

January 29, 2014

The Honorable John Rubin, Chairperson  
House Committee on Corrections and Juvenile Justice  
Statehouse, Room 151-S  
Topeka, Kansas 66612

Dear Representative Rubin:

**SUBJECT:** Fiscal Note for HB 2426 by Joint Committee on Corrections and Juvenile Justice Oversight

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2426 is respectfully submitted to your committee.

HB 2426 would modify statutory provisions concerning the collection and use of biological samples obtained from persons convicted of certain crimes. On and after May 2, 1991, any person who is required to register as an offender under the Kansas Offender Registration Act, and for other offenses as specified in the bill, would be required to submit biological samples as authorized by the Kansas Bureau of Investigation (KBI). Any person required to submit a sample would do so at the same time the person is fingerprinted.

The bill would add juvenile justice agencies to the list of agencies required to search the Kansas criminal history files through the Kansas Criminal Justice Information System to determine if a person's sample is on file before causing a sample to be collected. The kits, supplies, and instructions for collecting the samples would be provided by the KBI. The bill would prohibit any samples from being accepted for admission or comparison, unless obtained in substantial compliance with provisions of the bill by an accredited forensic laboratory meeting the National DNA Index System Guidelines established by the Federal Bureau of Investigation. Additionally, a sample, or any evidence based upon or derived from the sample, collected by a law enforcement agency or juvenile justice agency in substantial compliance with the provisions of the bill could not be excluded as evidence in any criminal proceeding on the basis that the sample was not validly obtained.

HB 2426 would also establish new provisions that any person who, by employment or official position, has possession of or access to samples or profile records maintained by the KBI could not disseminate the samples or records except in accordance with the law. Criminal justice agencies could not request profile records from the KBI or another criminal justice agency unless

The Honorable John Rubin, Chairperson

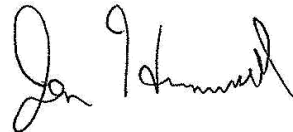
January 29, 2014

Page 2—HB 2426

there is a legitimate need for the records in accordance with the statute. Any person who violates the new provisions mentioned would be guilty of a Class A nonperson misdemeanor. If the person is employed or licensed by a state or local government agency, a conviction would constitute good cause to terminate employment or revoke or suspend a license. Any person who knowingly obtains samples or profile records maintained by the KBI without authorization would be guilty of a Class A nonperson misdemeanor. The bill would make additional technical changes.

The Office of Judicial Administration indicates that enactment of HB 2426 could result in the collection of additional docket fees in those cases filed under the bill's provisions. However, until the courts have had an opportunity to operate under the provisions of the bill an accurate estimate of the fiscal effect on the Judicial Branch cannot be given. Passage of HB 2426 would have no fiscal effect on the operations of the KBI. The League of Kansas Municipalities states enactment of HB 2426 could require additional police and administrative time to either transport an alleged offender to a medical facility for the gathering of a sample, if required, or to facilitate the collection of the data on site if non-medical collection is permitted. The League indicates it is not possible to determine if any fiscal effect passage of HB 2426 would have upon Kansas cities since it is not known how frequently samples may need to be gathered by local law enforcement or how much time could be consumed by police and administrative staff while collecting the samples. Any fiscal effect associated with HB 2426 is not reflected in *The FY 2015 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Hummell". The signature is fluid and cursive, with the first name "Jon" being more prominent than the last name "Hummell".

Jon Hummell,  
Interim Director of the Budget

cc: Linda Durand, KBI  
Mary Rinehart, Judiciary  
Melissa Wangemann, KAC  
Larry Baer, LKM  
Scott Schultz, Sentencing Commission