 and 75-764. Objective # 2: Provide efficient, effective, and ethical legal advice concerning whether to join civil amicus curiae briefs, and when in the best interests of the State, draft civil amicus curiae briefs for cases before the United States Supreme Court or other appellate courts, and when advisable before trial courts.
C. Build and sustain a team of appellate attorneys that can efficiently, effectively, and ethically represent the State of Kansas in civil appeals before state and federal appellate courts. K.S.A. 75-702 and 75-764. Objective # 3: When in the best interests of the State, provide civil litigation support, including the handling of specialized litigation or the drafting of motions and dispositive pleadings.
D. Build and sustain a team of appellate attorneys that can efficiently, effectively, and ethically represent the State of Kansas in civil appeals before state and federal appellate courts. K.S.A. 75-702 and 75-764. Objective # 4: When in the best interests of the State, file petitions for review of federal administrative actions, including the drafting of motions, briefs, and presentation of oral argument.

Program History

Civil Appeals: In FY 2017 the new freestanding Solicitor Division was established with two Civil appeals attorneys

Office of the Attorney General

Performance Measures

| <i>Output Measures</i> | <i>Goal</i> | <i>FY 2019 Actuals</i> | <i>FY 2020 Actuals</i> | <i>FY 2021 Actuals</i> | <i>FY 2022 Previous Est.</i> | <i>FY 2022 Actuals</i> | <i>FY 2023 Est.</i> | <i>FY 2024 Est.</i> | <i>3- yr. Avg.</i> |
|--|-------------|----------------------------|----------------------------|----------------------------|--------------------------------------|----------------------------|-------------------------|-------------------------|--------------------|
| 1. Number of new appellate cases filed (Does not include continuing appellate cases or amicus cases the OAG is involved in or appeals handled exclusively in any other Division of the office) | A | 21 | 21 | 27 | 30 | 33 | 30 | 30 | 27 |
| 2. Number of civil amicus briefs reviewed and acted on by the Agency | B | 113 | 120 | 116 | 120 | 149 | 120 | 120 | 128 |
| <i>Additional Measures as Necessary</i> | | | | | | | | | |
| 3. Number of civil amicus briefs drafted by the Agency | B | 2 | 2 | 1 | 3 | 1 | 3 | 3 | 1 |
| 4. Number of civil cases handled or assisted by the civil Assistant Solicitors General and/or Chief Deputy | C | 25 | 20 | 23 | 20 | 24 | 20 | 20 | 22 |
| 5. Number of civil petitions for review filed, handled or assisted by the civil Assistant Solicitors General and/or Chief Deputy | D | 5 | 8 | 5 | 5 | 1 | 5 | 5 | 5 |

Funding

| <i>Funding Source</i> | <i>FY 2019 Actuals</i> | <i>FY 2020 Actuals</i> | <i>FY 2021 Actuals</i> | <i>FY 2022 Approved</i> | <i>FY 2022 Actuals</i> | <i>FY 2023 Est.</i> | <i>FY 2024 Est.</i> | <i>3-yr. Avg.</i> |
|-----------------------|----------------------------|----------------------------|----------------------------|-----------------------------|----------------------------|-------------------------|-------------------------|-------------------|
| State General Fund | \$ 214,301 | \$ 322,874 | \$ 385,427 | \$ 314,793 | \$ 332,069 | \$ 348,672 | \$ 351,172 | \$ 346,790 |
| Non-SGF State Funds | 231,670 | 267,255 | 180,306 | 222,629 | 159,590 | 185,000 | 185,000 | 202,384 |
| Federal Funds | - | - | - | - | - | - | - | - |
| | \$ 445,971 | \$ 590,129 | \$ 565,733 | \$ 537,422 | \$ 491,659 | \$ 533,672 | \$ 536,172 | \$ 549,174 |
| FTE | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 | 3.5 |

Office of the Attorney General

Solicitor's Division (Criminal Appeals)

Consequences of Not Funding this Program

Absent the contracted appeals program, there is increased risk of inconsistent case law results and positions by elements of the state before the state appellate courts. The appellate expertise brought to bear by the Solicitor Division also increases the likelihood that dangerous criminals will be brought to justice.

| <u>Statutory Basis</u> | <u>Mandatory vs. Discretionary</u> | <u>MOE/Match Requirement</u> | <u>Priority Level</u> |
|--|------------------------------------|------------------------------|-----------------------|
| K.S.A. 75-702, 75-704; K.S.A. 22-3612; Supreme Court Rule 6.10 | Mandatory | No | 1 |

Program Goals

A. By contracting with County and District Attorneys around the State, build, deploy, and sustain a team of appellate attorneys that can efficiently, effectively, and ethically represent the State of Kansas in criminal direct appeals and collateral appeals before state and federal appellate courts to achieve efficiency and uniformity. K.S.A. 75-702, K.S.A. 75-703, K.S.A. 75-764, and amendments thereto; K.S.A. 601501, K.S.A. 60-1507, 28 U.S.C. § 2241 et seq. and amendments thereto; Memorial Hospital Ass'n, Inc. v. Knutson, 239 Kan. 663, 66768, 772 P.2d 1093 (1986). Objective #1: Contract with County and District Attorneys across the state to handle criminal appeals on behalf of the county for the entire Fiscal Year for a pre-set fee with a goal toward achieving efficiency, economies of scale, and greater uniformity in the handling of the State's criminal appellate work.

Program History

Contracted County Appeals: In 2014, the Attorney General was granted new statutory authority to allow the attorney general's office to enter into contracts with county and district attorneys to handle the appeals from locally prosecuted criminal cases. Commencing in FY 2015 the OAG began contracting with County and District Attorneys to handle their criminal appeals.

Performance Measures

| <i>Output Measures</i> | <i>Goal</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3- yr. Avg.</i> |
|---|-------------|----------------|----------------|----------------|----------------------|----------------|----------------|----------------|--------------------|
| | | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Previous Est.</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| 1. Number of counties under contract for appellate services | A | 34 | 37 | 41 | 40 | 44 | 40 | 40 | 41 |
| 2. Number of state appellate briefs completed and filed | A | 149 | 187 | 128 | 150 | 135 | 150 | 150 | 150 |

Funding

Office of the Attorney General

| <i>Funding Source</i> | <i>FY 2019 Actuals</i> | <i>FY 2020 Actuals</i> | <i>FY 2021 Actuals</i> | <i>FY 2022 Approved</i> | <i>FY 2022 Actuals</i> | <i>FY 2023 Est.</i> | <i>FY 2024 Est.</i> | <i>3-yr. Avg.</i> |
|-----------------------|----------------------------|----------------------------|----------------------------|-----------------------------|----------------------------|-------------------------|-------------------------|-------------------|
| State General Fund | \$ - | \$ 851 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 284 |
| Non-SGF State Funds | 314,670 | 305,744 | 298,402 | 304,481 | 312,406 | 262,654 | 264,084 | 305,517 |
| Federal Funds | - | - | - | - | 78 | - | - | 26 |
| | \$ 314,670 | \$ 306,595 | \$ 298,402 | \$ 304,481 | \$ 312,484 | \$ 262,654 | \$ 264,084 | \$ 305,827 |
| FTE | 3.6 | 3.6 | 3.6 | 3.6 | 3.6 | 3.6 | 3.6 | 3.6 |

Office of the Attorney General

Fraud and Abuse Litigation Division (Prosecutions)

Consequences of Not Funding this Program

Local prosecutors will be required to prosecute cases without any assistance on complex cases requiring an enormous amount of time and resource commitment. This will return us to a time when these cases were not prosecuted by local law enforcement due to complexity, case load, and/or a lack of interest. There will be no central resource to to effectively, consistently, and ethically litigate complex financial cases. Victims may not recieve justice and defendants may escape being held accountable for their actions simply due to the type of crime they choose to commit.

Table with 4 columns: Statutory Basis, Mandatory vs. Discretionary, MOE/Match Requirement, Priority Level. Row 1: Kan. Constitution, Article 1, § 1; K.S.A. 22-2202(q), 75-702, 75-704, 75-708 and amendments thereto; State ex rel Stephan v. Reynolds, 234 Kan. 574, 673 P.2d 1188 (1984). Mandatory, No, 1.

Program Goals

A. Provide efficient, effective, and ethical enforcement of the applicable criminal statutes pertaining to general white collar crimes, insurance fraud, securities fraud, and cases generated by the Kansas Department of Revenue. Kan. Constitution, Article I, § 1; K.S.A. 22-2202(17), K.S.A. 75-108, K.S.A. 75-702, K.S.A. 75-708, and amendments thereto; State ex rel. Stephan v. Reynolds, 234 Kan. 574, 673 P.2d 1188 (1984), K.S.A. 40-113 and amendments thereto, K.S.A. 17-12a508 and amendments thereto. Objective #1: Review and prosecute white collar crimes, insurance fraud, securities fraud, and cases generated by the Kansas Department of Revenue.

B. To investigate and prosecuted criminal offenses identified by 2022 SB 84 which identify offenses related to wagering, unauthorized gambling, and violations of the Kansas Expanded Lottery Act 2022 SB 84.

Program History

Pursuant to statute, the Attorney General’s office has historically prosecuted criminal cases of all kinds around the state in coordination with local county and district attorneys. This function was traditionally conducted within the confines of the Criminal Litigation Division. In January of 2013, the Attorney General moved prosecution of white collar crimes to the Consumer Protection Division. By transferring criminal white collar cases to the Consumer Protection Division, these cases no longer had to compete with homicides and child sex cases for resources.

Office of the Attorney General

Program History (Continued)

Prosecution of white collar crimes continued within the Consumer Protection Division until July 1, 2016. In July 2016, K.S.A.75-723 was amended to allow for the Attorney General to assist in the investigation and prosecution of cases involving abuse, neglect, or exploitation of adults. This required the ANE unit to be removed from the Victim Services Division. At that time, the Attorney General made a decision to create a new division titled Fraud and Abuse Litigation Division. The purpose of doing this was not just to provide a home for the ANE unit, but also to fulfill a broader vision regarding the prosecution of cases involving a financial component. The intent of the Fraud and Abuse Litigation Division is to be a statewide resource assisting local authorities in investigating and prosecuting very difficult cases involving vulnerable adults. In addition to providing direct investigation and prosecution resources, the division also provides an educational resource to lawyers, law enforcement, and the general public.

In 2017, the Attorney General supported the passage of Senate Bill 23. This new legislation relocated existing prosecution resources from the Office of the Securities Commissioner and the Kansas Insurance Department to the Attorney General's Office. These resources are now located within the Fraud and Abuse Litigation Division. In March of 2018, the Attorney General's Office entered into agreement with the Kansas Department of Revenue (KDOR) to assist in the enforcement and prosecution of cases arising out of investigations conducted by their Office of Special Investigations. This process is coordinated with the appropriate county or district attorney. Through co-location, cross training, and integrated case management the State is able to gain efficiencies and allow stronger enforcement of the criminal statutes that prohibit financial crimes. In addition, the statewide Drug Abuse Resistance Education (D.A.R.E.) program is housed within the Fraud and Abuse Litigation Division.

In the spring of 2022, the Kansas Legislature passed and the Governor signed into law, Senate Bill 84. This bill expanded gambling in Kansas to include sports wagering. In addition, the bill creates the White Collar Crime Fund, to be administered by the Governor. The bill allows for the attorney general, on or before August 1, to submit requests to the governor for the amount of money necessary to carry out the mission of the fund. The mission of the fund is to investigate and prosecute criminal cases related to illegal activity in wagering, unauthorized gambling, etc.

Performance Measures

| | | <i>FY 2019</i> | | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | |
|--|---|----------------|----------------|----------------|----------------|-----------------|----------------|----------------|----------------|--------------------|
| | | <i>Goal</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Previous</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | <i>3- yr. Avg.</i> |
| <i>Output Measures</i> | | | | | | <i>Est.</i> | | | | |
| 1. General white collar cases being criminally litigated | A | | 59 | 79 | 75 | 82-84 | 86 | 70-93 | 70-93 | 80 |

Office of the Attorney General

Funding

| <i>Funding Source</i> | <i>FY 2019 Actuals</i> | <i>FY 2020 Actuals</i> | <i>FY 2021 Actuals</i> | <i>FY 2022 Approved</i> | <i>FY 2022 Actuals</i> | <i>FY 2023 Est.</i> | <i>FY 2024 Est.</i> | <i>3-yr. Avg.</i> |
|-----------------------|----------------------------|----------------------------|----------------------------|-----------------------------|----------------------------|-------------------------|-------------------------|-------------------|
| State General Fund | \$ 28,064 | \$ 6,203 | \$ 3,465 | \$ 53,150 | \$ 5,466 | \$ 48,000 | \$ 14,000 | \$ 5,045 |
| Non-SGF State Funds | 682,998 | 777,545 | 871,960 | 885,834 | 907,330 | 975,339 | 1,030,288 | 852,278 |
| Federal Funds | 465 | - | - | - | 4,901 | - | - | 1,634 |
| | \$ 711,527 | \$ 783,748 | \$ 875,425 | \$ 938,984 | \$ 917,697 | \$ 1,023,339 | \$ 1,044,288 | \$ 858,957 |
| FTE | 10.34 | 10.34 | 10.34 | 10.34 | 10.34 | 9.50 | 9.50 | 10.34 |

Office of the Attorney General

Fraud and Abuse Litigation Division (Abuse, Neglect and Exploitation)

Consequences of Not Funding this Program

A return to the systemic landscape prior to the Kaufman case in which cases of abuse, neglect, and exploitation go undetected or are not investigated or prosecuted timely or at all. There will be no central resource to provide education to law enforcement and prosecution to effectively, consistently, and ethically investigate and litigate cases of abuse, neglect, and exploitation of adults. Also, the general public will have less opportunity to be provided information which will protect themselves or a loved one from being a victim of abuse, neglect, or exploitation.

Table with 4 columns: Statutory Basis (K.S.A. 75-723), Mandatory vs. Discretionary (Mandatory), MOE/Match Requirement (No), Priority Level (1)

Program Goals

- A. Participate in the review, referral, investigation, prevention, and prosecution of abuse, neglect, and exploitation cases involving adults pursuant to K.S.A. 75-723. Objective #1: Review and follow-up all law enforcement referrals and substantiated reports of abuse, neglect, and exploitation for adults.
B. Participate in the review, referral, investigation, prevention, and prosecution of abuse, neglect, and exploitation cases involving adults pursuant to K.S.A. 75-723. Objective #2: Prevention through education of law enforcement and prosecutors.
C. To develop and maintain a coordinated response to prevent serious harm and deaths of vulnerable adults as per K.S.A. 75-754 and amendments thereto. The Silver Alert tracking responsibilities were shifted from the Victim Service division to the Abuse, Neglect & Exploitation Unit of the Fraud and Abuse Litigation Division of the OAG starting in SFY 2021.

Program History

In July of 2016, K.S.A.75-723 was amended to allow for the Attorney General to assist in the investigation and prosecution of cases involving abuse, neglect, or exploitation of adults. This required the ANE unit to be removed from the Victim Services Division. At that time, the Attorney General made a decision to create a new division entitled Fraud and Abuse Litigation Division. The purpose of doing this was not just to provide a home for the ANE unit, but also to fulfill a broader vision regarding the prosecution of cases involving a financial component. The intent of the Fraud and Abuse Litigation Division is to be a state wide resource assisting local authorities in investigating and prosecuting very difficult cases involving vulnerable adults. In addition to providing direct investigation and prosecution resources, the division also provides an educational resource to lawyers, law enforcement, and the general public.

Office of the Attorney General

Program History (Continued)

The Abuse, Neglect, and Exploitation (ANE) unit was established by statutory mandate in the summer of 2006, largely in response to the Kaufman case, which occurred in Newton, Kansas. Arlan and Linda Kaufman operated a mental health group home for adults. Complaints of abuse had been made by residents over a period of years; however, due to inadequacies in the State's system of reporting and investigation, the complaints went uninvestigated. The Disability Rights Center of Kansas eventually gained access to the home which then allowed for subsequent law enforcement investigation, which then led to arrest, prosecution, and conviction of the Kaufmans in U.S. District Court. During the criminal investigation and subsequent review, it became clear there had been systemic failures which led to the abuse going undetected. As a result, the legislature in 2006 created the Abuse, Neglect, and Exploitation Unit pursuant to K.S.A. 75-723.

The ANE unit created by statute in 2006, was required to review all cases involving a confirmed finding of abuse by a state agency. The statute applied to both children and adults. The Unit was also required to provide a report to the legislature every year detailing its activities. This resulted in the Unit reviewing about 1800 cases of substantiated abuse every year, with roughly 375 of those cases involving adults and the rest involving children. Available resources in the Attorney General's Office were simply not adequate to handle such a case load.

The Attorney General was faced with only two realistic options. First, was to add enough skilled staff to the Unit to properly review and follow up on all cases (child and adult) which are referred to the office. This was the General's preferred option. However, at an estimated annual increase of \$400,000, the State's financial situation made this an inopportune time to request such expansion. The second option was to amend the ANE statute to focus our resources on adult cases by amending K.S.A. 75-723.

In the spring of 2016, the legislature passed and the Governor signed SB 408, amending K.S.A. 75-723. While retaining the ability to review cases of child abuse, neglect, and exploitation within the limits of available resources, the statute narrowed the focus of cases requiring mandatory review by our office. Under the amended statute state agencies are now only required to forward substantiated cases of adult abuse, neglect, or exploitation to our office. In addition, the amended statute provides a new requirement that state agencies concurrently notify our office when a case of suspected adult abuse, neglect, or exploitation is referred to law enforcement. This allows us to make timely contact with local law enforcement agencies to determine from the outset whether they desire assistance in what can be very difficult cases to investigate.

The amended statute also provides that the Attorney General's Office, can now assist in the investigation, prosecution, and prevention of cases involving abuse, neglect, and exploitation. This means the ANE unit is no longer just simply a monitoring or auditing unit. This change of focus to investigation and prosecution, meant it was no longer appropriate for the ANE unit to be located in Victim Services Division. As part of the Attorney General's focus on fraud and abuse cases, in July 2016, the ANE unit was moved to a newly created division named the "Fraud and Abuse Litigation Division".

Office of the Attorney General

Performance Measures

| <i>Output Measures</i> | <i>Goal</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3- yr. Avg.</i> |
|---|-------------|----------------|----------------|----------------|----------------------|----------------|----------------|----------------|--------------------|
| | | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Previous Est.</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| 1. Law enforcement referrals by State agencies regarding abuse, neglect, and exploitation of adults requiring review and potential follow up | A | 5,063 | 5,201 | 4,694 | 5,000 | 5,815 | 5,500 | 5,500 | 5,237 |
| 2. Substantiated cases of abuse, neglect, and exploitation of adults forwarded to office by state agencies requiring review and potential follow up | A | 666 | 672 | 498 | 650 | 374 | 450 | 450 | 515 |
| <i>Additional Measures as Necessary</i> | | | | | | | | | |
| 3. Cases being criminally litigated | A | 15 | 19 | 15 | 12-18 | 16 | 12-18 | 12-18 | 17 |
| 4. Cases being criminally investigated | A | 36 | 40 | 34 | 30-40 | 47 | 40-50 | 40-50 | 40 |
| 5. Educational presentations made to the law enforcement, prosecutors, or the general public | B | 16 | 14 | 16 | 12-16 | 18 | 14-20 | 14-20 | 16 |
| 6. Silver alerts | C | 20 | 34 | 32 | 35 | 34 | 32-36 | 32-36 | 33 |

Funding

| <i>Funding Source</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3-yr. Avg.</i> |
|-----------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Approved</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| State General Fund | \$ 292,375 | \$ 324,464 | \$ 374,094 | \$ 361,481 | \$ 354,582 | \$ 367,876 | \$ 362,410 | \$ 351,047 |
| Non-SGF State Funds | 27 | 1,014 | 7 | - | 209 | 200 | 200 | 410 |
| Federal Funds | - | - | - | - | 3,214 | - | - | 1,071 |
| | \$ 292,402 | \$ 325,478 | \$ 374,101 | \$ 361,481 | \$ 358,005 | \$ 368,076 | \$ 362,610 | \$ 352,528 |
| FTE | 4.0 | 4.0 | 4.0 | 3.8 | 3.8 | 3.4 | 3.4 | 3.9 |

Office of the Attorney General

Fraud and Abuse Litigation Division (D.A.R.E.)

Consequences of Not Funding this Program

Officers around the State will fail to receive necessary training for D.A.R.E. and SRO certification. Without this program relationships and coordination between the D.A.R.E. program and schools across the state would be weakened which would risk the effectiveness of the D.A.R.E. program in Kansas.

| Statutory Basis | Mandatory vs. Discretionary | MOE/Match Requirement | Priority Level |
|-----------------------------|------------------------------------|------------------------------|-----------------------|
| K.S.A. 75-721, 75-721(b)(3) | Mandatory | No | 1 |

Program Goals

A. To provide training and resources for Kansas school-based police (SBP) to reduce victimization of youth and help ensure a safer environment for the youth of Kansas. K.S.A. 75-721 and amendments thereto. Objective #1: Provide trainings needed for D.A.R.E. and School Resource Officer (SRO) certification in Kansas along with collaborating with schools, communities, and other organizations to provide for the expansion of school based policing (SBP) programs in Kansas.

Program History

The statewide Drug Abuse Resistance Education (D.A.R.E.) program is housed within the Fraud and Abuse Litigation Division. The D.A.R.E. program was created in 1983 in Los Angeles. It was a partnership between the Los Angeles Police Department and the Los Angeles School District. The focus of the D.A.R.E. program is focused on drug abuse prevention as well as violence prevention. The curriculum has changed over the years to adapt to drug trends such as the rise of addiction to prescription medication and also crime trends such as school shootings or bullying. The way in which the D.A.R.E. program is taught has also changed, keeping up with research in curriculum and effective instruction techniques. In 1999, the Kansas legislature passed K.S.A. 75-721 which required the Attorney General to appoint a statewide D.A.R.E. coordinator to assist local law enforcement agencies and schools in creation of local D.A.R.E. programs. The statewide coordinator is also required to provide training to local law enforcement in how to teach the D.A.R.E. curriculum. Finally, the statewide coordinator also must perform services and provide information as necessary to support the success of the D.A.R.E. program in Kansas.

