

February 13, 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 2699 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2699 is respectfully submitted to your committee.

HB 2699 would create the crimes of home invasion and aggravated home invasion. The bill would define home invasion as using physical force or the threat of physical force to enter into any dwelling or secured portion of any dwelling without authority. The bill would establish that it is a severity level 6, person felony if the offender commits home invasion with the intent to terrorize any person in the dwelling or commits home invasion with knowledge that the dwelling is or may be occupied and entry is unauthorized. The bill would establish that it is a severity level 5, person felony if the offender reasonably knows that entry will result in great bodily harm or death to any person, or if the offender is armed with a dangerous weapon or firearm.

If an offender uses a dangerous weapon or firearm in the course of the home invasion, the bill would classify the offense as aggravated home invasion with the penalty of a severity level 4, person felony. If the home invasion results in great bodily harm or death to any person, the bill would classify the offense as aggravated home invasion with the penalty of a severity level 2, person felony.

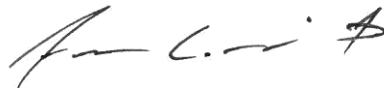
The Board of Indigents Defense Services indicates that the bill would increase agency expenditures on legal counsel and support staff by unknown amounts. The Board estimates that on average, severity level 4, 5, or 6, person felony cases require 57 hours of direct work by an attorney to provide constitutionally adequate representation. Based on the rates of \$83.36 per hour for public defenders and \$120 per hour for assigned counsel, each new severity level 4, 5, or 6, person felony case brought to the agency would result in State General Fund expenditures of \$4,752 to \$6,840. The Board indicates that on average, a severity level 2, person felony case requires 99 hours of defense attorney work. Therefore, each new severity level 2, person felony case brought to the agency would result in State General Fund expenditures of \$8,253 to \$11,880.

The Board indicates that it may require 1.00 new FTE attorney position and possibly additional support staff depending on the amount of work required by the bill.

The Judiciary indicates that the bill has the potential to increase the number of cases filed in district courts. This may increase agency operating expenditures due to the additional time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. However, the Judiciary is unable to calculate an exact estimate of this effect. The bill has the potential to increase the collection of docket fees, fines, and supervision fees, which are deposited in the State General Fund; however, the amount of additional collections is unknown.

The Sentencing Commission indicates that the bill has the potential to increase the number of prison admissions and prison beds; however, an exact estimate of this effect cannot be determined. The Department of Corrections indicates that the bill has the potential to increase agency operating expenditures, depending on its effect on prison admissions and prison beds. Any fiscal effect associated with HB 2699 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: Heather Cessna, Board of Indigents Defense Services
Jennifer King, Department of Corrections
Trisha Morrow, Judiciary
Scott Schultz, Kansas Sentencing Commission