

SESSION OF 2020

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2546

As Recommended by House Committee on
Judiciary

Brief*

HB 2546 would create the crime of sexual extortion, which would be defined as communicating by any means a threat to injure the property or reputation of a person, commit violence against a person, or distribute an image or video of a person that is of a sexual nature or depicts such person in a state of nudity:

- With the intent to coerce such person to engage in sexual contact, sexual intercourse, or conduct of a sexual nature; or produce, provide, or distribute an image, video, or other recording of a person in a state of nudity or engaging in conduct that is of a sexual nature. Such conduct would be a severity level 7, person felony; or
- That causes such person to engage in sexual contact, sexual intercourse, or conduct of a sexual nature; or produce, provide, or distribute an image, video, or other recording of a person in a state of nudity or engaging in conduct that is of a sexual nature. Such conduct would be a severity level 4, person felony.

The bill also would amend the Kansas Offender Registration Act to add a person convicted of the new crime, when one of the parties involved is less than 18 years of age, to the definition of "sex offender," and to add the new crime, when one of the parties involved is less than 18 years of age,

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

to the list of offenses for which conviction requires offender registration for 15 years.

Background

The bill was introduced by Representatives Owens, Croft, Erickson, Lynn, Waggoner, Warren, and Wasinger.

In the House Committee on Judiciary hearing, representatives of Legal Momentum – The Women’s Legal Defense and Education Fund and the Kansas Coalition Against Sexual and Domestic Violence testified in support of the bill, stating the bill would address conduct that does not fit squarely within Kansas’ current sexual conduct and blackmail offenses. No neutral or opponent testimony was provided.

According to the fiscal note prepared by the Division of the Budget on the bill, the Office of Judicial Administration indicates enactment of the bill could increase the number of cases filed in district court, requiring more time spent by court employees and judges on such cases. Because a possible penalty for the crime is probation, court services officers may be required to perform additional supervision. The bill also could result in the collection of docket fees, probation fees, and fines assessed. However, a fiscal effect cannot be estimated until the Judicial Branch has had an opportunity to operate under the bill’s provisions.

The Kansas Sentencing Commission estimates enactment of the bill could result in an increase of adult prison beds and admissions, but a fiscal effect cannot be estimated because no data exist for the crime of sexual extortion. The Commission’s most recent ten-year projection estimates the year-end population for available prison capacity will be over capacity by 258 inmates in FY 2020 and by 524 inmates in FY 2021. Any additional inmates over capacity would be housed in a combination of county jails or out-of-state contract beds, at cost of \$40 to \$74.76 per day.

Enactment of the bill also could result in additional workload for the parole system.

Any fiscal effect associated with the bill is not reflected in *The FY 2021 Governor's Budget Report*.