Performance Measures

| <i>Output Measures</i> | <i>Goal</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3- yr. Avg.</i> |
|--|-------------|----------------|----------------|----------------|----------------------|----------------|----------------|----------------|--------------------|
| | | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Previous Est.</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| 1. Number of officers trained through the D.A.R.E. and school resource officer training programs | A | 174 | 173 | 38 | 100 | 89 | 90-110 | 90-110 | 100 |
| 2. Number of educational programs participated in and outreach conducted | A | 30 | 13 | 17 | 15 | 8 | 15 | 15 | 13 |

Office of the Attorney General

Funding

| <i>Funding Source</i> | <i>FY 2019 Actuals</i> | <i>FY 2020 Actuals</i> | <i>FY 2021 Actuals</i> | <i>FY 2022 Approved</i> | <i>FY 2022 Actuals</i> | <i>FY 2023 Est.</i> | <i>FY 2024 Est.</i> | <i>3-yr. Avg.</i> |
|-----------------------|----------------------------|----------------------------|----------------------------|-----------------------------|----------------------------|-------------------------|-------------------------|-------------------|
| State General Fund | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| Non-SGF State Funds | 10,563 | 5,642 | 6,612 | 7,750 | 8,082 | 21,650 | 21,681 | 6,779 |
| Federal Funds | 59,739 | 44,963 | 53,561 | 69,701 | 73,670 | 47,656 | 50,681 | 57,398 |
| | \$ 70,302 | \$ 50,605 | \$ 60,173 | \$ 77,451 | \$ 81,752 | \$ 69,306 | \$ 72,362 | \$ 64,177 |
| FTE | 1.00 | 1.00 | 1.00 | 1.00 | 0.48 | 0.48 | 0.48 | 0.83 |

Office of the Attorney General

Elder Abuse MDT

Consequences of Not Funding this Program

| Statutory Basis | Mandatory vs. Discretionary | MOE/Match Requirement | Priority Level |
|------------------------|------------------------------------|------------------------------|-----------------------|
| K.S.A. 75-782 | Mandatory | NO | 1 |

Program Goals

A. To facilitate the convening of an elder and dependent adult multidisciplinary team in each judicial district. The purpose of such teams is to coordinate investigations of elder and dependent adult abuse, as well as identifying opportunities with local jurisdictions to improve policies and procedures in the notification and response to abuse, neglect, and exploitation of elder and dependent adults. K.S.A. 75-782 and amendments thereto.

Program History

In the spring of 2021, the legislature passed HB 2114 which in part became K.S.A. 75-782. This bill was brought to the legislature by the Elder and Dependent Adult Abuse Prevention Council. The Council was formed in 2019 and one of its primary purposes was to research multidisciplinary teams, also known as MDTs, in the context of the investigation of abuse, neglect, and exploitation of elder and dependent adults. The purpose of the bill was to improve communication and coordination between multiple agencies which investigate cases of abuse, neglect, and exploitation. The statutes requires specific agencies such as the County or District Attorney, the Sheriff, Department of Children and Families, Department of Aging and Disability Services, and State Long-term Care Ombudsman to participate. It also allows for additional members as needed by the particular team. The teams are to coordinate investigations of elder and dependent adult abuse within the judicial district and is also allowed to identify opportunities to improve policies and procedures in the notification and response to such cases.

Performance Measures

There are no performance measures for this program.

Funding

| <i>Funding Source</i> | <i>FY 2019 Actuals</i> | <i>FY 2020 Actuals</i> | <i>FY 2021 Actuals</i> | <i>FY 2022 Approved</i> | <i>FY 2022 Actuals</i> | <i>FY 2023 Est.</i> | <i>FY 2024 Est.</i> | <i>3-yr. Avg.</i> |
|-----------------------|----------------------------|----------------------------|----------------------------|-----------------------------|----------------------------|-------------------------|-------------------------|-------------------|
| State General Fund | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| Non-SGF State Funds | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 71,920 | \$ 72,510 | \$ - |
| Federal Funds | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 71,920 | \$ 72,510 | \$ - |

Office of the Attorney General

| | | | | | | | | |
|-----|----|----|----|----|----|-----|-----|----|
| FTE | -- | -- | -- | -- | -- | 1.0 | 1.0 | -- |
|-----|----|----|----|----|----|-----|-----|----|

Office of the Attorney General

Criminal Litigation Division

Consequences of Not Funding this Program

Lack of funding will eliminate the ability of the Kansas Attorney General's Office to prosecute homicides and child sex crimes, which are often the most difficult and demanding cases, throughout Kansas. Any decrease in experienced prosecutorial capacity would most negatively impact counties with smaller populations and more limited resources. The lack of prosecution capacity in homicide and child sex crime cases would further impact the victims or their family members ability to achieve justice for those criminal acts in a timely manner. Lack of funding will decrease the ability for Kansas prosecutors and law enforcement to receive specialized training. This lack of training will further impact Kansas prosecutors' ability to effectively handle cases, particularly in jurisdictions with a smaller population and more limited training resources. The overall impact of a decrease in funding would severely undermine public confidence in the criminal justice system.

Table with 4 columns: Statutory Basis, Mandatory vs. Discretionary, MOE/Match Requirement, Priority Level. Row 1: Kan. Constitution, Article 1, § 1; K.S.A. 22-2202(r), 75-702, 75-704, 75-708 and amendments thereto; State ex rel Stephan v. Reynolds, 234 Kan. 574, 673 P.2d 1188 (1984). Mandatory, No, 1

Program Goals

- A. Build and sustain a group of highly skilled prosecutors who can efficiently, effectively, and ethically prosecute persons charged with violations of Kansas criminal laws. Kan. Constitution, Article I, § 1; K.S.A. 22-2202(17), K.S.A. 75-108, K.S.A. 75-702, K.S.A. 75-708, and amendments thereto; State ex rel. Stephan v. Reynolds, 234 Kan. 574, 673 P.2d 1188 (1984). Objective #1: Utilizing well trained and resourced Assistant Attorneys General, prosecute the most difficult and demanding cases throughout Kansas.
B. Build and sustain a group of highly skilled prosecutors who can efficiently, effectively, and ethically prosecute persons charged with violations of Kansas criminal laws. Kan. Constitution, Article I, § 1; K.S.A. 22-2202(17), K.S.A. 75-108, K.S.A. 75-702, K.S.A. 75-708, and amendments thereto; State ex rel. Stephan v. Reynolds, 234 Kan. 574, 673 P.2d 1188 (1984). Objective #2: Build positive relationships with state and local law enforcement officers and officials to foster core competencies in the investigation and prosecution of homicides, child sex crimes, illegal drug manufacture and distribution crimes, and crimes involving public officials.
C. This section supports the prosecution section through witness interviews, criminal history checks, and subpoena service. In addition, it provides training, assistance, and investigation support for other law enforcement-related investigations in accordance with the Kansas Attorney General's statutory and constitutional duties. The section also supports investigations conducted by the Livestock/Branding Unit within the section, and Special Agents of the section that are assigned to the Northeast Kansas Crimes Against Children initiative, as well as other investigative personnel within the Attorney General's Office. Objective #1: Provide certified law enforcement capability within the Kansas Attorney General's Office.

Office of the Attorney General

D. This section supports the prosecution section through witness interviews, criminal history checks, and subpoena service. In addition, it provides training, assistance, and investigation support for other law enforcement-related investigations in accordance with the Kansas Attorney General's statutory and constitutional duties. The section also supports investigations conducted by the Livestock/Branding Unit within the section, and Special Agents of the section that are assigned to the Northeast Kansas Crimes Against Children initiative, as well as other investigative personnel within the Attorney General's Office. Objective #2: Provide certified law enforcement capability as an agency member of the Northeast Kansas Crimes Against Children initiative.

Program History

The Criminal Litigation Division maintains a group of highly skilled prosecutors who assist county and district attorneys in prosecuting the most difficult and demanding criminal cases throughout Kansas. The Division develops and facilitates an annual forum for county and district attorneys to discuss issues related to the prosecution of homicides and child sex crimes in Kansas. The Division hosts regional Attorney General Calls that provide an opportunity to present continuing legal education on emerging prosecution and appellate issues and provides special training to law enforcement officers and officials, victims' advocates, and court services personnel on major criminal issues. The Division is also responsible for the investigation and licensing of applicants for concealed carry, private detective, and bail enforcement agent permits.

Performance Measures

| <i>Output Measures</i> | <i>Goal</i> | <i>FY 2019 Actuals</i> | <i>FY 2020 Actuals</i> | <i>FY 2021 Actuals</i> | <i>FY 2022 Previous Est.</i> | <i>FY 2022 Actuals</i> | <i>FY 2023 Est.</i> | <i>FY 2024 Est.</i> | <i>3- yr. Avg.</i> |
|--|-------------|----------------------------|----------------------------|----------------------------|--------------------------------------|----------------------------|-------------------------|-------------------------|--------------------|
| 1. Criminal cases accepted from county and district attorney offices | A | 44 | 22 | 41 | 40 | 36 | 25 | 30 | 33 |
| 2. Jury trials conducted | A | 5 | 2 | 2 | 10 | 5 | 8 | 12 | 3 |
| <i>Additional Measures as Necessary</i> | | | | | | | | | |
| 3. Annual Focus Four Forum attendance | B | 70 | 0 | 0 | 40 | 0 | 30 | 35 | 0 |
| 4. Regional AG Call attendance | B | 57 | 60 | 0 | 50 | 65 | 35 | 40 | 42 |
| 5. OAG to entity training events conducted | B | 38 | 16 | 4 | 10 | 7 | 9 | 12 | 9 |
| 6. Assist other agency requests supported | C | 29 | 27 | 25 | 25 | 44 | 45 | 50 | 32 |
| 7. Prosecution assistance request supported | C | 31 | 20 | 27 | 25 | 48 | 50 | 50 | 32 |
| 8. Constituent inquiries reviewed | C | 163 | 188 | 122 | 130 | 238 | 240 | 240 | 183 |
| 9. Other investigations initiated | C | 7 | 6 | 2 | 6 | 3 | 4 | 4 | 4 |

Office of the Attorney General

| | | | | | | | | | |
|--|---|----|----|----|----|----|----|----|----|
| 10. Safety and security incidents investigated | C | 11 | 6 | 5 | 7 | 4 | 4 | 4 | 5 |
| 11. Task Force Investigations opened or supported by OAG Special Agents assigned to the Task Force | D | 14 | 25 | 29 | 30 | 44 | 45 | 45 | 33 |

Office of the Attorney General

Funding

| <i>Funding Source</i> | <i>FY 2019 Actuals</i> | <i>FY 2020 Actuals</i> | <i>FY 2021 Actuals</i> | <i>FY 2022 Approved</i> | <i>FY 2022 Actuals</i> | <i>FY 2023 Est.</i> | <i>FY 2024 Est.</i> | <i>3-yr. Avg.</i> |
|-----------------------|----------------------------|----------------------------|----------------------------|-----------------------------|----------------------------|-------------------------|-------------------------|-------------------|
| State General Fund | \$1,590,296 | \$1,549,671 | \$1,872,916 | \$2,120,520 | \$2,057,429 | \$ 1,952,610 | \$1,866,419 | \$1,826,672 |
| Non-SGF State Funds | 147,007 | 198,567 | 223,027 | 234,899 | 203,905 | 391,497 | 486,951 | \$ 208,500 |
| Federal Funds | 167,147 | 180,514 | 57,269 | 78,751 | 54,905 | 72,500 | 72,500 | \$ 97,563 |
| | \$1,904,450 | \$1,928,752 | \$2,153,212 | \$2,434,170 | \$2,316,239 | \$ 2,416,607 | \$2,425,870 | \$2,132,734 |
| FTE | 19.13 | 19.13 | 19.13 | 19.13 | 19.13 | 19.13 | 19.13 | 19.13 |

Office of the Attorney General

Criminal Litigation Division (Traffic Safety Resource Prosecutors)

Consequences of Not Funding this Program

If this Federally funded grant position was eliminated, there would be a reduction in Federal transportation dollars received by KDOT. By the state having this position, it allows the state to qualify for additional Federal funding. Additionally, prosecutors and law enforcement would not have a statewide resource for information and training on the current best practices and potential legal issues they may face when detecting, arresting and prosecuting impaired drivers.

Table with 4 columns: Statutory Basis (General), Mandatory vs. Discretionary (Discretionary), MOE/Match Requirement (No), Priority Level (2)

Program Goals

- A. The Traffic Safety Resource Prosecutor (TSRP) program is funded by the National Highway Transportation Safety Administration (NHTSA) through a grant from the Kansas Department of Transportation. The TSRP provides training, education and technical support to prosecutors and law enforcement agencies throughout the state on traffic crimes and safety issues. While the TSRP's focus is on alcohol and drug impaired driving, the TSRP also serves as a resource in other areas of traffic safety including distracted driving, occupant restraint, and other highway safety issues. Objective #1: Provide support to local prosecutors to review and prosecute traffic safety crimes with an emphasis on DUI fatalities.
B. The Traffic Safety Resource Prosecutor (TSRP) program is funded by the National Highway Transportation Safety Administration (NHTSA) through a grant from the Kansas Department of Transportation. The TSRP provides training, education and technical support to prosecutors and law enforcement agencies throughout the state on traffic crimes and safety issues. While the TSRP's focus is on alcohol and drug impaired driving, the TSRP also serves as a resource in other areas of traffic safety including distracted driving, occupant restraint, and other highway safety issues. Objective #2: Produce or co-produce with one or more agencies or organizations, training events relating to detection and apprehension of impaired drivers for law enforcement or in conjunction with prosecutors.
C. The Traffic Safety Resource Prosecutor (TSRP) program is funded by the National Highway Transportation Safety Administration (NHTSA) through a grant from the Kansas Department of Transportation. The TSRP provides training, education and technical support to prosecutors and law enforcement agencies throughout the state on traffic crimes and safety issues. While the TSRP's focus is on alcohol and drug impaired driving, the TSRP also serves as a resource in other areas of traffic safety including distracted driving, occupant restraint, and other highway safety issues. Objective #3: Inform prosecuting attorneys and law enforcement officers of significant developments about the DUI and Implied Consent laws as well as other traffic safety related news including upcoming training opportunities.

Program History

The TSRP position originated in 2008 as a partnership between the Shawnee County DAs office and the OAG. The position was formalized after a grant funding review by the OAG. The position provides expert review and analysis of current DUI law, practice and case study for prosecutors and other interested parties across the state.

Office of the Attorney General

Performance Measures

| <i>Output Measures</i> | <i>Goal</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3- yr. Avg.</i> |
|--|-------------|----------------|----------------|----------------|----------------------|----------------|----------------|----------------|--------------------|
| | | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Previous Est.</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| 1. Prosecutors provided technical assistance | A | 130 | 67 | 143 | 150 | 192 | 175 | 190 | 134 |
| 2. Criminal cases accepted for prosecution | A | 2 | 3 | 0 | 2 | 2 | 2 | 2 | 2 |
| <i>Additional Measures as Necessary</i> | | | | | | | | | |
| 3. Law enforcement trainings conducted | B | 18 | 3 | 4 | 20 | 17 | 20 | 20 | 8 |
| 4. Cumulative attendees at law enforcement trainings conducted | B | 662 | 52 | 130 | 500 | 432 | 450 | 475 | 205 |
| 5. Number of prosecutor trainings conducted | B | 7 | 1 | 18 | 10 | 13 | 12 | 12 | 11 |
| 6. Cumulative attendees at prosecutor trainings conducted | B | 236 | 20 | 294 | 250 | 269 | 225 | 225 | 194 |
| 7. Newsletter Subscribers | C | 668 | 681 | 652 | 680 | 665 | 680 | 680 | 666 |
| 8. Law Enforcement Officers Receiving Newsletter | C | 493 | 492 | 460 | 480 | 456 | 450 | 450 | 469 |
| 9. Prosecutors Receiving Newsletter | C | 122 | 130 | 131 | 140 | 145 | 145 | 145 | 135 |
| 10. Other Traffic Safety Professionals Receiving Newsletter | C | 53 | 29 | 27 | 35 | 37 | 40 | 40 | 31 |

Funding

| <i>Funding Source</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3-yr. Avg.</i> |
|-----------------------|----------------|----------------|----------------|-----------------|----------------|----------------|----------------|-------------------|
| | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Approved</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| State General Fund | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| Non-SGF State Funds | 9,858 | 239 | 203 | 1,189 | 2,567 | 941 | 941 | 1,003 |
| Federal Funds | 146,247 | 185,622 | 153,523 | 160,652 | 179,777 | 190,788 | 191,760 | 172,974 |
| | \$ 156,105 | \$ 185,861 | \$ 153,726 | \$ 161,841 | \$ 182,344 | \$ 191,729 | \$ 192,701 | \$ 173,977 |
| FTE | 1.0 | 1.3 | 1.3 | 1.3 | 1.3 | 1.3 | 1.3 | 1.3 |

Office of the Attorney General

Criminal Litigation Division (Livestock Investigation/Brand Unit)

Consequences of Not Funding this Program

There would be no law enforcement entity to investigate livestock crimes with resources to conduct multi-jurisdictional investigations.

Table with 4 columns: Statutory Basis, Mandatory vs. Discretionary, MOE/Match Requirement, Priority Level. Row 1: K. S. A. 75-3111, 47-416, 47-425; Discretionary; No; 2

Program Goals

A. The section supports the prosecution section through witness interviews, criminal history checks, and subpoena service. In addition, it provides training, assistance, and investigation support for other law enforcement-related investigations in accordance with the Kansas Attorney General's statutory and constitutional duties. The section also supports investigations conducted by the Livestock/Branding Unit within the section, and Special Agents of the section that are assigned to the Northeast Kansas Crimes Against Children initiative, as well as other investigative personnel within the Attorney General's Office.
B. To provide efficient, effective, and ethical enforcement of the Kansas Brand Law. K.S.A. 47-414 et seq.
Objective #1: To receive, process, investigate and act on complaints pertaining to the Kansas Brand Law, and ethically prosecute or otherwise enforce the matters falling within the parameters of the Kansas Brand Law.

Program History

The Livestock Investigation/Brand Unit of the Criminal Litigation Division is a cooperative effort between the Attorney General of Kansas and the Kansas Secretary of Agriculture. The partnership provides the ability for sworn law enforcement officers employed by the State of Kansas to assist local law enforcement officers in rural and frontier Kansas counties in the investigation of criminal offenses associated with livestock, including investigations that are multi-jurisdictional in nature. The Unit, consisting of two Kansas certified law enforcement officers (Special Agents) commissioned by the Attorney General, was originally established in FY 2014, as a unit of the Attorney General's Consumer Protection Division. In FY 2016, the Unit was moved from the Consumer Protection Division to the Criminal Litigation Division, as a unit in the Investigation Section. Additional investigative resources and support for the unit is provided by the Special Agent in Charge, Investigation section.

Office of the Attorney General

Performance Measures

| <i>Output Measures</i> | <i>Goal</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3- yr. Avg.</i> |
|--|-------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|--------------------|
| | | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Est.</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| 1. Number of request for assistance | B | 34 | 42 | 45 | 45 | 45 | 45 | 45 | 44 |
| 2. Number of requests for assistance or investigations resolved or closed | B | 22 | 63 | 45 | 30 | 45 | 45 | 45 | 51 |
| 3. Number of head of livestock recovered | B | 58 | 36 | 0 | 20 | 700 | 800 | 800 | 245 |
| 4. Number of entities reached in public education and law enforcement training presentations | B | 3 | 4 | 0 | 4 | 8 | 8 | 10 | 4 |

Funding

| <i>Funding Source</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3-yr. Avg.</i> |
|-----------------------|----------------|----------------|----------------|-----------------|----------------|----------------|----------------|-------------------|
| | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Approved</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| State General Fund | \$ - | \$ - | \$ - | \$ - | \$ - | | | \$ - |
| Non-SGF State Funds | 32,455 | 45,319 | 35,896 | 39,639 | 51,286 | 52,500 | 55,000 | 44,167 |
| Federal Funds | - | 2,902 | - | 2,450 | 4,809 | 2,500 | 2,500 | 2,570 |
| | \$ 32,455 | \$ 48,221 | \$ 35,896 | \$ 42,089 | \$ 56,095 | \$ 55,000 | \$ 57,500 | \$ 46,737 |
| FTE | 2.0 | 2.0 | 2.0 | 2.0 | 2.0 | 2.0 | 2.0 | 2.0 |

Office of the Attorney General

Criminal Litigation Division (Concealed Carry Licensing Unit)

Consequences of Not Funding this Program

The elimination of funding would result in the inability to issue concealed carry licenses or answer questions for those already licensed. The reduction in funding would also eliminate the ability to renew licenses and would also prevent the revocation of licensees who are not in compliance with state law and that may be prohibited from possessing a firearm. The section would also be unable to defend administrative actions which would eliminate due process to applicants or licensees who were previously denied a license or had their license revoked. Additionally, concealed carry instructors would no longer be certified or regulated to provide firearms safety classes.

| <u>Statutory Basis</u> | <u>Mandatory vs. Discretionary</u> | <u>MOE/Match Requirement</u> | <u>Priority Level</u> |
|---|------------------------------------|------------------------------|-----------------------|
| K.S.A. 75-7c01 et seq., K.A.R. 16-11-1 through K.A.R. 16-11-8 | Mandatory | No | 1 |

Program Goals

A. Administer and regulate the issuance of concealed carry handgun licenses (CCHL) pursuant to the 2006 Kansas Personal and Family Protection Act (K.S.A. 75-7c01 et seq.) (K.A.R. 16-11-1 through K.A. R. 16-11-8). The Act became effective July 1, 2006 and the first licenses were issued January 3, 2007. Per statute, licenses are charged at \$132.50 with \$100 going to the Office of the Attorney General and \$32.50 to the sheriff of the county where the applicant resides to pay for fingerprinting and processing the initial application. A budget proviso reduced the application fee paid to the OAG to \$79.50 for FY 2022. Currently, \$47 of each initial application fee paid to the OAG is in turn paid to the KBI for conducting the state and national background checks. Licenses are valid for four years. Renewal licenses are charged at \$25 (plus a \$15 late fee- if renewing within 6 months after expiration) and deposited with the Office of the Attorney General. There is no fee paid to the sheriff's offices during the renewal process as the renewal applications are submitted directly to the Office of the Attorney General. A renewed license is also valid for four years. Objective #1: Receive license applications from the county sheriffs, conduct background checks on the applicants and either approve or deny requests for a license within the 90-day period allowed by the Act.

B. Administer and regulate the issuance of concealed carry handgun licenses (CCHL) pursuant to the 2006 Kansas Personal and Family Protection Act (K.S.A. 75-7c01 et seq.) (K.A.R. 16-11-1 through K.A. R. 16-11-8). The Act became effective July 1, 2006 and the first licenses were issued January 3, 2007.

Per statute, licenses are charged at \$132.50 with \$100 going to the Office of the Attorney General and \$32.50 to the sheriff of the county where the applicant resides to pay for fingerprinting and processing the initial application. A budget proviso reduced the application fee paid to the OAG to \$79.50 for FY 2022. Currently, \$47 of each initial application fee paid to the OAG is in turn paid to the KBI for conducting the state and national background checks. Licenses are valid for four years.

Office of the Attorney General

Program Goals (Continued)

Renewal licenses are charged at \$25 (plus a \$15 late fee- if renewing within 6 months after expiration) and deposited with the Office of the Attorney General. There is no fee paid to the sheriff's offices during the renewal process as the renewal applications are submitted directly to the Office of the Attorney General. A renewed license is also valid for four years. Objective #5: Certify and regulate concealed carry handgun instructors authorized to conduct the required weapons and safety training class.

Program History

In 2006, the Personal and Family Protection Act was signed into law. The Act's passage marked the first time that licensed concealed carry of handguns was allowed in Kansas. As a result, the Attorney General was tasked with overseeing the licensing process; as a result, the Concealed Carry Licensing Unit (CCLU) was created. The CCLU is the centralized unit in Kansas which administers and enforces the licensing provisions of the Act. The CCLU section reviews original concealed carry of handgun applications and either approves or denies them, suspends or revokes licensees that come out of compliance with applicable statutes and reviews renewal applications for those that reapply and approves eligible applicants or denies those that are ineligible; The CCLU also monitors recognition of the Kansas licensees by other jurisdictions and assists with litigation involving denials, suspensions and revocations through administrative actions. In addition, the CCLU approves or denies applications to be a concealed carry handgun training instructor and monitors those instructors for continued compliance. The CCLU also provides instruction and education to various groups across the state.

