

January 25, 2012

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

Dear Senator Owens:

SUBJECT: Fiscal Note for SB 307 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 307 is respectfully submitted to your committee.

SB 307 would provide that, in cases in which the charge is murder in the first degree for killing a person while committing or attempting to commit or fleeing from an inherently dangerous felony, jury instructions on any lesser included crimes would not be required unless the evidence of the underlying felony is weak or inconclusive. The provisions of this bill would be applied retroactively to any charge or conviction of murder in the first degree involving flight from an inherently dangerous felony in any legal challenge or proceeding that comes before a district court or an appellate court. In cases in which the judge instructed the jury on a lesser included crime and the defendant was convicted of that crime in lieu of the crime charged between July 1, 2011 and July 1, 2012, the retroactivity provision of this subsection could not be used as the basis for setting aside, reversing or vacating the conviction.

Estimated State Fiscal Effect				
	FY 2012 SGF	FY 2012 All Funds	FY 2013 SGF	FY 2013 All Funds
Revenue	--	--	--	--
Expenditure	--	--	\$15,000	\$15,000
FTE Pos.	--	--	--	--

According to the Office of Judicial Administration, passage of SB 307 could result in additional criminal appeals in murder in the first degree cases involving commission of another inherently dangerous felony. The Office states that it is more likely, however, that the bill would result in additional issues on appeal, rather than actual new appeals. This would increase the amount of time spent by appellate court judicial and nonjudicial personnel in processing,

The Honorable Tim Owens, Chairperson

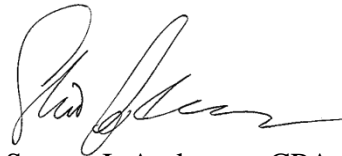
January 25, 2012

Page 2—307

researching, and hearing cases. Until the courts have had an opportunity to operate under the provisions of the bill, however, an accurate estimate of the fiscal effect cannot be provided.

According to the Board of Indigents Defense Services, passage of SB 307 would likely cause an increase of ten appellate cases each year at a cost of \$1,500 each for a total increase in agency expenditures of \$15,000 from the State General Fund. Any fiscal effect associated with SB 307 is not reflected in *The FY 2013 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", written in a cursive style.

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

cc: Mary Rinehart, Judiciary