

February 21, 2017

The Honorable Blaine Finch, Chairperson
House Committee on Judiciary
Statehouse, Room 519-N
Topeka, Kansas 66612

Dear Representative Finch:

SUBJECT: Fiscal Note for HB 2293 by Representative Ousley, et al.

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2293 is respectfully submitted to your committee.

HB 2293 would change the name of the “Protection from Stalking Act” to the “Protection from Stalking or Sexual Assault Act.” The bill would expand the definition of “abuse” to include “engaging in any sexual contact or attempted sexual contact with another person without consent or when such person is incapable of giving consent.” HB 2293 would add a definition for the term “sexual assault.” The bill specifies, for the purposes of the Protection from Stalking or Sexual Abuse Act, that the terms stalking and sexual assault would not require that the defendant be charged or convicted of the alleged conduct.

The bill would allow for the issuance of proactive orders for victims of sexual assault. No docket fee would be charged when a person seeks relief under the bill’s provisions. Also, a court would be required to hold a hearing on a petition requesting protection from sexual assault within the same amount of time as is currently required for hearings on petitions requesting protection from stalking, which is 21 days.

HB 2293 would expand the scope of the order that may be issued by a judge to include restraining the defendant from committing or attempting to commit a sexual assault upon the victim. Any breach would be considered a violation of the protective order. The order would also include a statement that if the order is violated, the violation may constitute a sex offense and the offender may be prosecuted.

According to the Office of Judicial Administration, enactment of HB 2293 could increase the number of protection from abuse and protection from stalking petitions filed in the district courts, which could cause judicial and non-judicial staff to spend more time processing, researching, and hearing cases. The bill would not result in the collection of docket fees for

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protection from abuse and protection from stalking petitions because those petitions are exempt from the payment of the docket fee; however, if there are additional criminal case filings under the bill's provisions there could be additional docket fee revenue. It is not possible to predict the number of additional court cases that would arise or how complex and time-consuming they would be. Therefore, a fiscal effect cannot be determined.

The Office of the Attorney General states any fiscal effect resulting from HB 2293 would be negligible. The Kansas Sentencing Commission states the bill could have an effect on prison admissions and bed space; however, any effect would be negligible. Any fiscal effect associated with HB 2293 is not reflected in *The FY 2018 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: Linda Kelly, Corrections
Ashley Michaelis, Judiciary
Willie Prescott, Office of the Attorney General
Scott Schultz, Sentencing Commission