Performance Measures

| <i>Outcome Measures</i> | <i>Goal</i> | <i>FY 2019 Actuals</i> | <i>FY 2020 Actuals</i> | <i>FY 2021 Actuals</i> | <i>FY 2022 Previous Est.</i> | <i>FY 2022 Actuals</i> | <i>FY 2023 Est.</i> | <i>FY 2024 Est.</i> | <i>3- yr. Avg.</i> |
|--|-------------|----------------------------|----------------------------|----------------------------|--------------------------------------|----------------------------|-------------------------|-------------------------|--------------------|
| 1. Number of new licenses issued | A | 4,282 | 4,645 | 6,893 | 6,000 | 4,952 | 5,000 | 5,000 | 5,497 |
| 2. Number renwals issued | A | 12,630 | 12,630 | 14,532 | 25,000 | 18,361 | 20,000 | 20,000 | 15,174 |
| 3. Percentage of license applications fully processed within 90 days | A | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% |
| <i>Output Measures</i> | | | | | | | | | |
| 4. Instructor orientation classes held | B | 3 | 2 | 0 | 2 | 0 | 2 | 2 | 1 |
| 5. Instructor certifications withdrawn | B | 26 | 33 | 167 | 25 | 34 | 25 | 25 | 78 |

Office of the Attorney General

Funding

| <i>Funding Source</i> | <i>FY 2019 Actuals</i> | <i>FY 2020 Actuals</i> | <i>FY 2021 Actuals</i> | <i>FY 2022 Approved</i> | <i>FY 2022 Actuals</i> | <i>FY 2023 Est.</i> | <i>FY 2024 Est.</i> | <i>3-yr. Avg.</i> |
|-----------------------|----------------------------|----------------------------|----------------------------|-----------------------------|----------------------------|-------------------------|-------------------------|-------------------|
| State General Fund | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| Non-SGF State Funds | 808,478 | 821,036 | 938,676 | 1,099,620 | 893,633 | 1,006,317 | 1,011,325 | 884,448 |
| Federal Funds | - | - | - | - | - | - | - | - |
| | \$ 808,478 | \$ 821,036 | \$ 938,676 | \$ 1,099,620 | \$ 893,633 | \$ 1,006,317 | \$ 1,011,325 | \$ 884,448 |
| FTE | 8.25 | 8.25 | 8.25 | 8.25 | 8.25 | 8.25 | 8.25 | 8.3 |

Office of the Attorney General

Criminal Litigation Division (Private Detective Unit)

Consequences of Not Funding this Program

The PDLU would be unable to pay the overhead and staffing costs associated with the administration of new licenses and certifications issued by the PDLU; the litigation of any challenged administrative action that is taken/proposed against an applicant or licensee within the reach of the PDLU. While discretionary in most instances, Licenses that are subject to suspension, revocation or other administrative process would not have those actions taken against them – resulting in persons being licensed by the State when the law may not allow them to hold such status; Applicant’s inability to challenge a denial of a license/permit/certification; and persons remaining licensed by the State when the law may not allow them to hold such status. The PDLU would be unable to pay OAH administrative appeal costs, resulting in, at best, an in-house employee serving as an administrative hearing officer and pulling them away from their other necessary duties or a lack of any administrative actions being taken against problematic licensees because those funds cannot be covered. Licenses would expire with no advanced warning and no recourse; licensees would be unable to renew their licensures/certifications where the law generally requires an approval unless disqualified; licensees would be unable to challenge the lack of an approval or denial of their renewal application(s) for continued licensure/certification. The law generally requires an approval unless shown disqualified; Overall, applicants and licensees would generally be deprived of the due process that current Kansas statutes afford them.

| <u>Statutory Basis</u> | <u>Mandatory vs. Discretionary</u> | <u>MOE/Match Requirement</u> | <u>Priority Level</u> |
|--|------------------------------------|------------------------------|-----------------------|
| K.S.A. 75-7b01 through 75-7b23; K.A.R. 16-1-7 through 16-6-3 | Mandatory | No | 1 |

Program Goals

A. Provide licensing services and maintain accurate information on persons and agencies licensed as private detectives and agencies in the State of Kansas. Maintain the licensing records in a manner that supports office use and public access. Objective #1: Strive to effectively and efficiently manage the PDLU.

Program History

The agency provides licensing services and maintains accurate information on persons and agencies licensed as private detectives and agencies in the State of Kansas and maintains the licensing records in a manner that support office use and public access. This fund and the responsibilities were brought over from the Kansas Bureau of Investigation on July 1, 2012.

Office of the Attorney General

Performance Measures

| <i>Outcome Measures</i> | <i>Goal</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3- yr. Avg.</i> |
|---|-------------|----------------|----------------|----------------|----------------------|----------------|----------------|----------------|--------------------|
| | | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Est. Previous</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| 1. Number of licensed independent private detectives | A | 121 | 121 | 128 | 120 | 134 | 125 | 125 | 128 |
| 2. Number of private detective agencies | A | 121 | 124 | 110 | 120 | 99 | 110 | 110 | 111 |
| 3. Number of private detectives licensed through agencies | A | 287 | 284 | 250 | 250 | 238 | 250 | 250 | 257 |
| 4. Private detectives with firearm permits | A | 116 | 115 | 111 | 110 | 113 | 110 | 110 | 113 |
| 5. Certified firearms trainers | A | 11 | 11 | 12 | 10 | 10 | 10 | 10 | 11 |
| 6. Complaint cases resolved | A | 5 | 5 | 2 | 5 | 1 | 5 | 5 | 3 |
| <i>Output Measures</i> | | | | | | | | | |
| 7. New applications processed | A | 61 | 78 | 77 | 70 | 85 | 70 | 70 | 80 |
| 8. Renewal applications processed | A | 288 | 128 | 171 | 200 | 104 | 275 | 225 | 134 |
| 9. Complaint cases opened | A | 5 | 0 | 7 | 5 | 3 | 5 | 5 | 3 |

Funding

| <i>Funding Source</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3-yr. Avg.</i> |
|-----------------------|----------------|----------------|----------------|-----------------|----------------|----------------|----------------|-------------------|
| | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Approved</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| State General Fund | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| Non-SGF State Funds | 79,569 | 72,114 | 78,888 | 88,087 | 28,997 | 45,340 | 45,659 | 60,000 |
| Federal Funds | - | - | - | - | - | - | - | - |
| | \$ 79,569 | \$ 72,114 | \$ 78,888 | \$ 88,087 | \$ 28,997 | \$ 45,340 | \$ 45,659 | \$ 60,000 |
| FTE | 0.5 | 0.5 | 0.5 | 0.5 | 0.5 | 0.5 | 0.5 | 0.5 |

Office of the Attorney General

Criminal Litigation Division (Bail Enforcement Licensing Unit)

Consequences of Not Funding this Program

The elimination of funding would result in an inability to process new applications and administer those already licensed, eliminate the ability to litigate challenged administrative actions and eliminate the ability to investigate and/or litigate complaints against licensees and those who are unlicensed in accordance with the Kansas Consumer Protection Act.

| <u>Statutory Basis</u> | <u>Mandatory vs. Discretionary</u> | <u>MOE/Match Requirement</u> | <u>Priority Level</u> |
|--|------------------------------------|------------------------------|-----------------------|
| K.S.A. 75-e01 through 75-7e09; K.A.R. 16-15-1 through K.A.R. 16-15-4 | Mandatory | No | 3 |

Program Goals

A. Provide licensing services and maintain accurate information on persons and agencies licensed as bail enforcement agents (or “bounty hunters”) in the State of Kansas. Maintain the licensing records in a manner that supports office use and public access. Objective #1: Strive to effectively and efficiently manage the BEALU.

Program History

The Bail Enforcement Agent Unit began under the Attorney General’s Office in 2016. The Bail Enforcement Agent Licensing Act (BEALA), or “bounty hunter” licensing act. The BEALA was instituted to license BEAs (those that track down persons who have skipped court proceedings while on a bail bond – but also do not have the approval/licensure of a Court or the Kansas Insurance Department to issue bail bonds). This unit is responsible for processing new and renewal applications and monitoring compliance with license requirements.

Performance Measures

| <i>Outcome Measures</i> | <i>Goal</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3- yr. Avg.</i> |
|--------------------------------------|-------------|----------------|----------------|----------------|----------------------|----------------|----------------|----------------|--------------------|
| | | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Est. Previous</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| 1. Initial BEA applications received | A | 23 | 27 | 30 | 25 | 20 | 25 | 25 | 26 |
| 2. BEA renewal applications received | A | 7 | 5 | 9 | 10 | 7 | 10 | 10 | 7 |

Office of the Attorney General

Legal Opinions and Government Counsel Division

Consequences of Not Funding this Program

The Attorney General would not be able to comply with the long-standing statutory duties. Legislators, the governor, secretary of state, state treasurer, state board of education, commissioner of insurance, county attorneys and other state agencies or officials would not be able to benefit from the research and legal analysis of the Office of the Attorney General; opinions help to provide uniformity across the state on legal issues addressed. While we do not provide legal advice to legislators, public agencies and state or local public officials unless they are a client, we do provide resources and educational materials that will assist the person or entity to understand the law in order to draw their own legal conclusion in light of the particular facts. The consequence of not funding this program is a potential increase in costs to the public official or agency to obtain a basic understanding of the law. If this program is not funded, the State may be disadvantaged in litigation or unable to meet requirements imposed by the Legislature.

Table with 4 columns: Statutory Basis, Mandatory vs. Discretionary, MOE/Match Requirement, Priority Level. Values: K.S.A. 75-704, K.S.A. 77-701 et seq., Mandatory, No, 1.

Program Goals

A. To provide formal written opinions to the Legislature, Governor, Secretary of State, State Treasurer, State Board of Education, Commissioner of Insurance and other public officials that may settle a question of law or provide a certain and uniform method of analyzing a legal question in an unbiased manner. To provide County and District Attorneys with consultation and advice in all matters pertaining to their official duties. When assigned by Administration, to appropriately respond to emails, letters, and other communication from legislators, public agencies and state or local public officials requesting information on a legal issue. To annually update guidelines to assist state agencies in evaluating proposed governmental actions and in determining whether such actions may constitute a taking. To assist the Office of the Attorney General with legal research and special projects, such as promulgating regulations in response to a newly enacted state law. K.S.A. 75-704, K.S.A. 77701 et seq. Objective #1: To research and issue written legal opinions requested by legislators, public agencies, and officials.

B. To provide formal written opinions to the Legislature, Governor, Secretary of State, State Treasurer, State Board of Education, Commissioner of Insurance and other public officials that may settle a question of law or provide a certain and uniform method of analyzing a legal question in an unbiased manner. To provide County and District Attorneys with consultation and advice in all matters pertaining to their official duties. When assigned by Administration, to appropriately respond to emails, letters, and other communication from legislators, public agencies and state or local public officials requesting information on a legal issue. To annually update guidelines to assist state agencies in evaluating proposed governmental actions and in determining whether such actions may constitute a taking. To assist the Office of the Attorney General with legal research and special projects, such as promulgating regulations in response to a newly enacted state law. K.S.A. 75-704, K.S.A. 77701 et seq. Objective #2: Consult with and advise county and district attorneys, when requested by them, in all matters pertaining to their official duties. When assigned by Administration, appropriately respond to emails, letters, and other communication from legislators, public agencies and state or local public officials requesting information on a legal issue.

Office of the Attorney General

Program Goals (Continued)

C. To provide formal written opinions to the Legislature, Governor, Secretary of State, State Treasurer, State Board of Education, Commissioner of Insurance and other public officials that may settle a question of law or provide a certain and uniform method of analyzing a legal question in an unbiased manner. To provide County and District Attorneys with consultation and advice in all matters pertaining to their official duties. When assigned by Administration, to appropriately respond to emails, letters, and other communication from legislators, public agencies and state or local public officials requesting information on a legal issue. To annually update guidelines to assist state agencies in evaluating proposed governmental actions and in determining whether such actions may constitute a taking. To assist the Office of the Attorney General with legal research and special projects, such as promulgating regulations in response to a newly enacted state law. K.S.A. 75-704, K.S.A. 77701 et seq. Objective #3: Annually update guidelines to assist state agencies in evaluating proposed governmental actions and in determining whether such actions may constitute a taking. Assist the Attorney General with research and special projects, such as responding to requirements imposed by the Legislature or other authority and anticipating legal developments in the State to put the State in the best posture in the event litigation arises.

D. To respond to inquiries of the public, as directed by Administration, by providing information and directing individuals to appropriate public agencies or private entities for assistance as needed. Objective #1: Respond to miscellaneous correspondence, email, and telephone inquiries from the public, as directed by Administration.

E. To respond to inquiries of the public, as directed by Administration, by providing information and directing individuals to appropriate public agencies or private entities for assistance as needed. Objective #2: Catalogue and disseminate written legal opinions as they are issued. Assist the public in accessing older opinions.

F. Investigate complaints that suggest potential Kansas Architectural Accessibility Act (KAAA) violations, or refer investigation of such matters to local prosecutors. K.S.A. 58-1304.

Program History

This Division is responsible for researching and issuing written legal opinions requested by legislators, public agencies, and other officials; for annually updating guidelines to assist state agencies in evaluate whether proposed governmental actions may constitute a taking; for reviewing new and amended proposed agency rules and regulations; for reviewing bond and temporary note issue transcripts; and for reviewing deeds easements, leases, and special assessments on state property. The Division also serves as general counsel to 29 state boards and commissions that have no in-house counsel. The Division is also responsible for providing public education and training on the Kansas Open Meetings Act (KOMA) and the Kansas Open Records Act (KORA). In addition, the Division is responsible for investigating potential violations of the Kansas Architectural Accessibility Act. Since 1879, it has been a statutory responsibility for the Attorney General to consult with and advise county attorneys, and to research and draft formal written opinions, without fee, upon all questions of law submitted to him or her by the legislature, or either branch thereof, or by the governor, secretary of state, state treasurer, state board of education, or commissioner of insurance. K.S.A. 75-704.

Office of the Attorney General

Program History (Continued)

The Attorney General Opinions are issued upon the request of other public officials at the discretion of the Attorney General, taking into consideration the significance of the issue to the state, the resources required to address the issue, the availability of such resources, and other determinative factors. K.S.A. 75-704 has been amended on two occasions to substitute or strike an entity from the list of entities to whom the Attorney General is required to give a written opinion. While not a statutory responsibility, the Office of the Attorney General provides resources and educational materials to legislators, public agencies and state or local public officials to assist the person or entity to understand the law applicable to their issue. The review of regulations, municipal bond transcripts, deeds and easements and interlocal agreements are statutory responsibilities for the Attorney General. See K.S.A. 77-420, K.S.A. 10-108, 12-3425, 75-3743 and numerous statutes in Chapter 76 dealing with approval of Regents Institutions land transactions, and K.S.A. 12-2904. There have been no significant amendments to the laws relating to the reviews listed above. The OAG provides government counsel to boards and commissions as required by specific statutes and under the general authority to represent the State. Government counsel includes attending meetings and hearings, drafting orders, pleadings and other legal documents, providing legal advice, reviewing contracts and memoranda of understanding, revising regulations, and any other legal services as needed by the client. Larger, fee-funded agencies are billed for these services on an annual basis.

In 2016, the OAG separated the responsibility for enforcing open government laws from the responsibility for training and outreach to assist in compliance. Separating the two tasks, which historically have been combined, set the stage for stepped-up enforcement of the Kansas Open Records Act and Kansas Open Meetings Act as well as increased training and outreach activities. Training and Compliance remains within the LOGIC Division. The OAG, as with other public agencies, is dedicated to assisting constituents in obtaining a resolution to their issues, if possible. However, the OAG is not permitted to provide legal advice to private citizens but often assists the constituent by providing resources or educational materials, as directed by Administration. Since 1991, it has been the responsibility of the OAG to oversee the enforcement of the Kansas Architectural Accessibility Act (KAAA).

Performance Measures

| <i>Outcome Measures</i> | <i>Goal</i> | <i>FY 2019 Actuals</i> | <i>FY 2020 Actuals</i> | <i>FY 2021 Actuals</i> | <i>FY 2022 Previous Est.</i> | <i>FY 2022 Actuals</i> | <i>FY 2023 Est.</i> | <i>FY 2024 Est.</i> | <i>3- yr. Avg.</i> |
|--|-------------|----------------------------|----------------------------|----------------------------|--------------------------------------|----------------------------|-------------------------|-------------------------|--------------------|
| 1. Percentage of written legal opinions requested that are considered in a timely manner | A | 99% | 99% | 99% | 99% | 99% | 99% | 99% | 99% |
| 2. Percentage of communication responded in a timely manner | B | 99% | 99% | 99% | 99% | 99% | 99% | 99% | 99% |

Office of the Attorney General

Performance Measures (Continued)

Output Measures

| | | | | | | | | | |
|--|---|-------|-------|-------|-------|-------|-------|-------|-------|
| 3. Number of written legal opinions issued | A | 16 | 12 | 6 | 15 | 9 | 15 | 15 | 9 |
| 4. Number of communications received | B | 1,580 | 2,253 | 2,845 | 3,000 | 2,198 | 2,500 | 2,500 | 2,432 |

Additional Measures as Necessary

| | | | | | | | | | |
|--|---|-----|-----|-----|-----|-----|-----|-----|-----|
| 5. Number of special projects handled | C | 24 | 71 | 23 | 45 | 13 | 25 | 25 | 36 |
| 6. Number of inquiries received from the public | D | 253 | 583 | 526 | 600 | 165 | 300 | 300 | 425 |
| 7. Number of KAAA investigations conducted by office or referrals made | F | 1 | 1 | 0 | 1 | 0 | 1 | 1 | 0 |

Funding

| <i>Funding Source</i> | <i>FY 2019 Actuals</i> | <i>FY 2020 Actuals</i> | <i>FY 2021 Actuals</i> | <i>FY 2022 Approved</i> | <i>FY 2022 Actuals</i> | <i>FY 2023 Est.</i> | <i>FY 2024 Est.</i> | <i>3-yr. Avg.</i> |
|-----------------------|----------------------------|----------------------------|----------------------------|-----------------------------|----------------------------|-------------------------|-------------------------|-------------------|
| State General Fund | \$ 513,434 | \$ 350,208 | \$ 243,633 | \$ 181,851 | \$ 153,104 | \$ 226,043 | \$ 228,277 | \$ 248,982 |
| Non-SGF State Funds | 109,611 | 152,992 | 117,281 | 374,606 | 106,164 | 528,358 | 530,053 | 125,479 |
| Federal Funds | - | - | - | - | - | - | - | - |
| | \$ 623,045 | \$ 503,200 | \$ 360,914 | \$ 556,457 | \$ 259,268 | \$ 754,401 | \$ 758,330 | \$ 374,461 |
| FTE | 7.75 | 7.75 | 7.75 | 4.95 | 4.95 | 4.95 | 4.95 | 6.82 |

Office of the Attorney General

Legal Opinions and Government Counsel Division (Bond Review)

Consequences of Not Funding this Program

Bond review is required by state statute and demanded by the market before bonds and notes are registered and sold to protect the governmental entities, taxpayers and purchasers by ensuring compliance with state law. State real property may be improperly disposed of or used in an illegal or unauthorized manner. Municipalities may enter into agreements that do not comply with state law.

Table with 4 columns: Statutory Basis, Mandatory vs. Discretionary, MOE/Match Requirement, Priority Level. Values: K.S.A. 10-108; K.S.A. 75-750, Mandatory, No, 1

Program Goals

- A. To review for legality all proposed rules and regulations. To review the issuance of bond and temporary notes for legality and sufficiency of associated transcripts of proceedings. To review contracts affecting state property, including deeds, easements, leases and special assessments. To review interlocal agreements submitted by local units of government. K.S.A. 77-420, 10-108, 12-3425, 75-3743, 74-3264, 75-2131, 122904 and others. Objective #1: Review any proposed adoption, amendment, or revocation of agency rules and regulations pursuant to K.S.A. 77-420 to determine whether the proposed action is within the scope of the agency’s authority and appears to be consistent with applicable statutory and constitutional law.
B. To review for legality all proposed rules and regulations. To review the issuance of bond and temporary notes for legality and sufficiency of associated transcripts of proceedings. To review contracts affecting state property, including deeds, easements, leases and special assessments. To review interlocal agreements submitted by local units of government. K.S.A. 77-420, 10-108, 12-3425, 75-3743, 74-3264, 75-2131, 122904 and others. Objective #2: Perform an independent review of the legality of the issuance of bonds and notes by governmental entities and the sufficiency of the transcript of proceedings used by municipalities to issue bonds and temporary notes.
C. To review for legality all proposed rules and regulations. To review the issuance of bond and temporary notes for legality and sufficiency of associated transcripts of proceedings. To review contracts affecting state property, including deeds, easements, leases and special assessments. To review interlocal agreements submitted by local units of government. K.S.A. 77-420, 10-108, 12-3425, 75-3743, 74-3264, 75-2131, 122904 and others. Objective #3: Review easements, special assessments, deeds and leases on state property as statutorily required for form and/or substance.
D. To review for legality all proposed rules and regulations. To review the issuance of bond and temporary notes for legality and sufficiency of associated transcripts of proceedings. To review contracts affecting state property, including deeds, easements, leases and special assessments. To review interlocal agreements submitted by local units of government. K.S.A. 77-420, 10-108, 12-3425, 75-3743, 74-3264, 75-2131, 122904 and others. Objective #4: Review Interlocal Cooperation Act agreements as statutorily required for form and/or substance.

Program History

The attorney general is authorized to fix, charge and collect fees for review and examination of the transcripts of the proceedings of municipalities for the issuance of municipal bonds under K.S.A. 10-108.

Office of the Attorney General

Performance Measures

| <i>Outcome Measures</i> | <i>Goal</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3- yr. Avg.</i> |
|--|-------------|----------------|----------------|----------------|----------------------|----------------|----------------|----------------|--------------------|
| | | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Previous Est.</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| 1. Percentage of proposed State agency regulations reviewed in a timely manner | A | 99% | 99% | 99% | 99% | 99% | 99% | 99% | 99% |
| <i>Output Measures</i> | | | | | | | | | |
| 2. Number of Regulations reviewed | A | 626 | 632 | 701 | 750 | 645 | 750 | 750 | 659 |
| 3. Number of bond/temporary note transcripts reviewed | B | 226 | 319 | 336 | 340 | 246 | 320 | 320 | 300 |
| 4. Number of easements, special assessments, deeds and leases reviewed | C | 13 | 15 | 11 | 15 | 13 | 15 | 15 | 13 |
| 5. Number of interlocal agreements reviewed | D | 91 | 74 | 43 | 50 | 44 | 45 | 45 | 54 |

Funding

| <i>Funding Source</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3-yr. Avg.</i> |
|-----------------------|----------------|----------------|----------------|-----------------|----------------|----------------|----------------|-------------------|
| | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Approved</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| State General Fund | \$ - | \$ - | \$ 11 | \$ - | \$ - | \$ - | \$ - | \$ 4 |
| Non-SGF State Funds | 120,983 | 103,531 | 89,637 | 90,328 | 89,414 | 95,768 | 96,122 | 94,194 |
| Federal Funds | - | - | - | - | - | - | - | - |
| | \$ 120,983 | \$ 103,531 | \$ 89,648 | \$ 90,328 | \$ 89,414 | \$ 95,768 | \$ 96,122 | \$ 94,198 |
| FTE | 1.00 | 1.00 | 1.00 | 0.75 | 0.75 | 0.75 | 0.75 | 0.92 |

Office of the Attorney General

Legal Opinions and Government Counsel Division (Open Government)

Consequences of Not Funding this Program

The Office of the Attorney General would not be able to comply with its statutory duties under the Kansas Open Records Act and the Kansas Open Meetings Act. The Office of the Attorney General would not be able to comply with its statutory duty under the Kansas Open Meetings Act and the Kansas Open Records Act. The Office of the Attorney General is the primary resource for information on Kansas open government laws. If the function is not funded, inadvertant violations of the law would likely increase, hindering the objectives of the statutes. In addition, constituents would not understand their rights under the open government law.

| Statutory Basis | Mandatory vs. Discretionary | MOE/Match Requirement | Priority Level |
|--|------------------------------------|------------------------------|-----------------------|
| K.S.A. 75-761; 45-216; 45-218; 75-4317 | Mandatory | No | 1 |

Program Goals

A. To provide training and outreach to public officials, public agencies, and the public to help prevent violations of the Kansas Open Meetings Act (K.S.A. 75-4317 et seq.) and the Kansas Open Records Act (K.S.A. 45-215 et seq.). To provide for the information and education of governmental entities and the public on matters related to the Kansas Open Meetings Act and the Kansas Open Records Act. To respond to open records request submitted to the Office of the Attorney General. K.S.A. 75-4317 et seq., 45-215 et seq., 75-761. Objective #1: Provide training for public officials and the public throughout the state.

