

February 24, 2022

The Honorable Kellie Warren, Chairperson  
Senate Committee on Judiciary  
Statehouse, Room 346-S  
Topeka, Kansas 66612

Dear Senator Warren:

**SUBJECT:** Fiscal Note for SB 344 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 344 is respectfully submitted to your committee.

SB 344 would allow a defendant to argue that at the time of committing the alleged criminal act, the defendant was laboring under a mental disease or defect so that the defendant did not know the nature and quality of the act or did not know that the act was wrong. If a defendant presents evidence of a mental disease or defect and the jury finds the defendant not guilty, the jury would be required to answer a special question regarding whether the verdict is solely the result of the mental disease or defect. The bill would expand the definition of a “mentally ill person.”

The Office of Judicial Administration states enactment of SB 344 could extend the time length of some trials because the bill expands criminal defense for a defendant, which could increase time spent by court employees and judges processing and deciding these cases. According to the Office, a fiscal effect cannot be estimated until the Judicial Branch has had an opportunity to operate under the bill’s provisions.

The Kansas Sentencing Commission indicates the bill’s enactment could have an effect on prison admissions and beds; however, the Commission does not have enough information to estimate what that effect would be. The Department of Corrections states enactment of the bill would not have a fiscal effect on Department operations.

The Kansas Department for Aging and Disability Services indicates that if the bill were enacted that there would be a negligible fiscal effect on the operations of the state hospitals. Any fiscal effect associated with SB 344 is not reflected in *The FY 2023 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt  
Director of the Budget

cc: Vicki Jacobsen, Judiciary  
Leigh Keck, Aging & Disability Services  
Susan Gile, Board of Healing Arts  
David Fye, Behavioral Sciences  
Randy Bowman, Corrections  
Dan Thimmesch, Health & Environment  
Heather Cessna, Indigents Defense Services  
Jay Hall, Association of Counties  
Wendi Stark, League of Municipalities