

February 13, 2024

The Honorable Virgil Peck, Chairperson
Senate Committee on Agriculture and Natural Resources
300 SW 10th Avenue, Room 144-S
Topeka, Kansas 66612

Dear Senator Peck:

SUBJECT: Fiscal Note for SB 389 by Senate Committee on Agriculture and Natural Resources

In accordance with KSA 75-3715a, the following fiscal note concerning SB 389 is respectfully submitted to your committee.

SB 389 would amend current law pertaining to the Farm Animal and Field Crop Act and Research Facilities Protection Act. The bill would prohibit an individual from destroying an animal, animal facility, and property in or on an animal facility; and prohibit unauthorized entry in an animal facility or to remain in an animal facility without the owner's consent. Animal facility is defined as any vehicle, building, structure, research facility or premises where an animal is kept, handled, housed, exhibited, bred, or offered for sale. Additionally, the bill would prohibit an individual from flying an aircraft within the airspace directly above an animal facility without the owner's consent, (subject to aviation regulations) and would criminalize an individual who makes false statements on an employment application to gain access to an animal facility. Furthermore, the same prohibitions apply for field crop products that are grown in the context of a product development program in conjunction or coordination with a private research facility or a university or any federal, state, or local governmental agency. Finally, the bill would amend current penalties for violations of the provisions.

The penalty for an individual to enter an animal facility without the consent of the owner and with the intent to damage the enterprise conducted at the animal facility, damage or destroy an animal facility, animal, or property in or on an animal facility would be a Class A nonperson misdemeanor, unless the value of property damaged or destroyed is more than \$1,000 but less than \$25,000 then it would be a severity level 9 nonperson felony. If the property damaged or destroyed is valued at more than \$25,000, then the violation would be a severity level 7, nonperson felony.

The penalty for an individual who unlawfully enters or remains on any property in a field crop production area of a product development program with the intent to destroy or damage any field crop product that is grown in a product development program in conjunction or coordination with a private research facility, a university or any federal, state, or local government entity would

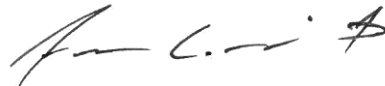
be a Class A nonperson misdemeanor, unless the value of property damaged or destroyed is more than \$1,000 but less than \$25,000, then it would be a severity level 9 nonperson felony. If the damaged or destroyed property is valued at more than \$25,000, then the violation would be a severity level 7, nonperson felony.

The penalty for an individual to enter or remain in any animal facility, or any property in a field crop production area of a product development program as described above either in person or by flying an aircraft within the airspace directly above such animal facility without the consent of the owner would be Class A, nonperson misdemeanor. Any individual that knowingly makes false statements on an employment application to gain access to animal facilities or crop production development programs shall be guilty of committing a Class B misdemeanor.

The Office of Judicial Administration estimates that the enactment of the bill could increase the number of cases filed in district courts which would increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. The Office of Judicial Administration indicates that the crime carries misdemeanor and lower-level penalties, which could lead to more supervision of offenders required to be performed by court services officers but notes that the full impact is unknown until the courts operate under the provisions of SB 389. The passage of SB 389 could result in the increase of supervision fees, docket fees, and fines in cases filed under the provisions of the bill, most of which would be deposited in the State General Fund. The Office of Judicial Administration notes that until the courts have had the opportunity to operate under the provisions of SB 389, an accurate estimate of the fiscal effect for the Judicial Branch cannot be given.

The Kansas Sentencing Commission and the Department of Agriculture indicate that the enactment of the bill would not have a fiscal effect on their respective operations. The Commission notes that the bill could increase prison admissions and prison beds, but any increase would be minor.

Sincerely,



Adam C. Proffitt
Director of the Budget

cc: Trisha Morrow, Judiciary
Lita Biggs, Department of Agriculture
William Hendrix, Office of the Attorney General
Scott Schultz, Kansas Sentencing Commission