B. To provide training and outreach to public officials, public agencies, and the public to help prevent violations of the Kansas Open Meetings Act (K.S.A. 75-4317 et seq.) and the Kansas Open Records Act (K.S.A. 45-215 et seq.). To provide for the information and education of governmental entities and the public on matters related to the Kansas Open Meetings Act and the Kansas Open Records Act. To respond to open records request submitted to the Office of the Attorney General. K.S.A. 75-4317 et seq., 45-215 et seq., 75-761. Objective #2: Provide information and education on the Open Meetings Act and the Open Records Act to governmental entities subject to those acts, interested persons contacting the office, and the public at large. Respond to open records requests submitted to the Office of the Attorney General.

Program History

The Office of the Attorney General created the Open Government Training Advisory Group in response to KSA 75-761 passed in 2015. The group assists in developing the training and outreach the OAG provides to public officials, public agencies, and the public to help prevent violations of the Kansas Open Meetings Act (K.S.A. 75-4317 et seq.) and the Kansas Open Records Act (K.S.A. 45-215 et seq.). To provide for the information and education of governmental entities and the public on matters related to the Kansas Open Meetings Act and the Kansas Open Records Act. To respond to open records request submitted to the Office of the Attorney General.

Office of the Attorney General

Performance Measures

| <i>Output Measures</i> | <i>Goal</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3- yr. Avg.</i> |
|--|-------------|----------------|----------------|----------------|----------------|-------------------------|----------------|----------------|--------------------|
| | | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Est.</i> | <i>Previous Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| 1. Number of KOMA/KORA presentations | A | 27 | 35 | 43 | 50 | 46 | 50 | 50 | 41 |
| 2. Number of inquiries (e.g. emails, letters, and telephone calls) regarding KOMA/KORA, including records requests | B | 2,425 | 3,173 | 3,254 | 3,300 | 3,571 | 3,600 | 3,600 | 3,333 |

Funding

| <i>Funding Source</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3-yr. Avg.</i> |
|-----------------------|----------------|----------------|----------------|-----------------|----------------|----------------|----------------|-------------------|
| | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Approved</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| State General Fund | \$ 91,001 | \$ 95,154 | \$ 96,821 | \$ 98,128 | \$ 123,672 | \$ 125,000 | \$ 125,000 | \$ 105,216 |
| Non-SGF State Funds | 1,771 | 5,350 | 5,981 | 6,639 | 6,289 | 6,289 | 6,289 | 5,873 |
| Federal Funds | - | - | - | - | - | - | - | - |
| | \$ 92,772 | \$ 100,504 | \$ 102,802 | \$ 104,767 | \$ 129,961 | \$ 131,289 | \$ 131,289 | \$ 111,089 |
| FTE | 1.0 | 1.0 | 1.0 | 2.0 | 2.0 | 2.0 | 2.0 | 1.3 |

Office of the Attorney General

Legal Opinions and Government Counsel Division (Contract General Counsel)

Consequences of Not Funding this Program

The counseled agencies may not be able to access legal counsel trained in state legal and regulatory affairs on an affordable basis. Not using or under-utilizing legal counsel could result in violation of state law, expense to the state to defend and/or settle lawsuits, a delay in handling licensing discipline matters, and harm to the agencies' interests as the result of unfavorable contracts. By representing a number of smaller agencies, the OAG provides the most efficient and cost effective legal representation for the State. The OAG would not be able to comply with its duty with respect to these important statutorily created entities.

| <u>Statutory Basis</u> | <u>Mandatory vs. Discretionary</u> | <u>MOE/Match Requirement</u> | <u>Priority Level</u> |
|---|------------------------------------|------------------------------|-----------------------|
| K.S.A. 75-769; K.S.A. 41-201 (Alcohol Beverage Control); 74-8715 (Lottery); 75-1515 (State Fire Marshal); and generally pursuant to 75-702 and 75-710; 77-423 (State Rules and Regulations Board); 75-4101 (Surety Bonds and Insurance); 46-2303 (Joint Committee on State/Tribal Relations); and as designated by the Attorney General pursuant to 75-710; 66-106 (Corporation Commission); 74-4206 (Real Estate Commission); 74-7029; 74-8809; and 74-4908. | Mandatory | No | 1 |

Program Goals

A. To serve as general counsel for state boards and commissions that have no in-house counsel, helping them to pursue a proper course of conduct and avoid litigation through the provision of advice and consultation. Pursuant to K.S.A. 75-769, the Office of the Attorney General has authority to charge legal representation charges to state agencies. To serve as the Attorney General's designee on certain statutorily created entities. K.S.A. 77-423, 75-4101, 46-2303, 75-710, 66-106, 74-4206, 74-4908, 74-7029, 41-201, 75-1515, 75-1516, 74-8715, 77-8809. Objective #1: As general counsel for 29 boards and commissions that have no in-house counsel, attend administrative board meetings and hearings, draft orders, and assist with other legal matters as necessary.

B. To serve as general counsel for state boards and commissions that have no in-house counsel, helping them to pursue a proper course of conduct and avoid litigation through the provision of advice and consultation. Pursuant to K.S.A. 75-769, the Office of the Attorney General has authority to charge legal representation charges to state agencies. To serve as the Attorney General's designee on certain statutorily created entities. K.S.A. 77-423, 75-4101, 46-2303, 75-710, 66-106, 74-4206, 74-4908, 74-7029, 41-201, 75-1515, 75-1516, 74-8715, 77-8809. Objective #2: Serve as the Attorney General's designee on statutorily created entities such as the State Rules and Regulations Board, State Records Board, Committee on Surety Bonds and Insurance, and the Joint Committee on State/Tribal Relations or as directed.

Office of the Attorney General

Program History

Effective June 1, 2017, S.B. 149, sec. 2(a) (Now codified in K.S.A. 75-769) established that, "The attorney general may determine, fix and establish a system of legal representation charges and collect such charges from any state agency to which the attorney general provides legal services. The attorney general may determine the amount of legal representation charges due from the state agency by use of a schedule of fees and costs for legal services published by the attorney general or by entering into an agreement with a state agency for payment by such agency for legal services. Such schedule of fees and costs shall not exceed the amount of compensation established pursuant to K.S.A. 22-4507, and amendments thereto, for attorneys appointed by the court to perform services for an indigent person.

Performance Measures

| <i>Output Measures</i> | <i>Goal</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3- yr. Avg.</i> |
|--|-------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|--------------------|
| | | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Est.</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| 1. State agency meetings/hearings attended | A | 240 | 295 | 453 | 475 | 323 | 400 | 400 | 357 |
| 2. Legal documents created or reviewed | A | 600 | 1,049 | 1,214 | 1,200 | 1,017 | 1,200 | 1,200 | 1,093 |
| 3. Communications (letter, email, telephone calls) with agencies | A | 6,887 | 9,719 | 12,741 | 12,000 | 16,426 | 17,000 | 17,000 | 12,962 |
| 4. Statutorily created entity meetings/hearings attended | B | 27 | 24 | 26 | 26 | 9 | 26 | 26 | 20 |

Funding

| <i>Funding Source</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3-yr. Avg.</i> |
|-----------------------|----------------|----------------|----------------|-----------------|----------------|----------------|----------------|-------------------|
| | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Approved</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| State General Fund | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| Non-SGF State Funds | (571) | 320,625 | 28,612 | 377,640 | 156,281 | 330,600 | 330,600 | 168,506 |
| Federal Funds | - | - | - | - | - | - | - | - |
| | \$ (571) | \$ 320,625 | \$ 28,612 | \$ 377,640 | \$ 156,281 | \$ 330,600 | \$ 330,600 | \$ 168,506 |
| FTE | -- | -- | -- | 2.8 | 2.8 | 2.8 | 2.8 | 0.9 |

Office of the Attorney General

Legal Opinions and Government Counsel Division (Racial/Biased Based Policing)

Consequences of Not Funding this Program

The program is not currently funded. The administrative responsibilities of the act were absorbed into this division.

| Statutory Basis | Mandatory vs. Discretionary | MOE/Match Requirement | Priority Level |
|------------------------|------------------------------------|------------------------------|-----------------------|
| K.S.A. 22-4606 et seq | Mandatory | No | 1 |

Program Goals

A. To carry out the Office of the Attorney General’s duties under the racial or other biased based policing statutes, K.S.A. 22-4606 et seq, including processing and reviewing complaints received by the OAG; collecting and publishing law enforcement agency Racial or Other Biased Based Policing annual reports; and providing training and community outreach on racial and other bias based policing. The LOGiC Division assumed responsibility for this activity on May 1, 2017. Objective #1: Review each racial or other biased based policing complaint filed with this office and make a determination of the appropriate action on each complaint.

B. To carry out the Office of the Attorney General’s duties under the racial or other biased based policing statutes, K.S.A. 22-4606 et seq, including processing and reviewing complaints received by the OAG; collecting and publishing law enforcement agency Racial or Other Biased Based Policing annual reports; and providing training and community outreach on racial and other bias based policing. The LOGiC Division assumed responsibility for this activity on May 1, 2017. Objective #2: Collect and publish law enforcement agency Racial and Other Biased Based Policing annual reports.

Program History

To carry out the Office of the Attorney General’s duties under the racial or other biased based policing statutes, K.S.A. 22-4606 et seq, including processing and reviewing complaints received by the OAG; collecting and publishing law enforcement agency Racial or Other Biased Based Policing annual reports; and providing training and community outreach on racial and other bias based policing. The LOGiC Division assumed the administrative responsibilities for this activity on May 1, 2017.

Performance Measures

| <i>Outcome Measures</i> | <i>Goal</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3- yr. Avg.</i> |
|--|-------------|----------------|----------------|----------------|----------------------|----------------|----------------|----------------|--------------------|
| | | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Previous Est.</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| 1. Percent of racial profiling complaints which were acknowledged within 10 days | A | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% |
| 2. Percent of non-exempt agencies filing annual report | B | 98% | 94% | 99% | 99% | 99% | 99% | 99% | 97% |

Office of the Attorney General

| <i>Output Measures</i> | | | | | | | | | |
|---|---|----|----|----|----|----|----|----|----|
| 3. Number of racial profiling related complaints received and opened for review | A | 26 | 17 | 26 | 25 | 25 | 30 | 30 | 23 |
| 4. Number of racial profiling complaints resolved or closed | A | 22 | 20 | 27 | 25 | 24 | 30 | 30 | 24 |

Funding

| <i>Funding Source</i> | <i>FY 2019 Actuals</i> | <i>FY 2020 Actuals</i> | <i>FY 2021 Actuals</i> | <i>FY 2022 Approved</i> | <i>FY 2022 Actuals</i> | <i>FY 2023 Est.</i> | <i>FY 2024 Est.</i> | <i>3-yr. Avg.</i> |
|-----------------------|----------------------------|----------------------------|----------------------------|-----------------------------|----------------------------|-------------------------|-------------------------|-------------------|
| State General Fund | \$ 1,334 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| Non-SGF State Funds | 240 | 1 | - | - | 28 | - | - | 10 |
| Federal Funds | - | - | - | - | - | - | - | - |
| | \$ 1,574 | \$ 1 | \$ - | \$ - | \$ 28 | \$ - | \$ - | \$ 10 |
| FTE | -- | -- | -- | -- | -- | -- | -- | -- |

Office of the Attorney General

Consumer Protection Division

Consequences of Not Funding this Program

There would not be an entity authorized to enforce the Kansas Consumer Protection Act throughout the state, that work would be shifted to the County and District level. By not enforcing the act, businesses would be allowed to conduct business in deceptive and unconscionable ways without consequence, other than the private action of consumers. The less informed consumers are of common schemes and scams, the less equipped consumers will be to protect themselves from the financial and personal hardships that they might suffer as a result of falling victim to these fraud. The KCPA specifically provides penalties for fraud against vulnerable consumers, and much of the education and outreach of the Office of Attorney General is to that demographic, e.g. senior citizens.

| <u>Statutory Basis</u> | <u>Mandatory vs. Discretionary</u> | <u>MOE/Match Requirement</u> | <u>Priority Level</u> |
|---|------------------------------------|------------------------------|-----------------------|
| K.S.A. 50-623 through K.S.A. 50-643, in particular K.S.A. 50-632 | Mandatory | No | 1 |

Program Goals

- A. To provide efficient, effective, and ethical enforcement of the Kansas Consumer Protection Act (KCPA) and other state and federal consumer protection laws. K.S.A. 50-623 et seq. Objective #1: To receive, process, investigate, and act on consumer complaints in a timely manner.
- B. To provide efficient, effective, and ethical enforcement of the Kansas Consumer Protection Act (KCPA) and other state and federal consumer protection laws. K.S.A. 50-623 et seq. Objective #2: To effectively, efficiently, and ethically prosecute or otherwise enforce the Kansas Consumer Protection Act against suppliers for violations of the Act.
- C. To provide efficient and effective education of the public, law enforcement officials, legal profession, and providers of goods and services on issues related to the Kansas Consumer Protection Act in order to reduce or prevent the occurrence of consumer fraud. Objective #1: Prevent consumers from becoming victims of deceptive and unconscionable acts and practices by educating them and providing them with written educational materials.
- D. To provide efficient, effective and ethical enforcement of the Kansas False Claims Act (KFCA). K.S.A. 75-7501–7511. Objective #1: To receive, process, investigate and act on complaints pertaining to the KFCA, and ethically prosecute or otherwise enforce the matters falling within the parameters of the KFCA.
- E. To provide efficient, effective and ethical enforcement of the Unauthorized Practice of Law statute, K.S.A. 50-6,142. Objective #1: To receive, process, investigate and act on complaints pertaining to the Unauthorized Practice of Law (UPL) statute and ethically prosecute or otherwise enforce matters falling within the parameters of the UPL statute.
- F. To provide efficient, effective and ethical enforcement of the Kansas Wayne Owen Act (KWOA), K.S.A. 50-6,139 et seq. Objective #1: To receive, process, investigate and act on complaints pertaining to KWOA, and ethically prosecute or otherwise enforce the matters falling within the parameters the statute.
- G. To provide efficient, effective and ethical enforcement of the Kansas Data Breach Statutes. K.S.A. 50-7a01 et seq., and K.S.A. 50-6,139b. Objective #1: To receive, process, investigate and act on complaints pertaining to data breaches, and ethically prosecute or otherwise enforce the matters falling within the parameters the statute.

Office of the Attorney General

H. To provide efficient, effective, and ethical enforcement of the Kansas No Call Act. Objective #1: To receive, process, investigate, and act on consumer no call complaints in a timely manner.

Office of the Attorney General

Program History

This Division is responsible for safeguarding the citizens of Kansas by educating consumers and businesses and providing efficient, effective, and ethical enforcement of consumer protection laws, including the Kansas Consumer Protection Act, the Kansas Charitable Organizations and Solicitations Act, the Kansas False Claims Act, the Kansas Roofing Registration Act, the Kansas Wayne Owen Act, the Kansas No Call Act, the Scrap Metal Theft Reduction Act, the unauthorized practice of law statutes, consumer information data protection laws, and state and federal antitrust laws.

Performance Measures

| <i>Outcome Measures</i> | <i>Goal</i> | <i>FY 2019 Actuals</i> | <i>FY 2020 Actuals</i> | <i>FY 2021 Actuals</i> | <i>FY 2022 Previous Est.</i> | <i>FY 2022 Actuals</i> | <i>FY 2023 Est.</i> | <i>FY 2024 Est.</i> | <i>3- yr. Avg.</i> |
|---|-------------|----------------------------|----------------------------|----------------------------|----------------------------------|----------------------------|-------------------------|-------------------------|--------------------|
| 1. Percent of filed complaints processed in a timely manner | A | 99% | 95% | 98% | 99% | 99% | 99% | 99% | 97% |
| 2. Percent of requests for consumer educational outreach presentations granted | C | 96% | 100% | 91% | 97% | 100% | 97% | 97% | 97% |
| 3. Percent of filed complaints processed in a timely manner | D | 100% | 95% | 98% | 99% | 99% | 99% | 99% | 97% |
| 4. Percent of filed complaints processed in a timely manner | E | 100% | 95% | 100% | 99% | 99% | 99% | 99% | 98% |
| 5. Percent of filed complaints processed in a timely manner | F | 100% | 95% | 100% | 99% | 99% | 99% | 99% | 98% |
| 6. Percent of filed complaints processed in a timely manner | G | 100% | 95% | 78% | 99% | 98% | 99% | 99% | 90% |
| 7. Percent of complaint files in which timely responses are filed, served or conveyed | H | 99% | 95% | 93% | 99% | 98% | 99% | 99% | 95% |

Office of the Attorney General

Performance (Continued)

| <i>Output Measures</i> | <i>Goal</i> | <i>FY 2019 Actuals</i> | <i>FY 2020 Actuals</i> | <i>FY 2021 Actuals</i> | <i>FY 2022 Previous Est.</i> | <i>FY 2022 Actuals</i> | <i>FY 2023 Est.</i> | <i>FY 2024 Est.</i> | <i>3- yr. Avg.</i> |
|---|-------------|----------------------------|----------------------------|----------------------------|----------------------------------|----------------------------|-------------------------|-------------------------|--------------------|
| 8. Complaint files opened | A | 2,399 | 2,817 | 3,856 | 3,500 | 3,099 | 3,500 | 3,500 | 3,257 |
| 9. Complaints resolved or closed | A | 2,459 | 2,626 | 4,032 | 3,500 | 3,138 | 3,500 | 3,500 | 3,265 |
| 10. Amount of consumer savings returned directly to consumers, as a result of investigations in the form of refunds, debts or obligations canceled, and products delivered, repaired or replaced without litigation | A | \$2,795,962 | \$2,288,319 | \$2,077,333 | \$2,000,000 | \$2,427,250 | \$2,000,000 | \$2,000,000 | \$2,264,301 |
| 11. Amount of recoveries resulting from investigations through Assurance of Voluntary Compliance Agreements | A | \$4,519,990 | \$25,000 | \$418,276 | \$200,000 | \$1,474,234 | \$200,000 | \$200,000 | \$639,170 |
| 12. Litigation files opened on new complaints | B | 13 | 21 | 27 | 25 | 16 | 25 | 25 | 21 |
| 13. Amount of penalties and fees recovered in enforcement actions deposited into the State General Fund as consistent with the related court order | B | \$77,746 | \$11,559 | \$77,432 | \$50,000 | \$674,450 | \$50,000 | \$50,000 | \$254,480 |

Office of the Attorney General

Performance (Continued)

| <i>Output Measures</i> | <i>Goal</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3- yr. Avg.</i> |
|--|-------------|----------------|----------------|----------------|----------------------|----------------|----------------|----------------|--------------------|
| | | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Previous Est.</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| 14. Amount of penalties (which go into Court Cost Fund) and fees recovered in enforcement actions deposited into the Consumer Court Cost Fund as consistent with the related court order | B | \$3,761,072 | \$3,309,293 | \$1,543,752 | \$1,000,000 | \$39,143 | \$1,000,000 | \$1,000,000 | \$1,630,729 |
| 15. Consumer educational outreach presentations made | C | 43 | 7 | 10 | 20 | 12 | 50 | 50 | 10 |
| 16. Complaints filed concerning false claims | D | 3 | 2 | 2 | 3 | 2 | 3 | 3 | 2 |
| 17. Litigation files opened on new complaints | D | 1 | 0 | 0 | 2 | 0 | 2 | 2 | 0 |
| 18. Number of complaints concerning false claims resolved or closed | D | 4 | 1 | 5 | 5 | 2 | 5 | 5 | 3 |
| 15. Number of new complaints filed concerning UPL | E | 10 | 8 | 12 | 10 | 11 | 10 | 10 | 10 |
| 16. Number of litigation files opened on new complaints | E | 0 | 1 | 0 | 1 | 0 | 1 | 1 | 0 |
| 17. Number of complaints concerning UPL resolved or closed | E | 18 | 5 | 15 | 10 | 12 | 12 | 12 | 11 |
| 18. Number of new complaints filed concerning KWOA | F | 2 | 6 | 17 | 3 | 0 | 5 | 5 | 8 |
| 19. Number of litigation files opened on KWOA investigations | F | 0 | 0 | 0 | 3 | 0 | 3 | 3 | 0 |
| 20. Number of complaints concerning KWOA resolved or closed | F | 5 | 4 | 7 | 3 | 3 | 3 | 3 | 5 |

Office of the Attorney General

Performance (Continued)

| <i>Output Measures</i> | <i>Goal</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3-yr. Avg.</i> |
|---|-------------|----------------|----------------|----------------|----------------------|----------------|----------------|----------------|-------------------|
| | | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Previous Est.</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| 21. Number of new complaints filed concerning data breaches | G | 14 | 13 | 18 | 30 | 20 | 20 | 20 | 17 |
| 22. Number of litigation files opened on data breach investigations | G | 2 | 0 | 0 | 2 | 1 | 2 | 2 | 0 |
| 23. Number of complaints concerning data breaches resolved or closed | G | 33 | 9 | 15 | 30 | 23 | 30 | 30 | 16 |
| 24. Number of new complaints filed concerning no call violations | H | 513 | 356 | 364 | 500 | 248 | 250 | 250 | 323 |
| 25. Number of litigation files opened on no call investigations | H | 2 | 0 | 2 | 3 | 0 | 3 | 3 | 1 |
| 26. Number of complaints concerning no call violations resolved or closed | H | 536 | 385 | 466 | 500 | 245 | 500 | 500 | 365 |
| 27. Amount of penalties and fees recovered in enforcement actions deposited into the No Call Court Cost Fund as consistent with the related court order | H | \$14,140 | \$21,500 | \$15,000 | \$20,000 | \$0 | \$20,000 | \$20,000 | \$12,167 |

Funding

| <i>Funding Source</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3-yr. Avg.</i> |
|-----------------------|----------------|----------------|----------------|-----------------|----------------|----------------|----------------|-------------------|
| | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Approved</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| State General Fund | \$ 128,540 | \$ 135,217 | \$ 136,558 | \$ 131,424 | \$ 74,364 | \$ 75,547 | \$ 75,992 | \$ 115,380 |
| Non-SGF State Funds | 1,754,610 | 1,964,194 | 1,918,006 | 5,567,985 | 2,793,631 | 36,511,922 | 10,424,077 | 2,225,277 |
| Federal Funds | - | - | - | - | - | - | - | - |
| | \$1,883,150 | \$2,099,411 | \$2,054,564 | \$ 5,699,409 | \$2,867,995 | \$36,587,469 | \$10,500,069 | \$2,340,657 |
| FTE | 19.45 | 19.45 | 19.45 | 20.25 | 20.25 | 20.25 | 20.25 | 19.72 |

Office of the Attorney General

Consumer Protection Division (Roofing Registration)

Consequences of Not Funding this Program

This Roofing Registration Unit was created pursuant to legislation authorizing the Attorney General to administer and implement the provisions of the KRRRA. This program is funded by fees generated by the program (registration fees, judgments, etc.). Not funding the program would leave Kansas consumers without the information that they need to protect themselves from unscrupulous contractors.

| Statutory Basis | Mandatory vs. Discretionary | MOE/Match Requirement | Priority Level |
|------------------------|------------------------------------|------------------------------|-----------------------|
| K.S.A. 50-6,121 et seq | Mandatory | No | 1 |

Program Goals

A. To provide efficient, effective and ethical enforcement of the Kansas Roofing Registration Act, K.S.A. 50-6,121 et seq. Objective #1: To receive, process, investigate, and publish annual roofing registration applications in a timely manner.

