

March 11, 2021

The Honorable Russell Jennings, Chairperson
House Committee on Corrections and Juvenile Justice
Statehouse, Room 151B-S
Topeka, Kansas 66612

Dear Representative Jennings:

SUBJECT: Fiscal Note for HB 2347 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2347 is respectfully submitted to your committee.

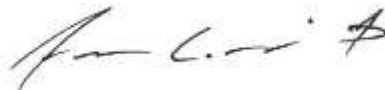
HB 2347 would amend the crimes of attempt, conspiracy, and criminal solicitation to remove the exception that a lesser severity level does not apply to the specifically listed off-grid crimes of rape, aggravated indecent liberties with a child, aggravated criminal sodomy, commercial sexual exploitation of a child, sexual exploitation of a child or aggravated internet trading in child pornography. The bill would also remove language that attempt, conspiracy and solicitation are off-grid felonies with the following crimes: rape, aggravated indecent liberties with a child, aggravated criminal sodomy, commercial sexual exploitation of a child, sexual exploitation of a child, or aggravated internet trading in child pornography. The crime of rape would be amended to include that rape is sexual intercourse with a victim without the victim's consent during a treatment session, consultation, interview or examination by a healthcare provider, chiropractor, massage therapist, or other person providing medical or therapeutic procedure. Finally, the bill would remove offender registration requirements for adults convicted of unlawful voluntary sexual relations or juveniles convicted of an act which, if committed by an adult, would constitute unlawful voluntary sexual relations.

The Kansas Sentencing Commission estimates that enactment of HB 2347 would have a negligible effect on prison admission and beds from to the sentence length of off-grid and nondrug severity level one offenders. The current estimated available bed capacity is 9,420 for males and 948 for females. Based upon the Commission's most recent ten-year projection contained in its *FY 2020 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population for available male capacity will be under capacity by 1,287 inmates in FY 2021 and

1,241 inmates in FY 2022. The Department of Corrections indicates the enactment of the bill would have no fiscal effect on the agency.

The Office of Judicial Administration indicates that enactment of HB 2347 could increase expenditures because the bill creates a new crime, lowers criminal penalties for certain crimes, changes the elements of certain offenses, and removes registration requirement for an offense. The Office also states that some provisions bill could result in less time being spent by court staff, while others could result in more time being spent by court staff. The bill could also result in additional docket fees, fines and other revenues associated with the new crime. However, a fiscal effect cannot be estimated. Any fiscal effect associated with HB 2347 is not reflected in *The FY 2022 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: Randy Bowman, Corrections
Scott Schultz, Sentencing Commission
Debbie Thomas, Judiciary