

February 15, 2016

The Honorable Gregory Smith, Chairperson
Senate Committee on Corrections and Juvenile Justice
Statehouse, Room 441-E
Topeka, Kansas 66612

Dear Senator Smith:

SUBJECT: Fiscal Note for SB 426 by Senate Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning SB 426 is respectfully submitted to your committee.

Under SB 426, a person who engages in a door-to-door sale but is prohibited from door-to-door sales would be in violation of a consumer protection order. Violation of a consumer protection order would be a severity level nine, person felony. The Office of the Attorney General, counties, or both may institute criminal actions to prosecute offenses. Violation of a consumer protection order would also be added to the list of offenses giving rise to forfeiture.

The Office of the Attorney General may post conspicuously on the agency's website any judgment or order that restrains, enjoins or otherwise prohibits a person from engaging in door-to-door sales.

According to the Office of the Attorney General, SB 426 could result in additional agency expenditures from new cases that would require investigation and prosecution. However, the Office estimates that these expenditures could be absorbed within existing resources. Also, because the bill allows offenders to be liable for civil penalties for violations of the Kansas Consumer Protection Act, the Office indicates that the bill could result in additional revenues, which would be used to offset the expenses from enforcing SB 426. The Office is unable to determine the dollar amounts of the added expenditures or revenues because the number of cases that would occur under the bill cannot be estimated.

The Kansas Association of Counties notes that counties could also experience additional expenses from investigating and prosecuting cases and from incarcerating any offenders. The Association is unable to estimate the dollar effect for counties.

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The Kansas Sentencing Commission indicates that SB 426 would have no immediate effect on prison admissions and bed space. The Commission states that most offenders sentenced for the new crime would receive probation. The bill may increase agency journal entry workload, but the specific number of entries cannot be determined. Any fiscal effect associated with SB 426 is not reflected in *The FY 2017 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

cc: Willie Prescott, Attorney General's Office
Shelia Sawyer-Tyler, KBI
Kim Torrey, Highway Patrol
Larry Baer, League of Municipalities
Melissa Wangemann, Association of Counties