February 23, 2015

The Honorable John Barker, Chairperson
House Committee on Judiciary
Statehouse, Room 149-S
Topeka, Kansas 66612

Dear Representative Barker:

      SUBJECT: Fiscal Note for HB 2289 by House Committee on Judiciary

      In accordance with KSA 75-3715a, the following fiscal note concerning HB 2289 is respectfully submitted to your committee.

      HB 2289 would add an item to the list of elements that must be addressed in a law enforcement officer's certification that is prepared for cases of test failure of or test refusal for alcohol or drugs. The new item would require that it be certified that prior to stopping the person operating or attempting to operate a vehicle the law enforcement officer had reasonable grounds to suspect the person was committing or had committed a crime or traffic infraction, or was involved in an accident resulting in property damage or injury.

      The bill would also modify aspects of the administrative hearing process. Under current law, a licensee or licensee's attorney is permitted to review any video or audio tape record made of events. HB 2289 would add police reports to the items that may be reviewed. The scope of the hearings for test failure or test refusal would be expanded to include whether the law enforcement officer had reasonable grounds to suspect the person was committing or had committed a crime or traffic infraction, or was involved in an accident resulting in property damage or injury.

      The Office of Judicial Administration indicates that HB 2289 would have no fiscal effect on the Judicial Branch. Similarly, the Department of Revenue states that the bill would have no fiscal effect on the agency.

Sincerely,

Shawn Sullivan,
Director of the Budget

cc: Mary Rinehart, Judiciary
      Jack Smith, Department of Revenue
      Melissa Wangemann, Association of Counties