

SESSION OF 2004

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2730

As Amended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2730 expands the crime of aggravated endangering a child to include the following environment:

- ! where a person is selling, offering for sale, or having in such person's possession with intent to sell, deliver, distribute, prescribe, administer, dispense, manufacture, or attempt to manufacture methamphetamine; or
- ! where drug paraphernalia or volatile, toxic, or flammable chemicals are stored for the purpose of manufacturing or attempting to manufacture methamphetamine.

Background

Senator Derek Schmidt appeared in favor of the original bill which dealt with endangering a child. Others who appeared in support of the measure included conferees from the Emporia Police Department also representing the Kansas Peace Officers Association, the Shawnee Regional Prevention and Recovery Services, the Kansas County and District Attorneys Association, and the Kansas Bureau of Investigation. The conferee representing the Kansas Coalition Against Sexual and Domestic Violence appeared to provide information to the Committee.

The fiscal note on the original bill, which raised the penalty for endangering a child to a severity level nine person felony, which is the same penalty for aggravated endangering a child, indicates that the original bill could result in an additional 6 to 29 admissions to the prison system by the end of FY 2014. This would result in the need for 5 to 20 additional beds during this time.

*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>

Because the state correctional system is near capacity, if this legislation or the cumulative effect of similar legislation causes an increase in the prison population, additional space could be required. Although a precise fiscal effect cannot be determined, the Department of Corrections indicates it would consider constructing 128-cell living units at the El Dorado Correctional Facility for medium or maximum custody inmates, constructing a cell house at Hutchinson Correctional Facility for medium custody inmates, or leasing additional space from facilities in Groesbeck, Texas. If the bill does not require an expansion of existing space, the additional costs would be approximately \$2,000 per capita for basic support, including food service, and adjustments might have to be made in the health service contract. In addition, the fiscal effect could involve additional resources to cover field supervision caseloads beyond the level that can be supervised by existing staff.