

February 2, 2015

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 2140 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2140 is respectfully submitted to your committee.

HB 2140 would amend the Kansas Code of Criminal Procedure to allow the prosecution to appeal to the Kansas Supreme Court as a matter of right in any case in which a conviction for an off-grid crime or a conviction for an inherently dangerous felony is reversed either on direct appeal or post-conviction appeal. The bill also states that if a prosecutor appeals a district court's pre-trial order quashing a warrant or suppressing certain evidence, the prosecutor would not be required to demonstrate that the judge's order substantially impairs prosecution of the criminal action. The bill would provide that the amendments are procedural and could be applied retroactively to all pending cases. HB 2140 would be effective upon publication in the *Kansas Register*.

The Office of Judicial Administration indicates that HB 2140 could increase appeals to the Kansas Supreme Court, but the number of cases to which the provisions would apply is unknown; therefore, the fiscal effect on Judicial Branch expenditures cannot be determined. The Board of Indigents Defense Services indicates that HB 2140 would require trial public defenders and assigned counsel to respond to appeals filed by the prosecution by writing, filing and arguing briefs to oppose the appeals, but the number of appeals to which it would be required to respond is unknown.

Sincerely,



Shawn Sullivan,
Director of the Budget

cc: Mary Rinehart, Judiciary
Pat Scalia, Indigents Defense Services