B. To provide efficient, effective and ethical enforcement of the Kansas Roofing Registration Act, K.S.A. 50-6,121 et seq. Objective #2: To investigate and recommend for prosecution any violations of the Roofing Registration Act (Act).

Program History

The Kansas Roofing Registration Act (KRRRA) went into effect July 1, 2013. The KRRRA helps ensure Kansas consumers contract with reputable roofing contractors. Pursuant to K.S.A. 50-6,138, the KRRRA is a part of and supplemental to the KCPA, and any violation of the KRRRA is deemed to be a deceptive or unconscionable act or practice under the KCPA.

Performance Measures

| <i>Outcome Measures</i> | <i>Goal</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3- yr. Avg.</i> |
|---|-------------|----------------|----------------|----------------|----------------------|----------------|----------------|----------------|--------------------|
| | | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Previous Est.</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| 1. Percent of submitted roofing registrations which were reviewed and responded to within 60 days | A | 100% | 100% | 99% | 99% | 100% | 99% | 99% | 100% |

Office of the Attorney General

Performance Measures (Continued)

| <i>Output Measures</i> | <i>Goal</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3- yr. Avg.</i> |
|--|-------------|----------------|----------------|----------------|----------------------|----------------|----------------|----------------|--------------------|
| | | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Previous Est.</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| 2. Number of roofing companies applying annually for registration | A | 1,642 | 1,531 | 1,719 | 1,650 | 1,612 | 1,750 | 1,750 | 1,621 |
| 3. Number of roofing companies successfully completing the application process | A | 1,631 | 1,455 | 1,408 | 1,600 | 1,464 | 1,500 | 1,500 | 1,442 |
| 4. Number of complaints filed concerning a roofing registration violation | B | 133 | 145 | 106 | 175 | 86 | 130 | 130 | 112 |
| 5. Number of litigation files opened on new complaints | B | 32 | 15 | 2 | 20 | 16 | 20 | 20 | 11 |
| 6. Number of complaints concerning roofing registration violations resolved or closed | B | 142 | 131 | 133 | 150 | 64 | 130 | 130 | 109 |
| 7. Amount of penalties and fees recovered in enforcement actions deposited into the Roofing Civil Penalty Fund consistent with the related court order | B | \$101,682 | \$87,521 | \$79,035 | \$90,000 | \$18,631 | \$90,000 | \$90,000 | \$61,729 |

Funding

| <i>Funding Source</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3-yr. Avg.</i> |
|-----------------------|----------------|----------------|----------------|-----------------|----------------|----------------|----------------|-------------------|
| | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Approved</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| State General Fund | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| Non-SGF State Funds | 388,763 | 442,408 | 406,000 | 489,155 | 397,687 | 497,159 | 499,073 | 415,365 |
| Federal Funds | - | - | - | - | - | - | - | - |
| | \$ 388,763 | \$ 442,408 | \$ 406,000 | \$ 489,155 | \$ 397,687 | \$ 497,159 | \$ 499,073 | \$ 415,365 |
| FTE | 4.83 | 4.83 | 4.83 | 4.83 | 4.83 | 4.83 | 4.83 | 4.83 |

Office of the Attorney General

Consumer Protection Division (Scrap Metal Licensing Unit)

Consequences of Not Funding this Program

This program was created in order to register all scrap metal dealers, combat scrap metal theft, and provide law enforcement a resource to track scrap metal sales throughout the state.

| <u>Statutory Basis</u> | <u>Mandatory vs. Discretionary</u> | <u>MOE/Match Requirement</u> | <u>Priority Level</u> |
|-------------------------|------------------------------------|------------------------------|-----------------------|
| K.S.A. 50-6,109 et seq. | Mandatory | No | |

Program Goals

- A. To provide efficient, effective, and ethical enforcement of the Scrap Metal Theft Reduction Act (SMTRA), K.S.A. 50-6,109 et seq. Objective #1: To receive, process, investigate, and publish annual scrap metal dealer registration applications in a timely manner.
- B. To provide efficient, effective, and ethical enforcement of the Scrap Metal Theft Reduction Act (SMTRA), K.S.A. 50-6,109 et seq. Objective #2: To enforce the Scrap Metal Theft Reduction Act through suspension and revocation of registration certificates.

Program History

On July 1, 2015 the "Scrap Metal Theft Reduction Act" (the Act) became effective by adding and amending laws related to scrap metal dealer registration and scrap metal sales. Additionally, the law amended certain criminal provisions related to scrap metal theft. In 2015, the Attorney General had authority over the implementation, administration, and enforcement of the Act, including creating and operating a registration process, creating and maintaining a database of registered dealers and transactions, and investigating and prosecuting violations of the Act. The Act established the Scrap Metal Theft Reduction Fee Fund to be administered by the Attorney General, which would be credited with all fees, charges, or penalties collected by the Attorney General under the Act. Expenditures from the Fund are used for the administration of the duties, functions, and operating expenses incurred under the Act. In 2017, the Kansas State Legislature amended the law, delaying implementation of certain provisions of the Act. In 2018, that delay was extended until January 1, 2019. When the Act was initially adopted, it was incorrectly estimated that there were approximately 200 scrap metal dealers in the State of Kansas, indicating that the revenue generated would likely have been sufficient to operate the program. However, at the time the Act was suspended, only 75 scrap metal dealers had completed the registration process. This resulted in a significant underfunding of the program. Because the Kansas State Legislature did not appropriate funds for this program until a year following the initial adoption, there was a delay in the request for proposal (RFP) process to create the transactional database required by the law. At the time of the suspension of this program, bids were undergoing review as part of the RFP process. In 2019, the legislature transferred responsibilities for the law enforcement database to the Kansas Bureau of Investigation. Prior to the Act, this Division has no history of enforcement of scrap metal related offenses. The Division educates the public, law enforcement officials, members of the legal profession, and providers of goods and services regarding issues relating to the KCPA and other consumer statutes in order to reduce or prevent consumer fraud.

Office of the Attorney General

Consumer Protection Division (Antitrust)

Consequences of Not Funding this Program

Harm to the economy of the state and consumers due to unchecked anticompetitive conduct. Inability to adequately comply with the enforcement requirements of K.S.A. 50-109 or adequately represent the interests of the state and its consumers. The Act concentrates enforcement power in the Attorney General, so without adequate funding to enforce these statutes, there would be little to no antitrust enforcement in the State of Kansas, absent a few individual actions for individual damages. Antitrust investigation and litigation tends to be a long term process—frequently spanning several years by the time investigation, litigation, settlement or judgment, and appeals are complete. If an Assistant Attorney General is not engaged and involved at each step of the process, the State could lose out on and forego recovery in the matter.

Table with 4 columns: Statutory Basis, Mandatory vs. Discretionary, MOE/Match Requirement, Priority Level. Row 1: K.S.A. 50-101 through K.S.A. 50-163, in particular K.S.A. 50-103 and K.S.A. 50-153; Mandatory; No; 1

Program Goals

A. To provide efficient, effective and ethical enforcement of state and federal antitrust laws on antitrust matters referred to the office, ensure that each allegation is examined by an Assistant Attorney General, and that appropriate action is taken. K.S.A. 50-101 to 50-1,105.

Program History

Kansas was the first state in the Union to enact a state-level antitrust law of general application when the first version was enacted in 1889, before the federal Sherman Antitrust Act of 1890 was passed. The Kansas Restraint of Trade Act was first enacted in 1897. Antitrust was first reported as a complaint category by the Kansas Attorney General in the 1999 Annual Report of the Consumer Protection Division. There were 14 antitrust complaints filed that year. Major revisions to the Kansas Restraint of Trade Act were passed in both 2000 and 2013. In 2000, criminal antitrust enforcement was repealed, certain antiquated provisions were removed, and the Attorney General was given modern investigative powers, including administrative subpoena power. At that time, enforcement power for the Act was concentrated in the Office of the Attorney General, rather than in county and district attorneys' offices. To the extent the State of Kansas is involved in antitrust litigation, the Attorney General is the state's litigator. In 2013, the Act was further revised to clarify the law's application, and synchronize its application with federal antitrust laws.

Office of the Attorney General

Performance Measures

| <i>Outcome Measures</i> | <i>Goal</i> | <i>FY 2019 Actuals</i> | <i>FY 2020 Actuals</i> | <i>FY 2021 Actuals</i> | <i>FY 2022 Previous Est.</i> | <i>FY 2022 Actuals</i> | <i>FY 2023 Est.</i> | <i>FY 2024 Est.</i> | <i>3- yr. Avg.</i> |
|---|-------------|----------------------------|----------------------------|----------------------------|--------------------------------------|----------------------------|-------------------------|-------------------------|--------------------|
| 1. Percentage of citizen-filed antitrust complaints processed in a timely manner | A | 100% | 95% | 100% | 99% | 100% | 99% | 99% | 98% |
| 2. Percentage of interstate antitrust case referrals from the federal government, or from another state's attorney general's office, processed in a timely manner | A | 100% | 100% | 100% | 99% | 100% | 99% | 99% | 100% |
| <i>Output Measures</i> | | | | | | | | | |
| 3. Number of new complaints filed concerning antitrust | A | 5 | 8 | 4 | 3 | 2 | 3 | 3 | 5 |
| 4. Number of litigation files opened on new complaints | A | 1 | 1 | 1 | 2 | 0 | 2 | 2 | 1 |
| 5. Number of complaints concerning antitrust resolved or closed | A | 3 | 5 | 6 | 2 | 2 | 2 | 2 | 4 |
| 6. Number of cases in active litigation | A | 3 | 4 | 4 | 6 | 6 | 7 | 7 | 5 |

Funding

| <i>Funding Source</i> | <i>FY 2019 Actuals</i> | <i>FY 2020 Actuals</i> | <i>FY 2021 Actuals</i> | <i>FY 2022 Approved</i> | <i>FY 2022 Actuals</i> | <i>FY 2023 Est.</i> | <i>FY 2024 Est.</i> | <i>3-yr. Avg.</i> |
|-----------------------|----------------------------|----------------------------|----------------------------|-----------------------------|----------------------------|-------------------------|-------------------------|-------------------|
| State General Fund | \$ 205 | \$ 219 | \$ 86 | \$ 170 | \$ 21 | \$ 25 | \$ 25 | \$ 109 |
| Non-SGF State Funds | 126,786 | 119,693 | 208,634 | 151,698 | 250,530 | 250,000 | 250,000 | 192,952 |
| Federal Funds | - | - | - | - | - | - | - | - |
| | \$ 126,991 | \$ 119,912 | \$ 208,720 | \$ 151,868 | \$ 250,551 | \$ 250,025 | \$ 250,025 | \$ 193,061 |
| FTE | 0.8 | 0.8 | 0.8 | 0.8 | 0.8 | -- | -- | 0.8 |

Office of the Attorney General

Consumer Protection Division (Charitable Organizations)

Consequences of Not Funding this Program

The Kansas Charitable Organizations and Solicitations Act has no private remedy. Only the Attorney General or County and District Attorneys are authorized to enforce the Act. If the charitable work of the agency is not funded, consumer complaints and reports from volunteers, employees and others regarding fraudulent charitable solicitation practices will not be investigated or pursued.

Table with 4 columns: Statutory Basis (K.S.A. 17-1759, et seq.), Mandatory vs. Discretionary (Mandatory), MOE/Match Requirement (No), Priority Level (1)

Program Goals

A. To provide efficient, effective and ethical legal advocacy on behalf of the State of Kansas in matters relating to the enforcement of the Kansas Charitable Organizations and Solicitations Act, K.S.A. 17-1767 & 1768. Objective #1: To receive, process, and publish annual registration applications of charitable organizations, professional fund raisers, and professional solicitors employed by charitable organizations in a timely manner.

B. To provide efficient, effective and ethical legal advocacy on behalf of the State of Kansas in matters relating to the enforcement of the Kansas Charitable Organizations and Solicitations Act, K.S.A. 17-1767 & 1768. Objective #2: To receive, process, investigate and act on consumer complaints pertaining to the Kansas Charitable Organizations and Solicitations Act and effectively, efficiently, and ethically prosecute or otherwise enforce the Act against charitable organizations or solicitors.

Program History

The Kansas Charitable Organizations and Solicitations Act was passed in 1988. The Act governs the registration of charities and solicitation requirements and violations. In 2021, the Kansas Legislature amended the Act, adding registration of charitable organizations, fund raisers, and professional solicitors to the purview of the Kansas Attorney General. Now, both the registration of these entities and the enforcement of registration or solicitation violations are the responsibility of the Consumer Protection Division. Violations of the Kansas Charitable Organizations and Solicitations Act may be prosecuted by the Attorney General, or a county or district attorney. The Attorney General has investigative subpoena authority, and is authorized to bring an action in civil court, or obtain a consent judgment, for violation of provisions of the Act.

Office of the Attorney General

Performance Measures

| <i>Outcome Measures</i> | <i>Goal</i> | <i>FY 2019 Actuals</i> | <i>FY 2020 Actuals</i> | <i>FY 2021 Actuals</i> | <i>FY 2022 Previous Est.</i> | <i>FY 2022 Actuals</i> | <i>FY 2023 Est.</i> | <i>FY 2024 Est.</i> | <i>3- yr. Avg.</i> |
|--|-------------|----------------------------|----------------------------|----------------------------|--------------------------------------|----------------------------|-------------------------|-------------------------|--------------------|
| 1. Percent of submitted charitable organization, professional fundraiser, and professional solicitor registrations to which staff reviewed and responded within 60 days: | A, B | NA | NA | 100% | 75% | 89% | 99% | 99% | 95% |
| 2. Percent of complaints filed concerning charitable organizations or solicitations complaints processed in a timely manner: | A, B | NA | 95% | 88% | 99% | 99% | 99% | 99% | 94% |
| <i>Output Measures</i> | | | | | | | | | |
| 3. Number of charitable organizations applying annually for registration: | A, B | NA | NA | 599* | 2,100 | 5,692 | 5,500 | 5,500 | 5,692 |
| 4. Number of charitable organizations successfully completing the application process: | A, B | NA | NA | 1298* | 2,050 | 5,382 | 5,300 | 5,300 | 5,382 |
| 5. Number of professional fundraisers applying annually for registration: | A, B | NA | NA | 100* | 250 | 258 | 400 | 400 | 258 |
| 6. Number of professional fundraisers successfully completing the application process: | A, B | NA | NA | 93* | 225 | 258 | 400 | 400 | 258 |
| 7. Number of professional solicitors applying annually for registration: | A, B | NA | NA | 242* | 300 | 300 | 350 | 350 | 300 |
| 8. Number of professional solicitors successfully completing the application process: | A, B | NA | NA | 242* | 300 | 300 | 350 | 350 | 300 |
| 9. Number of complaints filed concerning charitable organizations or solicitations: | A, B | NA | 16 | 25 | 30 | 22 | 25 | 25 | 21 |
| 10. Number of litigation files opened on new complaints: | A, B | NA | 0 | 0 | 2 | 0 | 2 | 2 | 0 |
| 11. Number of complaints concerning charitable organizations or solicitations resolved or closed: | A, B | NA | 16 | 33 | 35 | 21 | 35 | 35 | 23 |

Office of the Attorney General

| | | | | | | | | | |
|--|------|----|----|------|-----|-----|-----|-----|-----|
| 12. Number of professional solicitors successfully completing the application process: | A, B | NA | NA | 242* | 200 | 300 | 350 | 350 | 300 |
| | | | | | | | | | |

Funding

| <i>Funding Source</i> | <i>FY 2019 Actuals</i> | <i>FY 2020 Actuals</i> | <i>FY 2021 Actuals</i> | <i>FY 2022 Approved</i> | <i>FY 2022 Actuals</i> | <i>FY 2023 Est.</i> | <i>FY 2024 Est.</i> | <i>3-yr. Avg.</i> |
|-----------------------|----------------------------|----------------------------|----------------------------|-----------------------------|----------------------------|-------------------------|-------------------------|-------------------|
| State General Fund | | | | \$ - | \$ - | \$ - | \$ - | \$ - |
| Non-SGF State Funds | | | | 61,600 | 75,867 | 76,913 | 77,524 | \$ 75,867 |
| Federal Funds | | | | - | - | - | - | \$ - |
| | \$ - | \$ - | \$ - | \$ 61,600 | \$ 75,867 | \$ 76,913 | \$ 77,524 | \$ 75,867 |
| FTE | -- | -- | -- | 1.0 | 1.0 | 1.0 | 1.0 | 0.3 |

Office of the Attorney General

Civil Forfeiture

Consequences of Not Funding this Program

If the program were not funded, an income stream that funds expenditure allowed by the Federal Guide for Equitable Sharing for the OAG would be eliminated and local entities that equitably share in the program would cease to receive their share of the funding as well.

| <u>Statutory Basis</u> | <u>Mandatory vs. Discretionary</u> | <u>MOE/Match Requirement</u> | <u>Priority Level</u> |
|------------------------|------------------------------------|------------------------------|-----------------------|
| K.S.A. 60-4109 et seq. | Discretionary | No | 2 |

Program Goals

A. Through sharing agreements, receive revenues derived from federal forfeiture cases with a state nexus to improve Assistant Attorney General and Appellate Attorney competency, and to build capability to effectively and efficiently present cases to juries through the acquisition and use of quality equipment.
Objective #1: Support forfeiture actions against the proceeds and facilitating property of criminal activity.

Program History

The Equitable Sharing Program is a long-standing partnership with the US Attorney's and the OAG. The assigned AAG is embedded with the US Attorney's office in Wichita.

Performance Measures

| <i>Output Measures</i> | <i>Goal</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3- yr. Avg.</i> |
|---|-------------|----------------|----------------|----------------|----------------------|----------------|----------------|----------------|--------------------|
| | | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Previous Est.</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| 1. Number of forfeiture cases opened | A | 17 | 0 | 7 | 15 | 8 | 10 | 10 | 5 |
| 2. Asset forfeiture amounts placed in the Kansas Attorney General's forfeiture fund | A | \$ 99,085 | \$ 282,132 | \$ 1,565 | \$ 75,000 | 0 | 75,000 | 75,000 | 94,566 |

Office of the Attorney General

Funding

| <i>Funding Source</i> | <i>FY 2019 Actuals</i> | <i>FY 2020 Actuals</i> | <i>FY 2021 Actuals</i> | <i>FY 2022 Approved</i> | <i>FY 2022 Actuals</i> | <i>FY 2023 Est.</i> | <i>FY 2024 Est.</i> | <i>3-yr. Avg.</i> |
|-----------------------|----------------------------|----------------------------|----------------------------|-----------------------------|----------------------------|-------------------------|-------------------------|-------------------|
| State General Fund | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| Non-SGF State Funds | 58,638 | 39 | 49,787 | 49,579 | 99,727 | 105,973 | 106,466 | 49,851 |
| Federal Funds | - | - | - | - | - | - | - | - |
| | \$ 58,638 | \$ 39 | \$ 49,787 | \$ 49,579 | \$ 99,727 | \$ 105,973 | \$ 106,466 | \$ 49,851 |
| FTE | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | -- |

Output Measures 1-2: The previous forfeiture attorney was appointed as a District Judge in early January 2019. The position was not filled until December 2020. As a result, the number of new cases filed for FY 2020 was impacted.

Office of the Attorney General

Sexually Violent Predator Program

Consequences of Not Funding this Program

Public safety would be threatened and the diagnosed dangerous sexually violent predators would not receive needed treatment, care, and restraint required for the small subset of individuals deemed suitable for the program.

| Statutory Basis | Mandatory vs. Discretionary | MOE/Match Requirement | Priority Level |
|-------------------------|------------------------------------|------------------------------|-----------------------|
| K.S.A. 59-29a01 et seq. | Mandatory | No | 1 |

Program Goals

A. To provide efficient, effective and ethical legal representation on behalf of the State of Kansas in civil commitment proceedings for the extremely dangerous class of individuals determined to be sexually violent predators. K.S.A. 59-29a01 et seq., Kansas v. Hendricks, 521 U.S. 346, 117 S. Ct. 2072, 138 L. Ed. 2d. 501(1997). This program is administered by the Civil Litigation Division in cooperation with the Criminal Litigation Division.
 Objective #1: Ensure safety of the public and the continuing care and treatment of individuals determined to be sexually violent predators by advocating for the commitment of such individuals until such time as the individual’s mental abnormality or personality disorder has changed so that the individual is safe to be at large among the general public.

Program History

To provide efficient, effective and ethical legal representation on behalf of the State of Kansas in civil commitment proceedings for the extremely dangerous class of individuals determined to be sexually violent predators. K.S.A. 59-29a01 et seq., Kansas v. Hendricks, 521 U.S. 346, 117 S. Ct. 2072, 138 L. Ed. 2d. 501(1997). This program is administered by the Civil Litigation Division in cooperation with the Criminal Litigation Division.

