

March 7, 2017

The Honorable Rick Wilborn, Chairperson
Senate Committee on Judiciary
Statehouse, Room 541-E
Topeka, Kansas 66612

Dear Senator Wilborn:

SUBJECT: Fiscal Note for SB 179 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 179 is respectfully submitted to your committee.

SB 179 would make the following activities a crime:

1. Unlawful use of a communication facility;
2. Promoting travel for child exploitation;
3. Internet trading in child pornography; and
4. Aggravated internet trading in child pornography.

New felonies and misdemeanors would be established for violations of the bill's provisions. The bill would require the Secretary of Revenue, in consultation with the Attorney General and the Director of Vehicles, to issue rules and recommendations requiring an applicant for issuance or renewal of a commercial driver's license to complete training in human trafficking identification and prevention.

SB 179 would require that one-half of each municipal court fine for the purchase of sexual relations be remitted to the State Treasurer, with the remainder of the fine to be remitted as otherwise provided by law. In expungement proceedings the bill would require a court to consider a juvenile's status as a victim of human trafficking, aggravated trafficking, or commercial sexual exploitation of a child, and the acts committed by the juvenile as a result of victimization.

The bill would clarify that nothing within the application procedure under the Crime Victims Compensation Board could be construed to reduce or deny compensation to victims of human trafficking, aggravated human trafficking, or commercial sexual exploitation of a child.

According to the Office of Judicial Administration, enactment of SB 179 could increase the number of cases filed in the district courts, which could cause judicial and non-judicial staff to spend more time processing, researching, and hearing cases. Since some of the crimes are misdemeanors, there could be additional supervision of offenders required to be performed by court service officers. The bill could also result in the collection of docket fees from those cases filed under the provisions of SB 179. 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 fiscal effect cannot be determined.

The Kansas Sentencing Commission estimates that SB 179 would result in an increase of two adult prison beds needed in FY 2018 and an increase of four adult prison beds needed in FY 2019. By FY 2027, an additional 15 beds would be needed. As of January 17, 2017, the available bed capacity is 8,739 for males and 915 for females. Based upon the Commission's most recent ten-year projection contained in its *FY 2017 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population will exceed available male capacity by 139 inmates in FY 2017, 101 inmates in FY 2018, and 164 inmates in FY 2019. The Department of Corrections intends to manage the projected shortfall by housing inmates in contract beds.

Based on a contract rate of \$40 per day, it may cost the Department an additional \$13,724 in FY 2018 and \$27,448 in FY 2019 for contract jail beds. Absent the passage of any other legislation, increases in the female population can be absorbed within existing resources. Likewise, any further prison commitments that result in additional parolees could require additional staff and resources so that the parolees will be effectively supervised.

The Office of the Attorney General indicates enactment of the bill would increase revenues to the Human Trafficking Victim Assistance Fund, which would be expended through grants to local victim service agencies and to support anti-human trafficking programs.

The Department of Revenue estimates additional expenditures of \$77,558 in FY 2018 for training commercial driver's license applicants in human trafficking. Of the above amount, \$10,510 would be to modify the Driver's License Knowledge Testing System; \$11,048 would be to notify commercial driver's license holders to complete training prior to renewal; and \$56,000 would be to convert the training and testing into Spanish.

The Kansas Bureau of Investigation indicates any fiscal effect resulting from the enactment of SB 179 would be negligible.

The League of Kansas Municipalities and the Kansas Association of Counties indicate enactment of SB 179 could add additional expenditures to local law enforcement agencies,

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depending on the population and resources of each city or county. Any fiscal effect associated with SB 179 is not reflected in *The FY 2018 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

cc: Ashley Michaelis, Judiciary
Brock Ingmire, League of Municipalities
Linda Kelly, Corrections
Melissa Wangemann, Association of Counties
Scott Schultz, Sentencing Commission
Willie Prescott, Office of the Attorney General
Pat Scalia, Indigents Defense Services
Shelia Sawyer-Tyler, KBI
Lynn Robinson, Department of Revenue