

February 11, 2022

The Honorable Fred Patton, Chairperson
House Committee on Judiciary
Statehouse, Room 582-N
Topeka, Kansas 66612

Dear Representative Patton:

SUBJECT: Fiscal Note for HB 2539 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2539 is respectfully submitted to your committee.

HB 2539 would create the crime of violence in the presence of a child, which would be committing assault or battery against a family or household member in the presence of a child and committing certain felony violations in the presence of a child. Violations would be a class A person misdemeanor for a first conviction and a severity level seven, person felony on a second or subsequent conviction. A violation of certain felonies in the presence of a child would be a severity level five, person felony. If multiple children are present during a violation, the presence of each child would be considered a separate violation.

The Kansas Sentencing Commission indicates that enactment of HB 2539 could have an effect on prison admissions and bed space, but that this effect cannot be determined. The current estimated available bed capacity is 9,428 for males and 936 for females. Based upon the Commission's most recent ten-year projection contained in its *FY 2022 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population will total 7,782 male and 756 female inmates in FY 2022 and 7,736 male and 730 female inmates in FY 2023. The Department of Corrections indicates that enactment of the bill would have no fiscal effect.

The Office of Judicial Administration indicates that enactment of the bill could increase the number of cases filed in district courts because it creates new crimes. This, in turn, would increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. Since this crime carries a misdemeanor penalty, court services officers could be required to supervise additional offenders. The bill could also result in the

collection of additional docket fees, supervision fees and fines assessed in cases filed under the provisions of the bill. However, a fiscal effect cannot be determined because the number of additional cases cannot be estimated. Any fiscal effect associated with HB 2539 is not reflected in *The FY 2023 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: Scott Schultz, Sentencing Commission
Randy Bowman, Corrections
Vicki Jacobsen, Judiciary