Performance Measures

| <i>Output Measures</i> | <i>Goal</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3- yr. Avg.</i> |
|---|-------------|----------------|----------------|----------------|----------------------|----------------|----------------|----------------|--------------------|
| | | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Previous Est.</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| 1. Number of potential sexually violent predator cases referred to prosecutor’s review committee for assessment | A | 380 | 295 | 368 | 300 | 427 | 375 | 375 | 363 |
| 2. Number of cases reviewed that are filed in court against potential sexually violent predators | A | 14 | 12 | 6 | 10 | 10 | 10 | 10 | 9 |

Office of the Attorney General

Performance Measures (Continued)

| <i>Output Measures</i> | <i>Goal</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3- yr. Avg.</i> |
|--|-------------|----------------|----------------|----------------|----------------------|----------------|----------------|----------------|--------------------|
| | | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Previous Est.</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| 3. Number of Sexually Violent Predator trials | A | 7 | 11 | 14 | 12 | 1 | 15 | 10 | 9 |
| 4. Number of Sexually Violent Predator commitments | A | 7 | 8 | 7 | 8 | 4 | 10 | 10 | 6 |
| 5. Number of Sexually Violent Predator post-commitment litigation cases opened | A | 126 | 88 | 203 | 200 | 273 | 300 | 300 | 188 |

| <i>Funding Source</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3-yr. Avg.</i> |
|-----------------------|----------------|----------------|----------------|-----------------|----------------|----------------|----------------|-------------------|
| | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Approved</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| State General Fund | \$ 272,103 | \$ 304,733 | \$ 285,625 | \$ 292,952 | \$ 285,857 | \$ 291,238 | \$ 291,196 | \$ 292,072 |
| Non-SGF State Funds | 37,545 | 108,871 | 21,128 | 157,216 | 35,585 | 36,000 | 36,000 | 55,195 |
| Federal Funds | - | - | - | - | - | - | - | - |
| | \$ 309,648 | \$ 413,604 | \$ 306,753 | \$ 450,168 | \$ 321,442 | \$ 327,238 | \$ 327,196 | \$ 347,266 |
| FTE | 3.0 | 3.0 | 3.0 | 3.0 | 3.0 | 3.0 | 3.0 | 3.0 |

Output Measures 1-2: The previous forfeiture attorney was appointed as a District Judge in early January 2019. The position was not filled until December 2020. As a result, the number of new cases filed for FY 2020 was impacted.

Office of the Attorney General

Civil Litigation

Consequences of Not Funding this Program

If the civil litigation division did not represent the state in these legal matters, outside counsel would have to retained in every legal matter. This would result in significant additional cost to the state. The division handles a large number of cases covering a wide range of legal issues.

| Statutory Basis | Mandatory vs. Discretionary | MOE/Match Requirement | Priority Level |
|---|------------------------------------|------------------------------|-----------------------|
| K.S.A. 75-702, K.S.A. 75-6108, 75-6116, 75-6117 | Mandatory | No | 1 |

Program Goals

A. To provide efficient, effective and ethical legal advocacy on behalf of the State of Kansas, its agencies and employees, in civil matters contested before a Kansas or Federal court or administrative agency. Memorial Hospital Ass'n, Inc. v. Knutson, 239 Kan. 663, 667, 772 P.2d 1093 (1986); K.S.A. 75-702, -703, -708 -713; K.S.A. 75-6108 & -6117, and amendments thereto; and numerous other statutes found within the Kansas Statutes Annotated and the United States Code.
 Objective #1: In the defense of the State and/or its agencies and employees, ensure that each and every action or threatened action is responded to in a timely manner.

B. To provide efficient, effective and ethical legal advocacy on behalf of the State of Kansas, its agencies and employees, in civil matters contested before a Kansas or Federal court or administrative agency. Memorial Hospital Ass'n, Inc. v. Knutson, 239 Kan. 663, 667, 772 P.2d 1093 (1986); K.S.A. 75-702, -703, -708 -713; K.S.A. 75-6108 & -6117, and amendments thereto; and numerous other statutes found within the Kansas Statutes Annotated and the United States Code.
 Objective #2: As to cases initiated by, retained or referred to the Civil Litigation Division for action at the trial court level, ensure that each and every action is a pursuit for justice.

C. To provide efficient, effective and ethical legal advocacy on behalf of the State of Kansas, its agencies and employees, in civil matters contested before a Kansas or Federal court or administrative agency. Memorial Hospital Ass'n, Inc. v. Knutson, 239 Kan. 663, 667, 772 P.2d 1093 (1986); K.S.A. 75-702, -703, -708 -713; K.S.A. 75-6108 & -6117, and amendments thereto; and numerous other statutes found within the Kansas Statutes Annotated and the United States Code.
 Objective #3: As to cases initiated by, retained, or referred to the Civil Litigation Division for action at the appellate court level, ensure that each and every action is a pursuit for justice.

D. To provide efficient, effective and ethical legal advocacy on behalf of the State of Kansas, its agencies and employees, in civil matters contested before a Kansas or Federal court or administrative agency. Memorial Hospital Ass'n, Inc. v. Knutson, 239 Kan. 663, 667, 772 P.2d 1093 (1986); K.S.A. 75-702, -703, -708 -713; K.S.A. 75-6108 & -6117, and amendments thereto; and numerous other statutes found within the Kansas Statutes Annotated and the United States Code.
 Objective #4: Prosecute violations of Kansas administrative law on behalf of Kansas licensing boards and agencies.

Office of the Attorney General

Program Goals (Continued)

E. To provide efficient, effective and ethical legal advocacy on behalf of the State of Kansas, its agencies and employees, in civil matters contested before a Kansas or Federal court or administrative agency. Memorial Hospital Ass'n, Inc. v. Knutson, 239 Kan. 663, 667, 772 P.2d 1093 (1986); K.S.A. 75-702, -703, -708 -713; K.S.A. 75-6108 & -6117, and amendments thereto; and numerous other statutes found within the Kansas Statutes Annotated and the United States Code.

Objective # 5: To provide efficient, effective and ethical legal advocacy on behalf of the State of Kansas in matters relating to the approval of trustee accountings for charitable trusts and protection of charitable assets and beneficiaries. Troutman v. DeBoissiere, 66 Kan. 1, 9, 71 Pac. 286 (1903); K.S.A 58a-110.

F. To provide efficient, effective and ethical legal advocacy on behalf of the State of Kansas, its agencies and employees, in civil matters contested before a Kansas or Federal court or administrative agency. Memorial Hospital Ass'n, Inc. v. Knutson, 239 Kan. 663, 667, 772 P.2d 1093 (1986); K.S.A. 75-702, -703, -708 -713; K.S.A. 75-6108 & -6117, and amendments thereto; and numerous other statutes found within the Kansas Statutes Annotated and the United States Code.

Objective #6: With regard to bankruptcy litigation, the Civil Litigation Division gives legal advice and assistance to state agencies, including Regents Institutions, involved in bankruptcy litigation and protects against the discharge of student loans, fines, penalties, criminal restitution and other types of debts owed to state government.

G. To provide efficient, effective and ethical legal advocacy on behalf of the State of Kansas, its agencies and employees, in civil matters contested before a Kansas or Federal court or administrative agency. Memorial Hospital Ass'n, Inc. v. Knutson, 239 Kan. 663, 667, 772 P.2d 1093 (1986); K.S.A. 75-702, -703, -708 -713; K.S.A. 75-6108 & -6117, and amendments thereto; and numerous other statutes found within the Kansas Statutes Annotated and the United States Code.

Objective #7: In matters involving Indian Tribes and the placement of tribal land into trust with the Federal government, the Civil Litigation Division reviews the tribes' applications and, where appropriate, objects to the application before the Bureau of Indian Affairs in the Department of Interior, and, where appropriate, Federal court.

H. To provide efficient, effective and ethical legal advice and technical assistance to the Attorney General and agency employees, as well as to any branch, department, agency, authority, institution or other instrumentality of the State of Kansas; other State legal counsel in the performance of their duties, as well as education to the public and profession. Memorial Hospital Ass'n, Inc. v. Knutson, 239 Kan. 663, 667, 772 P.2d 1093 (1986); K.S.A. 75-702, -703, 704, -708, & -710; K.S.A. 75-3111 and numerous other statutes found within the Kansas Statutes Annotated.

Objective #1: Respond in a timely manner to questions from State agencies, officials, and employees.

I. To provide efficient, effective and ethical legal advice and technical assistance to the Attorney General and agency employees, as well as to any branch, department, agency, authority, institution or other instrumentality of the State of Kansas; other State legal counsel in the performance of their duties, as well as education to the public and profession. Memorial Hospital Ass'n, Inc. v. Knutson, 239 Kan. 663, 667, 772 P.2d 1093 (1986); K.S.A. 75-702, -703, 704, -708, & -710; K.S.A. 75-3111 and numerous other statutes found within the Kansas Statutes Annotated.

Objective #2: Help educate the public and the profession about the role of the office and generally applicable legal issues.

Office of the Attorney General

Program Goals (Continued)

J. To provide efficient, effective, and ethical legal advocacy on behalf of the State of Kansas in matters concerning 1) the enforcement of the Kansas Funeral and Cemetery Merchandise Agreements, Contracts and Plans Act, Cemetery Merchandise Contracts Act, and the Kansas Cemetery Corporations Act, as those Acts relate to the protection of cemetery trust funds required to be maintained by law; and 2) the investigation of abandoned cemeteries to determine the necessity of the dissolution of the cemetery corporation owning the abandoned cemetery.

Objective #1: To receive, process, investigate, and act on matters referred by the Kansas Secretary of State concerning the Kansas Funeral and Cemetery Merchandise Agreements, Contracts and Plans Act, Cemetery Merchandise Contracts Act, and the Kansas Cemetery Corporations Act as those Acts relate to the protection of cemetery trust funds required to be maintained by law, and to effectively, efficiently, and ethically prosecute actionable cases in a timely manner; and to investigate and take action on abandoned cemeteries.

Program History

The Civil Litigation Division is primarily responsible for providing for the defense of the State of Kansas and its agencies and employees in civil matters contested before Kansas or Federal courts and before administrative agencies. The Division is responsible for carrying out the Attorney General's administration of the Kansas Tort Claims Fund and for providing or arranging for the defense of civil actions or proceedings against covered persons and entities. The Division also acts as Litigation Counsel for numerous, smaller state agencies in disciplinary and licensure matters under the Kansas Administrative Procedures Act or the Kansas Judicial Review Act.

Performance Measures

| <i>Outcome Measures</i> | <i>Goal</i> | <i>FY 2019 Actuals</i> | <i>FY 2020 Actuals</i> | <i>FY 2021 Actuals</i> | <i>FY 2022 Previous Est.</i> | <i>FY 2022 Actuals</i> | <i>FY 2023 Est.</i> | <i>FY 2024 Est.</i> | <i>3- yr. Avg.</i> |
|--|-------------|----------------------------|----------------------------|----------------------------|----------------------------------|----------------------------|-------------------------|-------------------------|--------------------|
| 1. Number of case files handled by the Civil Litigation Division | A | 1956 | 2506 | 2066 | 2100 | 2067 | 2100 | 2100 | 2213 |
| 2. Number of cases using outside contract counsel | A | 18 | 18 | 21 | 21 | 31 | 30 | 25 | 23 |
| 3. Number of new appellate cases opened involving appeals of Civil Litigation Division cases (Does not include continuing appellate cases) | C | 14 | 11 | 12 | 12 | 12 | 12 | 12 | 12 |
| 4. Number of Administrative Prosecution cases | D | 451 | 1083 | 852 | 900 | 684 | 750 | 800 | 873 |
| 5. Number of new petitions for approval of Trustee motions and actions filed and reviewed | E | 21 | 14 | 15 | 15 | 15 | 15 | 15 | 15 |

Office of the Attorney General

Performance Measures (Continued)

| <i>Outcome Measures</i> | <i>Goal</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3- yr. Avg.</i> |
|--|-------------|----------------|----------------|----------------|----------------------|----------------|----------------|----------------|--------------------|
| | | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Previous Est.</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| 6. Number of bankruptcy cases monitored to protect the State's interest | F | 17 | 45 | 70 | 50 | 25 | 40 | 40 | 47 |
| 7. Number of applications for taking land into trust received and reviewed | G | 3 | 2 | 0 | 2 | 2 | 2 | 2 | 1 |
| 8. Number of Requests for Involvement in Cemetery Cases received and handled | J | 1 | 0 | 1 | 2 | 2 | 1 | 2 | 1 |

Funding

| <i>Funding Source</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3-yr. Avg.</i> |
|-----------------------|----------------|----------------|----------------|-----------------|----------------|----------------|----------------|-------------------|
| | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Approved</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| State General Fund | \$ 1,138,626 | \$ 1,023,598 | \$ 383,117 | \$ 219,917 | \$ 312,929 | \$ 387,597 | \$ 380,267 | \$ 573,215 |
| Non-SGF State Funds | 3,933,413 | 4,659,628 | 4,572,553 | 3,789,873 | 5,508,465 | 3,673,457 | 3,686,858 | 4,913,549 |
| Federal Funds | - | - | - | - | - | - | - | - |
| | \$5,072,039 | \$5,683,226 | \$4,955,670 | \$ 4,009,790 | \$ 5,821,394 | \$ 4,061,054 | \$ 4,067,125 | \$ 5,486,763 |
| FTE | 13.0 | 13.0 | 13.0 | 13.0 | 13.0 | 13.0 | 13.0 | 13.0 |

Outcome Measure 6: The economic conditions due to the COVID-19 pandemic have resulted in a significant increase in bankruptcy filings, which has continued in FY 2021.

Office of the Attorney General

Tobacco Enforcement Unit

Consequences of Not Funding this Program

If the state were found to be not diligently enforcing the terms of the Master Settlement Agreement (MSA), there could be a potential loss of part or all of the annual payment made to the state pursuant to the MSA. In recent years, these payments have ranged between 50-60 million dollars per year and mainly fund programs of the Kansas Endowment for Youth fund.

| Statutory Basis | Mandatory vs. Discretionary | MOE/Match Requirement | Priority Level |
|-------------------------|------------------------------------|------------------------------|-----------------------|
| K.S.A. 50-6A01, et seq. | Mandatory | Yes | 1 |

Program Goals

A. In the implementation and enforcement of the provisions of the Master Settlement Agreement (MSA) of 1999 resulting from the case of State ex rel. Stovall v. RJR, et al., the Division will identify and take action against participating manufacturers who violate the MSA and enforce the provisions of the Requirements for Sale of Cigarettes Act against Non-Participating Manufacturers (NPM). The Division is also responsible for the implementation and enforcement of the settlement agreement arising from the NPM adjustment arbitration. As a result of this settlement, the Division has assumed new enforcement obligations at increased costs to the Division.

Program History

The 2008 Legislature authorized this fund for attorney salaries, operating expenditures and fees for outside counsel to assist in arbitration. Expenditures from the fund are financed through annual transfers from the annual tobacco Master Settlement Agreement.

Performance Measures

There are no performance measures for this program.

Funding

| <i>Funding Source</i> | <i>FY 2019 Actuals</i> | <i>FY 2020 Actuals</i> | <i>FY 2021 Actuals</i> | <i>FY 2022 Approved</i> | <i>FY 2022 Actuals</i> | <i>FY 2023 Est.</i> | <i>FY 2024 Est.</i> | <i>3-yr. Avg.</i> |
|-----------------------|------------------------|------------------------|------------------------|-------------------------|------------------------|---------------------|---------------------|-------------------|
| State General Fund | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| Non-SGF State Funds | 352,181 | 398,962 | 358,878 | 439,478 | 401,271 | 447,616 | 450,733 | 386,370 |
| Federal Funds | - | - | - | - | - | - | - | - |
| | \$ 352,181 | \$ 398,962 | \$ 358,878 | \$ 439,478 | \$ 401,271 | \$ 447,616 | \$ 450,733 | \$ 386,370 |
| FTE | 4.54 | 4.54 | 4.54 | 4.54 | 4.54 | 4.54 | 4.54 | 4.54 |

Office of the Attorney General

Open Government Enforcement

Consequences of Not Funding this Program

State agencies and employees would still need this service. Private attorneys would have to be employed to provide this service. Questions from the public would go unanswered as there would be no one to educate the public because private attorneys will not provide that service.

| <u>Statutory Basis</u> | <u>Mandatory vs. Discretionary</u> | <u>MOE/Match Requirement</u> | <u>Priority Level</u> |
|--|------------------------------------|------------------------------|-----------------------|
| K.S.A. 45-215 et seq., 45-222, 45-251; K.S.A. 75-4320, 75-4320b, 75-4320d, 75-4320f. | Mandatory | No | 1 |

Program Goals

A. Effective July 2015, the Kansas Legislature expanded the investigatory and enforcement authority of the attorney general and county/district attorneys under both the Kansas Open Meetings Act and the Kansas Open Records Act. Beginning in January 2016, the enforcement duties were transferred to the Civil Litigation Division from the Legal Opinions and Government Counsel (LOGIC) Division.
Objective #1: Investigate possible violations of Kansas Open Government laws and take appropriate action when violations are found.

Program History

Effective July 2015, the Kansas Legislature expanded the investigatory and enforcement authority of the attorney general and county/district attorneys under both the Kansas Open Meetings Act and the Kansas Open Records Act. Beginning in January 2016, the enforcement duties were transferred to the Civil Litigation Division from the Legal Opinions and Government Counsel (LOGIC) Division.

Performance Measures

| <i>Output Measures</i> | <i>Goal</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3- yr. Avg.</i> |
|---|-------------|----------------|----------------|----------------|----------------------|----------------|----------------|----------------|--------------------|
| | | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Previous Est.</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| 1. Number of KOMA/KORA investigations conducted by office | A | 113 | 158 | 182 | 175 | 253 | 250 | 250 | 198 |
| 2. Number of KOMA/KORA complaints referred to county or district attorney | A | 7 | 5 | 17 | 10 | 18 | 20 | 20 | 13 |

Office of the Attorney General

Funding

| <i>Funding Source</i> | <i>FY 2019 Actuals</i> | <i>FY 2020 Actuals</i> | <i>FY 2021 Actuals</i> | <i>FY 2022 Approved</i> | <i>FY 2022 Actuals</i> | <i>FY 2023 Est.</i> | <i>FY 2024 Est.</i> | <i>3-yr. Avg.</i> |
|-----------------------|----------------------------|----------------------------|----------------------------|-----------------------------|----------------------------|-------------------------|-------------------------|-------------------|
| State General Fund | \$ 123,504 | \$ 119,671 | \$ 118,399 | \$ 120,525 | \$ 118,479 | \$ 120,281 | \$ 120,735 | \$ 118,850 |
| Non-SGF State Funds | 3,040 | 12,073 | 11,175 | 11,624 | 11,069 | 11,000 | 11,000 | 11,439 |
| Federal Funds | - | - | - | - | - | - | - | - |
| | \$ 126,544 | \$ 131,744 | \$ 129,574 | \$ 132,149 | \$ 129,548 | \$ 131,281 | \$ 131,735 | \$ 130,289 |
| FTE | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 |

Office of the Attorney General

Crime Victims Compensation

Consequences of Not Funding this Program

Per 34 U.S.C 20102, Federal VOCA Compensation Grants are a match award based on expenditures for Crime Victims Compensation. If state expenditures decrease, the Federal VOCA Grant Award decreases. Payments would have to be prioritized and some victim expenses would go unpaid. Victims would not receive referrals for additional services.

Table with 4 columns: Statutory Basis, Mandatory vs. Discretionary, MOE/Match Requirement, Priority Level. Row 1: K.S.A. 74-7302, 74-7304, 74-7305; K.S.A. 74-7317; 74-7312; K.S.A. 74-7333; K.S.A. 75-773; 34 U.S.C. 20102, Mandatory, Yes, 1

Program Goals

- A. To award just compensation to the victims of crime for economic loss arising from criminally injurious conduct. K.S.A. 74-7302, et seq. Objective #1: The Executive Director will ensure that every claim is thoroughly investigated and that the monies awarded by the Board are properly distributed in a timely manner.
B. To obtain additional funds to satisfy victim's claims through the pursuit of subrogation rights, restitution, and fees from offenders. K.S.A. 74-7312, -7317(c), K.S.A. 75-5211, -5268(e), Atty. Gen. Op. 90-65 and K.A.R. 44-5-115(b). Objective #1: The Executive Director will ensure the Crime Victims Compensation Board receives funds to which it is entitled from subrogation rights, court ordered restitution and fees collected from offenders.
C. To assist in the education of the public to improve methods of providing compensation to victims of crime. K.S.A. 74-7304 (l), (j) and amendments thereto. Objective #1: The Executive Director, with the aid of the staff, will inform public officers and employees, health care providers, judges, attorneys, law enforcement officers, victim advocates, other interested groups and the public of the crime victim compensation program.
D. To assist crime victims in connecting with resources beyond crime victims compensation. Objective #1: The Executive Director and the Division of Crime Victims Compensation staff will communicate with victims to help determine their needs and provide referrals outside of crime victim's compensation to assist victims in their recovery.

Program History

This Division is responsible for supporting the Crime Victims Compensation Board (CVCB) to ensure that just compensation is awarded to victims of crime for economic loss from criminal conduct and in obtaining funds to satisfy victims' claims through the pursuit of subrogation rights, restitution, and fees from offenders. As part of this responsibility, the Division seeks to educate public officers and employees, health care providers, judges, attorneys, law enforcement officers, victims' advocates, and others about the board and the division. Our goal is to serve more victims of crime with empathy and efficiency. The Kansas Crime Victims Compensation program was established by the Legislature in 1978 (K.S.A 74-7301 to 74-7337).

