

February 8, 2013

The Honorable Arlen Siegfried, Chairperson  
House Committee on Federal and State Affairs  
Statehouse, Room 185-N  
Topeka, Kansas 66612

and

The Honorable John Rubin, Chairperson  
House Committee on Corrections and Juvenile Justice  
Statehouse, Room 151-S  
Topeka, Kansas 66612

Dear Representatives:

**SUBJECT:** Fiscal Note for HB 2175 by Representative Hildabrand, et al.

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2175 is respectfully submitted to your committee.

HB 2175 would expand the crime of official misconduct committed by a public officer or employee. Official misconduct would include, as a part of a determination of whether to grant another person access to a publicly accessible venue or form of transportation, lewd fondling; removing a child younger than 18 years of age from the physical custody or control of the child's parent or legal guardian; or assault. Any violation of the expanded crime would be a class A person misdemeanor.

The bill would require the Attorney General, with consent of the proper county or district attorney, to take any actions necessary to defend the validity of the law if it is challenged on the grounds of unconstitutionality, preemption, or sovereign immunity.

The Office of the Attorney General states that passage of HB 2175 would have no effect on agency operations. The Office of Judicial Administration indicates that the bill could increase the number of cases relating to official misconduct filed in district and appellate courts. This would increase the time spent by district court and appellate court judicial and non-judicial personnel in processing, researching, and hearing cases. Likewise, the additional cases could also result in the collection of added revenue from docket fees and penalties. However, it is not possible to predict the number of additional court cases that would arise or how complex and

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time-consuming they would be. Therefore, a precise fiscal effect cannot be determined. In any case, the fiscal effect would most likely be accommodated within the existing schedule of court cases and would not require additional resources. Any fiscal effect associated with HB 2175 is not reflected in *The FY 2014 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", written in a cursive style.

Steven J. Anderson, CPA, MBA

Director of the Budget

cc: Mary Rinehart, Judiciary  
Willie Prescott, Attorney General's Office