

January 24, 2011

The Honorable Tim Owens, Chairperson
Senate Committee on Judiciary
Statehouse, Room 559-S
Topeka, Kansas 66612

Dear Senator Owens:

SUBJECT: Fiscal Note for SB 23 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 23 is respectfully submitted to your committee.

SB 23 would clarify that a juvenile has the right to a jury trial in a felony or misdemeanor case, but would have to make the request in writing within 30 days of entering a plea of not guilty. The 30-day limit could be waived at the discretion of the court if the time requirement would cause undue hardship or prejudice to the juvenile. The bill establishes that a jury in a felony case would consist of 12 members; however, the parties may agree in writing, at any time before the verdict, with court approval that the jury could consist of less than 12 members. Misdemeanor trials would consist of six jury members.

SB 23 would require that questions of law would be decided by the court and issues of fact by the jury. The bill makes additional changes regarding jury selection, the right of the prosecution or juvenile's attorney to challenge a juror, selection of a jury panel, conduct of jurors and their opportunity to view the scene, and the jury's decision, including submission of the case to the jury, deliberations, and the jury verdict. Finally, SB 23 makes further minor and technical changes to the Kansas Juvenile Justice Code.

SB 23 has the potential for increasing litigation in the courts because of possible requests for jury trials in juvenile cases that would be misdemeanor cases under the criminal code. If it does, the Office of Judicial Administration indicates that there would be a fiscal effect on the operations of the court system because the amount of time spent by clerks, judges, and court reporters on cases is higher when cases are tried by a jury. However, it is not possible to predict the number of additional court cases that would arise or how complex and time-consuming they would be. Therefore, a precise fiscal effect cannot be determined. In any case, the fiscal effect would most likely be accommodated within the existing schedule of court cases and would not

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January 24, 2011

Page 2—Fisc_Note_Sb23

require additional resources. The Juvenile Justice Authority indicates there would be no fiscal effect to agency operations resulting from the passage of SB 23. Any fiscal effect associated with SB 23 is not reflected in *The FY 2012 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Mary Rinehart, Judiciary
Keith Bradshaw, JJA
Helen Pedigo, Sentencing Commission