

# STATE OF KANSAS

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GOVERNOR JEFF COLYER, M.D.  
LARRY L. CAMPBELL, CHIEF BUDGET OFFICER

February 14, 2018

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

Dear Representative Jennings:

**SUBJECT:** Fiscal Note for HB 2738 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2738 is respectfully submitted to your committee.

HB 2738 would amend the crime of unlawful voluntary sexual relations. Under current law, the crime is defined as engaging in certain sexual acts under certain circumstances with a child who is between 14 and 16 years old, when the offender is less than 19 years old and the age difference of the two is less than four years. Under the bill, the crime would be defined as engaging in certain sexual acts with a child who is ten years old, but less than 19 years old, with no consideration to the age of the offender. The bill would introduce a grid to determine the appropriate severity level and classification of the crime based on the age of the offender compared to the age of the child. Current penalties include severity level, eight, nine, or ten person felonies. The grid would add severity level, one, three, and five person felonies, along with class A and B person misdemeanors.

The bill would make unlawful voluntary sexual relations an exception to certain crimes and exclude offenders from the Kansas Registration Act.

According to the Office of Judicial Administration, enactment of HB 2738 could increase the number of cases filed in district court because it changes the age limit of the victim, which would increase the time spent by district court personnel in processing, researching, and hearing cases. The Office indicates that the bill changes the crime severity level penalties which would affect the amount of supervision of offenders required to be performed by court services officers. Additionally, enactment of HB 2738 could increase the amount of time it takes court service officers to research and complete offender reports.

The Honorable Russell Jennings, Chairperson

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The Kansas Sentencing Commission states enactment of HB 2738 could have an effect on prison admission and bed space; however, the Commission cannot estimate an effect. Any fiscal effect associated with HB 2738 is not reflected in *The FY 2019 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Campbell", written in a cursive style.

Larry L. Campbell  
Chief Budget Officer

cc: Scott Schultz, Sentencing Commission  
Linda Kelly, Corrections  
Ashley Michaelis, Judiciary