

January 27, 2016

The Honorable John Barker, Chairperson  
House Committee on Judiciary  
Statehouse, Room 519-N  
Topeka, Kansas 66612

Dear Representative Barker:

**SUBJECT:** Fiscal Note for HB 2502 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2502 is respectfully submitted to your committee.

HB 2502 would establish the specific grounds a court could consider when determining whether the time limit imposed on a prisoner filing a habeas corpus motion under KSA 60-1507 should be extended to prevent manifest injustice. The bill would provide that the court's sole inquiry in these cases would be to determine why a prisoner failed to file the motion within the one-year time limitation. If the court makes a manifest injustice finding, it must state the factual and legal basis for such finding in writing with service to the parties. If the court, upon its own inspection of the motions, files and records of the case, determines the time limitations under this section have been exceeded and that the dismissal of the motion would not equate with manifest injustice, the district court must dismiss the motion as untimely filed.

While HB 2502 would restrict the court's inquiry in certain KSA 60-1507 actions, the Office of Judicial Administration indicates the court could still consider why a prisoner failed to file a KSA 60-1507 motion within the one-year time limit. Further, any time savings resulting from the passage of this bill could reduce expenditures, but the amount would be negligible. Any fiscal effect associated with HB 2502 is not reflected in *The FY 2017 Governor's Budget Report*.

Sincerely,



Shawn Sullivan,  
Director of the Budget

cc: Ashley Michaelis, Judiciary