

January 25, 2012

The Honorable Pat Colloton, Chairperson
House Committee on Corrections and Juvenile Justice
Statehouse, Room 167-W
Topeka, Kansas 66612

Dear Representative Colloton:

SUBJECT: Revised Fiscal Note for HB 2467 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following revised fiscal note concerning HB 2467 is respectfully submitted to your committee.

Under HB 2467, any minor who knowingly transmits a visual depiction of another minor 14 years of age or older in a state of nudity would be charged with the new crime of unlawful transmission of a visual depiction of a minor. The first conviction of the new crime would be a class A person misdemeanor; however, a second or subsequent conviction would be a severity level nine nonperson felony.

The bill would also create the new crime of aggravated unlawful transmission of a visual depiction of a minor. Any minor who knowingly transmits a visual depiction of another minor 14 years of age or older in a state of nudity with the intent to harass, embarrass, intimidate, defame or otherwise inflict emotional, psychological, or physical harm; for pecuniary or tangible gain; or, with the intent to exhibit the visual depiction to more than one person could be convicted of a severity level nine person felony. A second or subsequent violation of aggravated unlawful transmission of a visual depiction of a minor would be a severity level seven person felony.

Unlawful possession of a visual depiction of a minor would also be a new crime under HB 2467. A person who knowingly possesses a visual depiction of a minor and is less than four years of age older than the subject of the visual depiction could be found guilty of a severity level ten person felony.

Juvenile Justice Authority assessments of HB 2467 indicate that any fiscal effect on agency operations cannot be precisely determined because it is difficult for the agency to estimate how many youth under the age of 18 would enter Authority custody as a result of the bill. However, recent analysis of various sentencing scenarios conducted by the Kansas

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Sentencing Commission suggests that two to three juvenile facility beds would be needed each year. The original fiscal effect statement did not include information from the Kansas Sentencing Commission. In any case, it is likely that such increases to the youth population can be accommodated within existing facility capacity and resources.

HB 2467 also has the potential for increasing litigation in the courts because of the new crimes created by the bill. If it does, the Office of Judicial Administration indicates that there would be a fiscal effect on the operations of the court system. However, 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 precise fiscal effect cannot be determined. In any case, the fiscal effect would most likely be accommodated within the existing schedule of court cases and would not require additional resources. Any fiscal effect associated with HB 2467 is not reflected in *The FY 2013 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", written in a cursive style.

Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Scott Schultz, Sentencing Commission
Mary Rinehart, Judiciary
Jeremy Barclay, Corrections