Office of the Attorney General

Performance Measures

| <i>Outcome Measures</i> | <i>Goal</i> | <i>FY 2019 Actuals</i> | <i>FY 2020 Actuals</i> | <i>FY 2021 Actuals</i> | <i>FY 2022 Previous Est.</i> | <i>FY 2022 Actuals</i> | <i>FY 2023 Est.</i> | <i>FY 2024 Est.</i> | <i>3- yr. Avg.</i> |
|--|-------------|----------------------------|----------------------------|----------------------------|----------------------------------|----------------------------|-------------------------|-------------------------|--------------------|
| 1. Percentage of claims processed in 75 days or less | A | 95% | 95% | 95% | 95% | 95% | 95% | 95% | 95% |
| 2a. Percentage of referrals made by law enforcement | C | 19% | 23% | 23% | 20% | 17% | 20% | 20% | 21% |
| 2b. Percentage of referrals made by providers | C | 27% | 30% | 31% | 30% | 24% | 30% | 30% | 28% |
| 3a. Percentage of referrals made by victim advocates | C | 43% | 38% | 38% | 30% | 38% | 30% | 30% | 38% |
| 3b. Percentage of referrals made by prosecutors | C | 11% | 9% | 8% | 20% | 21% | 20% | 20% | 13% |
| <i>Output Measures</i> | | | | | | | | | |
| 4a. Claims Processing Data: New Claims | A | NA | 1,298 | 1,598 | 1,650 | 1,425 | 1,650 | 1,700 | 1,440 |
| 4b. Claims Processing Data: Claims Approved | A | NA | 704 | 813 | 850 | 703 | 850 | 900 | 740 |
| 4c. Claims Processing Data: Claims Denied | A | NA | 114 | 91 | 85 | 80 | 85 | 90 | 95 |
| 4d. Claims Processing Data: % of Claims Approved | A | NA | 86% | 90% | 90% | 90% | 90% | 90% | 1 |
| 4e. Claims Processing Data: Pending Claims | A | NA | 212 | 222 | 190 | 318 | 200 | 200 | 251 |
| 5a. Claims compensation data: Amount Paid | A | \$ 3,358,731 | \$ 2,604,925 | \$ 2,577,073 | \$ 3,500,000 | \$2,602,811 | \$ 3,500,000 | \$3,750,000 | \$2,594,936 |
| 5b. Claims compensation data: Number of Claims Paid | A | 918 | 790 | 743 | 950 | 715 | 800 | 900 | 749 |
| 5c. Claims compensation data: Total Payments | A | 3,801 | 2,777 | 2,316 | 3,900 | 2,249 | 3,000 | 3,500 | 2,447 |

Office of the Attorney General

Performance Measures (Continued)

| <i>Output Measures</i> | <i>Goal</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3- yr. Avg.</i> |
|--|-------------|----------------|----------------|----------------|----------------------|----------------|----------------|----------------|--------------------|
| | | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Previous Est.</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| 6. Amount collected from inmates, probationers and parolees for restitution and from subrogation claims | B | \$ 1,002,196 | \$ 1,158,532 | \$ 1,171,757 | \$ 1,025,000 | \$1,906,028 | \$ 1,900,000 | \$1,900,000 | \$1,412,106 |
| 7. Percentage of applicants screened for additional services | D | 100% | 100% | 100% | 100% | 100% | 100% | 100% | 100% |
| 8. Percentage of applicants referred to the Attorney General's Office Victims Assistance Program and/or others | D | 25% | 25% | 25% | 25% | 25% | 25% | 25% | 25% |
| 9. Number of educational presentations made | D | 8 | 6 | 15 | 15 | 16 | 15 | 15 | 12 |

Funding

| <i>Funding Source</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3-yr. Avg.</i> |
|-----------------------|----------------|----------------|----------------|-----------------|----------------|----------------|----------------|-------------------|
| | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Approved</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| State General Fund | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| Non-SGF State Funds | 2,854,580 | 2,444,917 | 1,584,009 | 2,209,792 | 1,584,730 | 2,205,147 | 2,208,500 | \$1,871,219 |
| Federal Funds | 804,028 | 508,838 | 1,460,488 | 1,243,900 | 1,199,597 | 1,243,900 | 1,243,900 | \$1,056,308 |
| | \$3,658,608 | \$2,953,755 | \$3,044,497 | \$ 3,453,692 | \$2,784,327 | \$ 3,449,047 | \$3,452,400 | \$2,927,526 |
| FTE | 6.0 | 6.0 | 6.0 | 6.0 | 6.0 | 6.0 | 6.0 | 6.0 |

Office of the Attorney General

Victim Services

Consequences of Not Funding this Program

The OAG Victim Services division provides unique advocacy on behalf of all victims of crime by providing training and technical assistance to criminal justice professionals about prioritizing the importance of victims' rights, such as victim notification and informed participation in the criminal justice system. Additionally, victim services staff make nearly 2500 contacts each year with crime victims directly or on their behalf to meet their needs. Without funding, many victims of crime would not learn about their rights or learn of the resources that exist for their support. Within this program, the OAG VS division focuses on training and skill development for system based victim assistance staff (SBVAS) based in law enforcement agencies and County/District attorney offices. SBVAS serve a critical role with victims of crime as they navigate the criminal justice system and access resources in their community.

| Statutory Basis | Mandatory vs. Discretionary | MOE/Match Requirement | Priority Level |
|--|------------------------------------|------------------------------|-----------------------|
| K.S.A. 74-7337; and amendments thereto (Victims Rights Coordinator); K.S.A. 74-7333 (Crime Victims Bill of Rights); and K.S.A.75-758 | Mandatory | No | 1 |

Program Goals

- A. To strengthen and enhance the quality of services to victims and witnesses of crime in all 105 counties of the state. K.S.A. 74-7337; and amendments thereto; K.S.A. 74-7337(c); K.S.A. 74-7325 and amendments thereto; K.S.A. 20-370; and K.S.A.75-758. Objective #1: Improve local response to victims by providing technical assistance and resource material to local crime victim services and witness assistance programs in all counties of Kansas.
- B. To strengthen and enhance the quality of services to victims and witnesses of crime in all 105 counties of the state. K.S.A. 74-7337; and amendments thereto; K.S.A. 74-7337(c); K.S.A. 74-7325 and amendments thereto; K.S.A. 20-370; and K.S.A.75-758. Objective #2: Ensure victims and witnesses receive appropriate assistance and referrals by responding to all requests for assistance from crime victims and witnesses of criminal conduct, and requests from all 105 Kansas counties and perform the functions of victim/witness coordinator for the office.
- C. To strengthen and enhance the quality of services to victims and witnesses of crime in all 105 counties of the state. K.S.A. 74-7337; and amendments thereto; K.S.A. 74-7337(c); K.S.A. 74-7325 and amendments thereto; K.S.A. 20-370; and K.S.A.75-758. Objective # 3 To increase victim safety by ensuring that victims of crime and the general public have access to a timely and reliable automated victim notification program as per K.S.A. 75-771.
- D. To strengthen and enhance the quality of services to victims and witnesses of crime in all 105 counties of the state. K.S.A. 74-7337; and amendments thereto; K.S.A. 74-7337(c); K.S.A. 74-7325 and amendments thereto; K.S.A. 20-370; and K.S.A.75-758. Objective #5: Educate and inform the public and professionals working with crime victims to improve the response to victims throughout the state. K.S.A. 74-7337 and amendments thereto; K.S.A. 75-758.
- E. To reduce domestic violence in Kansas by ensuring domestic violence offenders have access to quality intervention services as provided by K.S.A. 75-7d01 to 7d13. Objective #1: To increase domestic violence offender accountability and victim safety through a statewide certification program for batterer intervention programs (BIPs).
- F. To reduce domestic violence in Kansas by ensuring domestic violence offenders have access to quality intervention services as provided by K.S.A. 75-7d01 to 7d13. Objective #2: The BIP Unit Coordinator will assist communities in the development of batterer intervention programs in underserved areas in Kansas.

Office of the Attorney General

Program Goals (Continued)

| |
|--|
| <p>G. To coordinate and implement a statewide address confidentiality program for designated victims of crime that includes first class mail forwarding services at no cost to victims as outlined in K.S.A. 75-451 through 75-458. Objective #1: To ensure the Kansas SaH program is appropriately and effectively implemented, including the efficient enrollment of safe at home participants and a timely first class mail forwarding system for those enrolled.</p> |
| <p>H. To coordinate and implement a statewide address confidentiality program for designated victims of crime that includes first class mail forwarding services at no cost to victims as outlined in K.S.A. 75-451 through 75-458. Objective #2: Provide training, education, and technical assistance for SaH enrolling agencies and enrolling assistants.</p> |

Program History

The Victims Services Division of the Office of the Attorney General was established in 2007 to improve the ability of this agency to meet the responsibilities given the statewide Victims' Rights Coordinator in 1989 (K.S.A. 74-7337), and assure that victims are afforded their rights as noted in the Kansas Crime Victims Bill of Rights (K.S.A. 74-7333). The ongoing statutory responsibilities assigned to the Victims' Rights Coordinator include to create, coordinate and assist in the operation of local victim-witness programs throughout the state; respond to a statewide victims' rights telephone hotline; and administer the Kansas crime victims' assistance fund. Victim-focused programs and initiatives were combined under this division for administration and coordination. This includes providing statewide coordination of crime victim and witness assistance programs; assisting in the development and implementation of statewide training curricula designed to promote best practice for crime victim response; providing direct assistance to crime victims and their families through the hotline and other contact; providing oversight, certification, and training for batterer intervention programs; administering state funded grants for victim service agencies; providing oversight and risk identification of child death trends and risk factors; coordinating statewide training, service delivery, and public awareness regarding human trafficking, providing coordination for the automated victim notification system in conjunction with county jails, coordination of the Safe At Home address confidentiality program; and coordination of youth suicide prevention efforts.

Performance Measures

| <i>Outcome Measures</i> | <i>Goal</i> | <i>FY 2019 Actuals</i> | <i>FY 2020 Actuals</i> | <i>FY 2021 Actuals</i> | <i>FY 2022 Previous Est.</i> | <i>FY 2022 Actuals</i> | <i>FY 2023 Est.</i> | <i>FY 2024 Est.</i> | <i>3- yr. Avg.</i> |
|---|-------------|----------------------------|----------------------------|----------------------------|----------------------------------|----------------------------|-------------------------|-------------------------|--------------------|
| 1. Number of BIPs that are certified | E | 43 | 43 | 43 | 45 | 43 | 40 | 45 | 43 |
| 2. Number of Judicial Districts with access to a certified BIP out of 31 Judicial Districts statewide | E | 24 | 24 | 24 | 25 | 23 | 31 | 31 | 24 |
| 3. Number of domestic violence offenders served by a certified program | E | 5,067 | 3,654 | 3,666 | 4,000 | 5,136 | 5,000 | 5,000 | 4,152 |
| 4. Number of victims provided service notification, referrals, or resources by a certified program | E | 2,007 | 1,813 | 1,929 | 1,900 | 1,946 | 1,900 | 1,900 | 1,896 |
| 5. Number of Trainings provided | F | 13 | 18 | 13 | 20 | 14 | 20 | 20 | 15 |

Office of the Attorney General

Performance Measures (Continued)

| <i>Output Measures</i> | <i>Goal</i> | <i>FY 2019 Actuals</i> | <i>FY 2020 Actuals</i> | <i>FY 2021 Actuals</i> | <i>FY 2022 Previous Est.</i> | <i>FY 2022 Actuals</i> | <i>FY 2023 Est.</i> | <i>FY 2024 Est.</i> | <i>3- yr. Avg.</i> |
|--|-------------|----------------------------|----------------------------|----------------------------|----------------------------------|----------------------------|-------------------------|-------------------------|--------------------|
| 6. Number of collaborative meetings/contacts with providers and/or community partners | F | 2,104 | 1,222 | 1,518 | 1,700 | 1,048 | 1,500 | 1,500 | 1,263 |
| 7. Number of directories, brochures, and other printed materials disseminated | A | 78,476 | 56,483 | 32,980 | 50,000 | 36,169 | 40,000 | 40,000 | 41,877 |
| 8. Number of contacts made or received to provide victims assistance | B | 2,485 | 1,726 | 2,438 | 2,700 | 2,210 | 2,500 | 2,500 | 2,125 |
| 9. Number of educational presentations made | D | 162 | 182 | 161 | 200 | 150 | 100 | 100 | 164 |
| 10. Number of participants in educational presentations | D | 8,155 | 7,883 | 2,175 | 3,500 | 2,875 | 3,500 | 3,000 | 4,311 |
| 11. Number of Active Participants | G | NA | NA | 212 | 250 | 283 | 300 | 300 | 248 |
| 12. Number of contacts providing assistance or information to potential or enrolled SaH participants | G | NA | NA | 30 | 200 | 130 | 200 | 200 | 80 |
| 13. Number of current enrolling assistants | H | NA | NA | 105 | 200 | 30 | 50 | 70 | 68 |
| 14. Number of trainings provided to enrolling assistants or community partners | H | NA | NA | 0 | 25 | 10 | 10 | 10 | 5 |
| 15. Number of technical assistance contacts to partners, agencies or the public | H | NA | NA | 10 | 200 | 23 | 50 | 50 | 17 |

Funding

| <i>Funding Source</i> | <i>FY 2019 Actuals</i> | <i>FY 2020 Actuals</i> | <i>FY 2021 Actuals</i> | <i>FY 2022 Approved</i> | <i>FY 2022 Actuals</i> | <i>FY 2023 Est.</i> | <i>FY 2024 Est.</i> | <i>3-yr. Avg.</i> |
|-----------------------|----------------------------|----------------------------|----------------------------|-----------------------------|----------------------------|-------------------------|-------------------------|-------------------|
| State General Fund | \$ 353,368 | \$ 224,224 | \$ 392,207 | \$ 422,294 | \$436,330 | \$ 464,314 | \$467,067 | \$350,920 |
| Non-SGF State Funds | 45,330 | 288,371 | 238,538 | 45,542 | 121,380 | 175,594 | 117,595 | 216,096 |
| Federal Funds | 39,625 | 37,800 | - | - | - | - | - | 12,600 |
| | \$438,323 | \$550,395 | \$630,745 | \$ 467,836 | \$557,710 | \$ 639,908 | \$584,662 | \$579,617 |
| FTE | 8.5 | 8.5 | 8.5 | 5.0 | 5.0 | 5.0 | 5.0 | 7.3 |

Office of the Attorney General

Child Death Review Board

Consequences of Not Funding this Program

The Kansas State Child Death Review Board serves in the capacity as one of three Citizen Review Panels in the State. Each state is required by the Federal Child Abuse Prevention and Treatment Act (CAPTA) to establish citizen review panels in order to receive federal funding for child abuse prevention services.

| Statutory Basis | Mandatory vs. Discretionary | MOE/Match Requirement | Priority Level |
|--------------------------------|------------------------------------|------------------------------|-----------------------|
| K.S.A. 22a-241 through 22a-244 | Mandatory | Yes | 1 |

Program Goals

A. Conduct a review of all child deaths in Kansas pursuant to K.S.A. 22a-243 and amendments thereto. Objective #1: Impact decision making in Kansas by collecting, maintaining, and reporting on data pertaining to child deaths.

B. To provide guidance and information to advocacy groups, law enforcement agencies, and other related agencies in all 105 Kansas counties regarding trends, risk factors, and patterns surrounding child death. K.S.A. 22a-243(h) and amendments thereto. Objective #1: Serve on task forces and committees and attend meetings related to child death.

Program History

The State Child Death Review Board was created by K.S.A 22a-243 in 1992 and is charged with reviewing all deaths of children ages birth through 17 years' old who die within Kansas and Kansas residents in that age group who die outside the state. The board works to identify patterns, trends, and risk factors and to determine the circumstances surrounding child fatalities. The ultimate goal is to reduce the number of child fatalities in the state by informing policies and practices that can save lives.

Performance Measures

| <i>Outcome Measures</i> | <i>Goal</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3- yr. Avg.</i> |
|---|-------------|----------------|----------------|----------------|----------------------|----------------|----------------|----------------|--------------------|
| | | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Previous Est.</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| 1. Number of child death cases the Board referred to the County Attorney for further investigation/review | A | 7 | 9 | 2 | 4 | 4 | 4 | 4 | 5 |
| 2. Number of public policy recommendations and prevention strategies proposed | B | 15 | 17 | 17 | 12 | 20 | 15 | 15 | 18 |

Office of the Attorney General

Performance Measures (Continued)

| | | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | |
|---|-------------|----------------|----------------|----------------|----------------------|----------------|----------------|----------------|--------------------|
| <i>Output Measures</i> | <i>Goal</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Previous Est.</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | <i>3- yr. Avg.</i> |
| 3. Number of child death cases reviewed by the Board | A | 396 | 414 | 362 | 375 | 365 | 350 | 350 | 380 |
| 4. Public meetings and training seminars held or participated in concerning child deaths | B | 67 | 77 | 88 | 60 | 68 | 60 | 60 | 78 |
| 5. Number of individuals trained by SCDRB staff and/or members | B | 302 | 238 | 279 | 200 | 100 | 100 | 100 | 206 |
| 6. Informational releases, annual reports and training materials produced and disseminated by the Board | B | 6 | 4 | 5 | 4 | 4 | 4 | 4 | 4 |

Funding

| <i>Funding Source</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | |
|-----------------------|----------------|----------------|----------------|-----------------|----------------|----------------|----------------|-------------------|
| | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Approved</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | <i>3-yr. Avg.</i> |
| State General Fund | \$ 152,998 | \$ 155,413 | \$ 142,332 | \$ 148,861 | \$ 181,405 | \$ 247,115 | \$ 243,755 | \$159,717 |
| Non-SGF State Funds | 9,368 | 16,234 | 17,577 | 15,000 | 22,546 | 22,621 | 28,342 | 18,786 |
| Federal Funds | - | - | - | - | - | - | - | - |
| | \$162,366 | \$171,647 | \$159,909 | \$ 163,861 | \$ 203,951 | \$ 269,736 | \$ 272,097 | \$178,502 |
| FTE | 2.0 | 2.0 | 2.0 | 3.0 | 3.0 | 3.0 | 3.0 | 2.3 |

Office of the Attorney General

Anti-Human Trafficking

Consequences of Not Funding this Program

There will be less capacity of criminal justice personnel statewide to respond effectively to human trafficking. There will be less coordination of training for law enforcement agencies throughout Kansas. Victim service agencies and allied professionals will not receive the necessary training for identification of human trafficking victims, and may not have the capacity to provide services to them. Less awareness of what human trafficking is and what it looks like in Kansas communities which could potentially lead to less reporting to law enforcement and a reduced number of victims recovered and criminals brought to justice. Loss of statewide coordination of policies to combat human trafficking that are mutually developed by state agencies, victim service groups and law enforcement.

Table with 4 columns: Statutory Basis, Mandatory vs. Discretionary, MOE/Match Requirement, Priority Level. Row 1: K.S.A. 75-756; K.S.A. 75-758 and K.S.A. 74-7337; K.S.A. 75-757, K.S.A. 75-759; Mandatory; No; 1

Program Goals

- A. To coordinate and enhance the efforts to stop the commercial exploitation of children and other forms of human trafficking in Kansas as per KSA 75- 756 to 759. Objective #1: To enhance the human trafficking reduction efforts in Kansas through policy analysis by the Human Trafficking Advisory Board as per K.S.A. 75-757.
B. To coordinate and enhance the efforts to stop the commercial exploitation of children and other forms of human trafficking in Kansas as per KSA 75- 756 to 759. Objective #2: To increase the capacity of Kansas to reduce human trafficking through awareness efforts as per K.S.A. 75-759.
C. To coordinate and enhance the efforts to stop the commercial exploitation of children and other forms of human trafficking in Kansas as per KSA 75- 756 to 759. Objective #3: To increase capacity of criminal justice personnel statewide to respond effectively to human trafficking as per K.S.A. 75-756.
D. To coordinate and enhance the efforts to stop the commercial exploitation of children and other forms of human trafficking in Kansas as per KSA 75- 756 to 759. Objective # 4: To increase capacity of victim service agencies to respond effectively to human trafficking in Kansas as per K.S.A. 75-758.

Program History

In 2010, The Attorney General’s Office developed the Human Trafficking Advisory Board to improve the Kansas response to human trafficking, focusing on prevention, protection, prosecution, and partnership. This group worked to create awareness through training, and identified needs of the state to improve the response. In 2011, Anti-Human Trafficking Unit was developed in the Office of the Attorney General to provide the resources to coordinate and enhance the efforts to stop the commercial exploitation of children and other forms of human trafficking in Kansas as per K.S.A 75-756 to 75-759. The Unit continues to focus on providing education and training to professionals and the public on topics that promote a greater understanding of anti-trafficking practices.

Office of the Attorney General

Performance Measures

| | | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | |
|---|-------------|----------------|----------------|----------------|----------------------|----------------|----------------|----------------|--------------------|
| <i>Outcome Measures</i> | <i>Goal</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Previous Est.</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | <i>3- yr. Avg.</i> |
| 1. Number of public policy and prevention strategies recommended | A | 7 | 8 | 6 | 6 | 90 | 8 | 10 | 35 |
| 2. Number of presentations provided | B | 101 | 88 | 19 | 40 | 36 | 25 | 30 | 48 |
| 3. Number of law enforcement trainings provided | C | 13 | 16 | 10 | 15 | 8 | 10 | 10 | 11 |
| 4. Number of law enforcement officers trained | C | 535 | 520 | 574 | 500 | 455 | 400 | 500 | 516 |
| 5. Number of grants awarded | D | 5 | 6 | 6 | 5 | 5 | 5 | 5 | 6 |
| 6. Number of victim service personnel trained | D | 1,334 | 1,356 | 401 | 1,000 | 964 | 1,000 | 1,000 | 907 |
| <i>Output Measures</i> | | | | | | | | | |
| 7. Number of informational releases, annual reports, and training materials produced and disseminated | A | 33,444 | 17,134 | 12,134 | 20,000 | 20,034 | 20,000 | 30,000 | 16,434 |
| 8. Number of trainings provided | D | 93 | 31 | 16 | 25 | 28 | 25 | 30 | 25 |

Funding

| | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | |
|-----------------------|----------------|----------------|----------------|-----------------|----------------|----------------|----------------|-------------------|
| <i>Funding Source</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Approved</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | <i>3-yr. Avg.</i> |
| State General Fund | \$ 305,579 | \$ 175,246 | \$ 150,361 | \$ 250,000 | \$ 247,141 | \$ - | \$ - | \$ 190,916 |
| Non-SGF State Funds | 17,296 | 129,378 | 110,160 | 75,000 | 8,353 | 8,300 | 8,300 | 82,630 |
| Federal Funds | - | - | - | - | - | - | - | - |
| | \$322,875 | \$304,624 | \$260,521 | \$ 325,000 | \$ 255,494 | \$ 8,300 | \$ 8,300 | \$ 273,546 |
| FTE | 0.45 | 0.45 | 0.45 | 0.44 | 0.44 | 0.44 | 0.44 | 0.45 |

Office of the Attorney General

Youth Suicide Prevention

Consequences of Not Funding this Program

The YSP coordinator has been important to the development and promotion of multidisciplinary and interagency strategies statewide, to help communities, schools, mental health professionals, medical professionals, law enforcement and others work together and coordinate efforts to prevent and address youth suicide. This position was created at the OAG because the legislature noted a lack of coordinated efforts directed at addressing youth suicide specifically. If this were no longer funded, it would be necessary for other entities to pick up this responsibility and the focus on youth suicide may be lost in larger bureaucratic responses.

Table with 4 columns: Statutory Basis (K.S.A. 75-772), Mandatory vs. Discretionary (Mandatory), MOE/Match Requirement (No), Priority Level (1)

Program Goals

- A. The Kansas youth suicide prevention coordinator will work toward zero deaths by suicide of Kansas youth through the identification, creation, coordination, and support of youth suicide awareness and prevention efforts throughout the state as per K.S.A. 75-772. Objective #1: To lead the development, implementation, and marketing of a website, online application and mobile phone application to facilitate communication with youth for the purpose of preventing youth suicide and promoting youth safety and wellbeing as per K.S.A. 75-772.
B. The Kansas youth suicide prevention coordinator will work toward zero deaths by suicide of Kansas youth through the identification, creation, coordination, and support of youth suicide awareness and prevention efforts throughout the state as per K.S.A. 75-772. Objective #2: To develop and promote multidisciplinary and interagency strategies to help communities, schools, mental health professionals, medical professionals, law enforcement and others work together and coordinate efforts to prevent and address youth suicide as per K.S.A. 75-772.
C. The Kansas youth suicide prevention coordinator will work toward zero deaths by suicide of Kansas youth through the identification, creation, coordination, and support of youth suicide awareness and prevention efforts throughout the state as per K.S.A. 75-772. Objective #3: To increase capacity of youth leadership in prevention of youth suicide as per K.S.A. 75-772.
D. The Kansas youth suicide prevention coordinator will work toward zero deaths by suicide of Kansas youth through the identification, creation, coordination, and support of youth suicide awareness and prevention efforts throughout the state as per K.S.A. 75-772. Objective # 4: To increase capacity of service agencies to respond effectively to high risk youth as per K.S.A. 75-772.

Program History

Office of the Attorney General

The Youth Suicide Prevention unit was created in the OAG in 2019 by the KS legislature in K.S.A. 75-772, in part due to the efforts of a task force that OAG created in 2018 to study the alarming trend of young people dying by suicide. The unit is charged with the following core responsibilities: lead the development, implementation and marketing of a website, online application and mobile phone application to facilitate communication with youth for the purpose of preventing youth suicide; develop and promote multidisciplinary and interagency strategies to help communities, schools, mental health professionals, medical professionals, law enforcement and others work together and coordinate efforts to prevent and address youth suicide; organize events that bring together youth, educators and community members from across the state to share information; and disseminate and promote information focused on suicide reduction to professionals and the public.

