

January 31, 2024

The Honorable Stephen Owens, Chairperson
House Committee on Corrections and Juvenile Justice
300 SW 10th Avenue, Room 546-S
Topeka, Kansas 66612

Dear Representative Owens:

SUBJECT: Fiscal Note for HB 2583 by Representatives Hawkins and Owens

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2583 is respectfully submitted to your committee.

HB 2583 would increase penalties for harming certain law enforcement animals and add police horses to the list of protected law enforcement animals. The bill would classify the inflicting of harm that results in disability or death to a police dog, arson dog, assistance dog, game warden dog, search and rescue dog, or police horse as a level 4, nonperson felony. The bill would classify this offense as a level 3, nonperson felony if it is committed during an attempt to flee or elude a police officer.

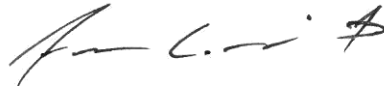
The bill would establish a mandatory minimum sentence of 90 days of imprisonment and a minimum fine of \$10,000 for each violation. The offender would be required to complete a psychological evaluation during their term of imprisonment and an anger management program during their term of probation. The bill would also require the offender to pay immediate restitution for any veterinary medical treatment, funeral and burial expenses, and animal replacement costs that may have arisen as a result of the offense. If necessary, the court would be allowed to include additional terms in the offender's conditions of probation and waive the requirement for immediate restitution.

The Board of Indigents Defense Services indicates that the bill could increase agency expenditures on legal counsel and support staff. The Board estimates that on average, each low-level felony case charged under existing statute requires 35 hours of attorney casework, while severity level 4, person felonies require 57 hours of attorney casework, and severity level 3, person felonies require 99 hours of attorney casework. Therefore, each severity level 4, person felony case charged under the provisions of the bill would require agency attorneys to perform an additional 22 hours of casework, resulting in \$1,834 to \$2,640 of additional State General Fund

expenditures based on the rates of \$83.36 per hour for public defenders and \$120 per hour for assigned counsel. Each severity level 3, person felony case charged under the provisions of the bill would require agency attorneys to perform an additional 64 hours of casework, resulting in \$5,335 to \$7,680 of additional State General Fund expenditures. The Board indicates that it may require 1.00 new FTE attorney position and possibly additional support staff depending on the amount of additional work required by the bill.

The Judiciary indicates that the bill would not have a fiscal effect on agency operations; however, it could result in the collection of additional fines which would be deposited into the State General Fund and other funds. The Department of Corrections indicates that the bill may increase operating expenditures by a negligible amount. The Sentencing Commission indicates that the bill may increase prison admissions and decrease bed space, but the effect is likely to be small. Any fiscal effect associated with HB 2583 is not reflected in *The FY 2025 Governor's Budget Report*.

Sincerely,

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

Adam C. Proffitt
Director of the Budget

cc: Trisha Morrow, Judiciary
Scott Schultz, Kansas Sentencing Commission
Jennifer King, Department of Corrections
Heather Cessna, Board of Indigents Defense Services