

March 31, 2021

The Honorable John Barker, Chairperson  
House Committee on Federal and State Affairs  
Statehouse, Room 285A-N  
Topeka, Kansas 66612

Dear Representative Barker:

**SUBJECT:** Fiscal Note for HB 2439 by House Committee on Federal and State Affairs

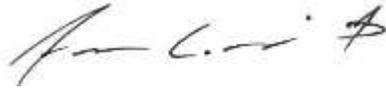
In accordance with KSA 75-3715a, the following fiscal note concerning HB 2439 is respectfully submitted to your committee.

HB 2439 would revise the Kansas Criminal Code by creating two new crimes. The first crime would be unauthorized disclosure of a child's sexual orientation or gender identity, which would be a class A person misdemeanor. This would include disclosing, with no requirement of a culpable mental state, the sexual orientation or gender identity of a child under the age of 18 without the written or verbal consent of the child or the child's parent or legal guardian in a position of trust. The second crime would be aggravated unauthorized disclosure of a child's sexual orientation or gender identity which would be a severity level 9, person felony. This would include disclosure of a child's sexual orientation or gender identity, but with the intent to harass, embarrass, intimidate, defame, or otherwise inflict emotional, psychological, or physical harm on the child. These crimes would not apply if the person disclosing the information is under 18 years of age or is a family member of the child.

The Department for Children and Families and the Department of Corrections indicate that HB 2439 would have no fiscal effect on either Department. The Office of Judicial Administration indicates that the bill could increase the number of cases filed in district courts because it creates two new crimes. This would increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. Since the crimes would carry a probation penalty, there could also be more supervision of offenders required to be performed by Court Service Officers. The bill could also result in the collection of docket fees, supervision fees, and fines assessed in those cases filed under the provisions of the bill. However, it is not possible to

estimate the number of additional court cases that would arise or how complex and time-consuming they would be. Therefore, a fiscal effect cannot be estimated. Any fiscal effect associated with HB 2439 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: Kim Holter, Children & Families  
Debbie Thomas, Judiciary