Performance Measures

| | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | | |
|---|----------------|----------------|----------------|----------------|----------------------|----------------|----------------|-------------|--------------------|
| <i>Outcome Measures</i> | <i>Goal</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Previous Est.</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | <i>3- yr. Avg.</i> |
| 1. Number of public policy and prevention strategies recommended | D | NA | 10 | 22 | 10 | 8 | 10 | 10 | 13 |
| <i>Output Measures</i> | | | | | | | | | |
| 2. Number of youth in crisis who receive assistance through the app | A | NA | 0 | 0 | TBD | 0 | TBD | TBD | 0 |
| 3. Number of presentations to communities, school, mental health, medical professionals, law enforcement personnel, businesses and allied professionals | B | NA | 14 | 2 | 25 | 5 | 25 | 25 | 7 |
| 4. Number of committee meetings provided | B | NA | 0 | 0 | 4 | 9 | 10 | 10 | 3 |
| 5. Number of technical assistance provided to communities and organizations | B | NA | 135 | 112 | 125 | 26 | 125 | 125 | 91 |
| 6. Number of attendees to the annual conference | C | NA | 25 | 0 | 100 | 95 | 150 | 150 | 40 |

Funding

| <i>Funding Source</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | |
|-----------------------|----------------|----------------|----------------|-----------------|----------------|----------------|----------------|-------------------|
| | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Approved</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | <i>3-yr. Avg.</i> |
| State General Fund | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| Non-SGF State Funds | - | 37,931 | 28,321 | 33,126 | 28,587 | 82,838 | 83,692 | 31,613 |
| Federal Funds | - | - | - | - | - | - | - | - |
| | \$ - | \$ 37,931 | \$ 28,321 | \$ 33,126 | \$ 28,587 | \$ 82,838 | \$ 83,692 | \$ 31,613 |

Office of the Attorney General

| | | | | | | | | |
|------------|----|----|----|-----|-----|-----|-----|-----|
| FTE | -- | -- | -- | 1.0 | 1.0 | 1.0 | 1.0 | 0.3 |
|------------|----|----|----|-----|-----|-----|-----|-----|

Output Measure 4: Development and implementation of the app was delayed by COVID-19 in FY 2020. With the expenditure authority limitation imposed by the Legislature for FY 2021, the future of the app development is uncertain.

Office of the Attorney General

VINE Program

Consequences of Not Funding this Program

Prior to the implementation of Kansas VINE, victim information and notification practices in Kansas were fragmented and varied in each jurisdiction. Notification to victims often relied on the voluntary practices of a local jail; or the prosecutor based Victim Witness Coordinator; or the few automated jail system notification programs. Without VINE, crime victims may not receive timely notifications of the release of the person who perpetrated against them from jail, and therefore could be in increased danger of re-offense, if not notified and able to plan for their safety. Additionally, professionals, such as victim advocates, court services officers, law enforcement and others would not be able to sign up for notifications in order to better assist the crime victims they are serving.

| Statutory Basis | Mandatory vs. Discretionary | MOE/Match Requirement | Priority Level |
|-----------------|-----------------------------|-----------------------|----------------|
| K.S.A. 75-771 | Mandatory | No | 1 |

Program Goals

A. To increase victim safety by ensuring that victims of crime and the general public have access to a timely and reliable automated victim notification program as per K.S.A. 75-771.

Program History

In 2015, the Kansas Department of Labor, the Kansas Sheriff’s Association (KSA), and the Kansas Attorney General’s Office collaborated for the successful implementation of Kansas VINE, the automated victim notification portion of this project. During the initial implementation phase, Kansas VINE completed activation in 80 county jails. In May 2019, the Kansas Department of Health and Environment (KDHE) became a contract holder joining the Kansas Department of Labor and the collaborative partners for the 2nd phase implementation of the remaining 16 county jails. Kansas victim advocates, law enforcement representatives, and concerned stakeholders have worked towards automated victim notification for over 20 years. Prior to the implementation of Kansas VINE, victim information and notification practices in Kansas were fragmented and varied in each jurisdiction. Notification to victims often relied on the voluntary practices of a local jail; or the prosecutor based Victim Witness Coordinator; or the few automated jail system notification programs. Kansas notification statutes do not address the time from the arrest of a suspect to the time when that suspect becomes a defendant charged with a crime. During the 2019 Legislative Session, K.S.A. 75-771 provided for the creation of the Kansas VINE Coordinator within the Office of Attorney General and the establishment of the Kansas VINE Advisory Board. The Kansas VINE Advisory Board task is to provide the Attorney General recommendations regarding implementation and operation of Kansas VINE. Kansas Administrative Regulations 16-19-1, 16-19-2, and 16-19-3, which became effective on March 20, 2020, establish the Board. In 2021, Kansas VINE implementation was completed and is active in 96 county jails (8 KS counties do not have jail facilities and 1 did not implement VINE).

Office of the Attorney General

Performance Measures

| <i>Output Measures</i> | <i>Goal</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3- yr. Avg.</i> |
|---|-------------|----------------|----------------|----------------|----------------------|----------------|----------------|----------------|--------------------|
| | | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Previous Est.</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| 1. Number of advisory board meetings | A | NA | NA | 3 | 4 | 6 | 4 | 4 | 5 |
| 2. Number of technical assistance provided | A | NA | 579 | 186 | 400 | 168 | 200 | 200 | 311 |
| 3. Number of searches for offenders in custody conducted through the Kansas VINE program | A | 451,086 | 293,974 | 301,597 | 325,000 | 362,185 | 325,000 | 325,000 | 319,252 |
| 4. Number of newregistration for notification in the Kansas VINE program | A | 8,584 | 10,352 | 10,771 | 10,000 | 13,453 | 11,000 | 11,000 | 11,525 |
| 5. Number of notifications regarding offender custody status sent through the Kansas VINE program | A | 26,922 | 38,483 | 41,369 | 40,000 | 50,437 | 40,000 | 40,000 | 43,430 |

Funding

| <i>Funding Source</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3-yr. Avg.</i> | |
|-----------------------|----------------|----------------|----------------|-----------------|----------------|----------------|----------------|-------------------|-----|
| | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Approved</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | | |
| State General Fund | | | | \$ 79,276 | \$ 79,276 | \$ 87,750 | \$ 88,979 | \$ 79,276 | |
| Non-SGF State Funds | | | | - | 921 | 1,000 | 1,000 | 921 | |
| Federal Funds | | | | - | - | | | - | |
| | \$ | - | \$ | - | \$ | 79,276 | \$ | 80,197 | |
| | | | | | | \$ | 88,750 | \$ | |
| | | | | | | | \$ | 89,979 | |
| | | | | | | | | \$ | |
| | | | | | | | | \$ | |
| FTE | | -- | -- | -- | 1.0 | 1.0 | 1.0 | 1.0 | 0.3 |

Office of the Attorney General

Victim Services Grants

Consequences of Not Funding this Program

The CVAF grant is awarded to several types of agencies throughout the state of Kansas. Examples of the types of agencies receiving CVAF funding are: Child Advocacy Centers, CASA programs and Domestic Violence and Sexual Assault programs. Many of the grantees are dependent upon Victim Services grants to sustain the programming to victims listed above. If not funded, services to victims would be reduced significantly in the communities served by the grantee.

| <u>Statutory Basis</u> | <u>Mandatory vs. Discretionary</u> | <u>MOE/Match Requirement</u> | <u>Priority Level</u> |
|--|------------------------------------|------------------------------|-----------------------|
| K.S.A. 74-7334 et seq; K.S.A. 74-7325 et seq; K.S.A. 74-7334(d) | Mandatory | No | 1 |

Program Goals

A. To strengthen and enhance the quality of services to victims and witnesses of crime in all 105 counties of the state. K.S.A. 74-7337; and amendments thereto; K.S.A. 74-7337(c); K.S.A. 74-7325 and amendments thereto; K.S.A. 20-370; and K.S.A.75-758. Objective #4: Improve the services available to victims statewide through the administration of crime victim assistance grant funds. K.S.A. 74-7337; and amendments thereto; K.S.A. 74-7337(c); K.S.A. 74-7325 and amendments thereto; K.S.A. 20-370; and K.S.A 75758.

Program History

The grants program at the Attorney General's office was created in 1989 in conjunction with the passage of the crime victim bill of rights and the creation of the State Victim Rights coordinator role. With this, the legislature created the crime victim assistance fund (CVAF) in K.S.A. 74-734 et seq. and transferred the responsibility of distributing the Protection From Abuse fund (created in 1984, K.S.A. 74-7325 et seq) to the Office of the Attorney General. As years of have gone on and additional funds for serving victims of crime were created by the legislature, the distribution and monitoring of these grants were added to the responsibilities of the grant unit. This in includes: Child Exchange and Visitation funds (1996, K.S.A 74-7334 (e) and75-720), Child Advocacy Center funds (2004, K.S.A 20-370 and 74-7336) and Human Trafficking Victim Assistance fund (2013, K.S.A 75-58).

Performance Measures

| <i>Output Measures</i> | <i>Goal</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3- yr. Avg.</i> |
|---|-------------|----------------|----------------|----------------|----------------------|----------------|----------------|----------------|--------------------|
| | | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Previous Est.</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| 1. Number of grants awarded and monitored | A | 92 | 90 | 90 | 96 | 96 | 98 | 98 | 92 |

Funding

Office of the Attorney General

| <i>Funding Source</i> | <i>FY 2019 Actuals</i> | <i>FY 2020 Actuals</i> | <i>FY 2021 Actuals</i> | <i>FY 2022 Approved</i> | <i>FY 2022 Actuals</i> | <i>FY 2023 Est.</i> | <i>FY 2024 Est.</i> | <i>3-yr. Avg.</i> |
|-----------------------|----------------------------|----------------------------|----------------------------|-----------------------------|----------------------------|-------------------------|-------------------------|-------------------|
| State General Fund | \$ 717,278 | \$ 697,247 | \$ 698,392 | \$ 878,850 | \$ 691,963 | \$ 937,900 | \$ 937,900 | \$ 695,867 |
| Non-SGF State Funds | 1,510,053 | 1,467,300 | 1,430,332 | 1,765,075 | 1,467,241 | 1,638,630 | 1,638,630 | 1,454,958 |
| Federal Funds | - | - | - | - | - | - | - | - |
| | \$2,227,331 | \$2,164,547 | \$2,128,724 | \$ 2,643,925 | \$ 2,159,204 | \$ 2,576,530 | \$ 2,576,530 | \$ 2,150,825 |
| FTE | -- | -- | -- | -- | -- | -- | -- | -- |

Office of the Attorney General

Medicaid Fraud Control Unit

Consequences of Not Funding this Program

If Kansas had no MFCU, it would lose eligibility to receive all federal money (the federal share of the more than \$4 Billion spent by Kansas on Medicaid provider claims in FY 2021, according to the Kansas Medical Assistance Report for Fiscal Year 2021, published by KDHE, Division of Health Care Finance), it now relies on to provide Medicaid benefits.

Table with 4 columns: Statutory Basis, Mandatory vs. Discretionary, MOE/Match Requirement, Priority Level. Row 1: K.S.A. 75-725, K.S.A. 75-726, 42 USC 1396a(a)(61) and, 42 USC 1396b(q), K.S.A. 21-5925 et seq., K.S.A. 75-708; Mandatory; Yes; 1

Program Goals

- A. To efficiently, effectively, and ethically investigate and litigate against providers found to be committing fraud in or against the Kansas Medicaid program, recover state and federal monies fraudulently obtained by Medicaid providers, and reimburse the appropriate state and federal agencies. Objective #1: Staff a division, independent of the State Medicaid Agency (the Kansas Department of Health and Environment, Division of Health Care Finance), that will develop and implement specific procedures to effectively and efficiently investigate and prosecute criminal instances of fraud by Medicaid providers.
B. To efficiently, effectively, and ethically investigate and litigate against providers found to be committing fraud in or against the Kansas Medicaid program, recover state and federal monies fraudulently obtained by Medicaid providers, and reimburse the appropriate state and federal agencies. Objective #2: Staff a division, independent of the State Medicaid Agency (the Kansas Department of Health and Environment, Division of Health Care Finance), that will develop and implement specific procedures to effectively and efficiently investigate and litigate civil instances of fraud by Medicaid provider.
C. To review allegations of patient abuse, neglect, or the exploitation or misappropriation of patients' private funds committed by healthcare providers in residential care facilities that receive Medicaid funds, to efficiently, effectively and ethically investigate those allegations with substantial potential for criminal prosecution and to prosecute the perpetrators of such misconduct or refer cases to agencies for appropriate sanctions. Objective #1: Develop and implement procedures to effectively and efficiently review, investigate and prosecute cases of patient abuse, neglect or misappropriation of patients' private funds.
D. To provide for the efficient and effective education of the public and health care providers to aid in the fight against Medicaid fraud and abuse through awareness and cooperation, as well as the coordination of private, state and federal resources. 42 U.S.C. § 1396b(q)(3); K.S.A. 75-708. Objective #1: Create procedures to ensure that Medicaid providers and the general public are provided with relevant information concerning Medicaid provider fraud and vulnerable adult abuse, neglect and exploitation.

Office of the Attorney General

Program History

The Medicaid Fraud and Abuse Division (the Division) was established in 1995 and operates under the statutory authority granted at K.S.A. 75-725, K.S.A. 75-726, and K.S.A. 21-5925, et seq., to comply with the requirements of 42 USC 1396a(a)(61) and 42 USC 1396b(q). The Division is the only state entity responsible for receiving, investigating and prosecuting, either civilly or criminally, all cases of suspected fraud by Medicaid providers committed against the Kansas Medicaid program. The Division is tasked with recovering state and federal tax monies fraudulently obtained by Medicaid providers, and for returning said monies to the appropriate state and federal agencies. In addition, the Division receives, investigates and prosecutes allegations of patient abuse, neglect, or exploitation or misappropriation of patients' private funds committed by healthcare providers in residential care facilities, home health care and, other non institutional settings receiving Medicaid funds.

Performance Measures

| <i>Outcome Measures</i> | <i>Goal</i> | <i>FY 2019 Actuals</i> | <i>FY 2020 Actuals</i> | <i>FY 2021 Actuals</i> | <i>FY 2022 Previous Est.</i> | <i>FY 2022 Actuals</i> | <i>FY 2023 Est.</i> | <i>FY 2024 Est.</i> | <i>3- yr. Avg.</i> |
|---|-------------|----------------------------|----------------------------|----------------------------|----------------------------------|----------------------------|-------------------------|-------------------------|--------------------|
| 1. Number of Medicaid open investigations being handled by the Division | A | 251 | 293 | 261 | 275 | 297 | 310 | 325 | 283.7 |
| 2. Number of Medicaid cases filed | A | 20 | 2 | 2 | 30 | 31 | 35 | 40 | 11.7 |
| 3. Number of sentences/judgments received | A | 13 | 17 | 15 | 28 | 13 | 15 | 18 | 15.0 |
| 4. Number of Medicaid provider fraud open criminal investigations being handled by the Division | A | 137 | 152 | 145 | 160 | 183 | 190 | 195 | 160.0 |
| 5. Number of Medicaid provider fraud cases filed | A | 8 | 1 | 1 | 25 | 17 | 20 | 25 | 6.3 |
| 6. Number of Medicaid provider fraud cases sentenced | A | 6 | 7 | 5 | 12 | 5 | 10 | 12 | 5.7 |
| 7. Number of Medicaid provider fraud open civil investigations being handled by the Division | B | 30 | 34 | 26 | 45 | 22 | 24 | 26 | 27.3 |
| 8. Number of Medicaid provider fraud civil cases filed | B | 2 | 0 | 0 | 4 | 2 | 7 | 10 | 0.7 |
| 9. Number of Medicaid provider fraud civil judgments received | B | 7 | 6 | 7 | 2 | 3 | 5 | 8 | 5.3 |

Office of the Attorney General

Performance Measures (Continued)

| <i>Outcome Measures</i> | <i>Goal</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3- yr. Avg.</i> |
|--|-------------|----------------|----------------|----------------|----------------------|----------------|----------------|----------------|--------------------|
| | | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Previous Est.</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| 10. Number of open criminal investigations alleging abuse, neglect, or exploitation or misappropriation of patients' private funds | C | 84 | 107 | 90 | 110 | 91 | 120 | 130 | 96.0 |
| 11. Number of open criminal investigations alleging abuse, neglect, or exploitation or misappropriation of patients' private funds: cases filed | C | 12 | 1 | 1 | 10 | 12 | 15 | 20 | 4.7 |
| 12. Number of open criminal investigations alleging abuse, neglect, or exploitation or misappropriation of patients' private funds: sentences received | C | 7 | 4 | 3 | 12 | 3 | 5 | 6 | 3.3 |
| 13. Number of open civil investigations alleging abuse, neglect, or exploitation or misappropriation of patients' private funds | C | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 0.0 |
| 14. Number of open civil investigations alleging abuse, neglect, or exploitation or misappropriation of patients' private funds: cases filed | C | 0 | 0 | 0 | 5 | 0 | 0 | 0 | 0.0 |

Office of the Attorney General

| | | | | | | | | | |
|---|---|------|------|------|------|------|------|------|--------|
| 15. Number of open civil investigations alleging abuse, neglect, or exploitation or misappropriation of patients' private funds: judgments received | C | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0.0 |
| 16. Number of educational and informational sessions presented | D | 21 | 17 | 17 | 26 | 24 | 28 | 30 | 19.3 |
| 17. Number of attendees at educational and informational sessions presented | D | 1425 | 1063 | 1858 | 1600 | 1396 | 1400 | 1500 | 1439.0 |

Funding

| <i>Funding Source</i> | <i>FY 2019 Actuals</i> | <i>FY 2020 Actuals</i> | <i>FY 2021 Actuals</i> | <i>FY 2022 Approved</i> | <i>FY 2022 Actuals</i> | <i>FY 2023 Est.</i> | <i>FY 2024 Est.</i> | <i>3-yr. Avg.</i> |
|-----------------------|----------------------------|----------------------------|----------------------------|-----------------------------|----------------------------|-------------------------|-------------------------|-------------------|
| State General Fund | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| Non-SGF State Funds | 445,627 | 496,102 | 465,616 | 646,054 | 585,515 | 628,089 | 645,661 | 515,744 |
| Federal Funds | 1,087,792 | 1,197,892 | 1,260,605 | 1,928,911 | 1,707,159 | 1,884,268 | 1,936,985 | 1,388,552 |
| | \$ 1,533,420 | \$ 1,693,993 | \$ 1,726,220 | \$ 2,574,965 | \$ 2,292,674 | \$ 2,512,357 | \$ 2,582,646 | \$ 1,904,296 |
| FTE | 17.0 | 17.0 | 24.0 | 24.0 | 24.0 | 24.0 | 24.0 | 1,439.0 |

Office of the Attorney General

Office of Medicaid Inspector General

Consequences of Not Funding this Program

The State of Kansas would be left without an independent watchdog to ensure that Medicaid funds are being properly managed. The office is also critical in identifying areas to increase the efficiency and effectiveness of Medicaid operations.

| Statutory Basis | Mandatory vs. Discretionary | MOE/Match Requirement | Priority Level |
|------------------------|------------------------------------|------------------------------|-----------------------|
| K.S.A. 75-7427 | Mandatory | No | 1 |

Program Goals

A. To establish a full-time program of audit, investigation and performance review to provide increased accountability, integrity and oversight of the state Medicaid program, the state mediKan program and the state children's health insurance program and to assist in improving agency and program operations and in deterring and identifying fraud, waste, abuse and illegal acts. Objective #1: Staff an office, independent of the State Medicaid Agency (the Kansas Department of Health and Environment, Division of Health Care Finance), that will develop and implement specific procedures to effectively and efficiently audit, investigate and provide performance reviews to increase accountability, integrity and oversight of the State Medicaid Agency programs.

Program History

The Inspector General Division is a new division transferred from KDHE on July 1, 2017, with the amendments in SB 149 to K.S.A. 2016 Supp. 75-7427. The Inspector General (IG), which was created by the 2007 Kansas Legislature in K.S.A. 75-7427, was the first statutorily created Office of Inspector General in Kansas. The purpose of the inspector general is to establish a full-time program of audit, investigation and performance review to provide increased accountability, integrity and oversight of the state Medicaid program, the state mediKan program and the state children's health insurance program and to assist in improving agency and program operations and in deterring and identifying fraud, waste, abuse and illegal acts.

Performance Measures

| <i>Outcome Measures</i> | <i>Goal</i> | <i>FY 2019</i> | <i>FY 2020</i> | <i>FY 2021</i> | <i>FY 2022</i> | <i>FY 2022</i> | <i>FY 2023</i> | <i>FY 2024</i> | <i>3- yr. Avg.</i> |
|--|-------------|----------------|----------------|----------------|----------------------|----------------|----------------|----------------|--------------------|
| | | <i>Actuals</i> | <i>Actuals</i> | <i>Actuals</i> | <i>Previous Est.</i> | <i>Actuals</i> | <i>Est.</i> | <i>Est.</i> | |
| 1. Number of audits, reviews and investigations completed | A | 5 | 5 | 2 | 10 | 13 | 20 | 24 | 6.7 |
| 2. Number of audit, review and investigation related trainings attended by IG staff | A | 5 | 36 | 11 | 18 | 19 | 23 | 26 | 22.0 |
| 3. Number of program integrity related meetings and conferences attended by IG staff | A | 7 | 30 | 22 | 26 | 40 | 45 | 45 | 30.7 |

Office of the Attorney General

| | | | | | | | | | |
|--|---|----|----------|--------------|--------------|----------------|---------------|---------------|---------------|
| 4. Number of recommendations for improving outcomes and processes provided to the attorney general | A | 0 | 10 | 0 | 9 | 26 | 30 | 35 | 12.0 |
| 5. Number of referrals received and evaluated by IG staff | A | NA | 351 | 1033 | 1200 | 1351 | 1450 | 1550 | 911.7 |
| 6. Number of allegations referred for further criminal/civil investigation | A | NA | 6 | 32 | 35 | 38 | 40 | 45 | 25.3 |
| 7. Amount of money identified for repayment or recovery | A | NA | \$ 6,044 | \$ 1,362,470 | \$ 3,200,000 | \$ 193,253,240 | \$ 40,000,000 | \$ 40,000,000 | \$ 64,873,918 |
| 8. Amount of monetary savings or wasteful spending identified | A | NA | \$ - | \$ - | \$ 1,500,000 | \$ 12,548,904 | \$ 8,000,000 | \$ 10,000,000 | \$ 4,182,968 |

Funding

| <i>Funding Source</i> | <i>FY 2019 Actuals</i> | <i>FY 2020 Actuals</i> | <i>FY 2021 Actuals</i> | <i>FY 2022 Approved</i> | <i>FY 2022 Actuals</i> | <i>FY 2023 Est.</i> | <i>FY 2024 Est.</i> | <i>3-yr. Avg.</i> |
|-----------------------|----------------------------|----------------------------|----------------------------|-----------------------------|----------------------------|-------------------------|-------------------------|-------------------|
| State General Fund | \$ 126,677 | \$ 300,772 | \$ 244,512 | \$ 710,727 | \$ 532,133 | \$ 800,016 | \$ 642,466 | \$ 359,139 |
| Non-SGF State Funds | 663 | 1,465 | 541 | - | - | - | 143,514 | \$ 669 |
| Federal Funds | - | - | - | - | - | - | - | \$ - |
| | \$ 127,340 | \$ 302,237 | \$ 245,053 | \$ 710,727 | \$ 532,133 | \$ 800,016 | \$ 785,980 | \$ 359,808 |
| FTE | 4.0 | 4.0 | 4.0 | 6.0 | 5.6 | 5.6 | 5.6 | 4.5 |