

February 16, 2023

The Honorable Kellie Warren, Chairperson
Senate Committee on Judiciary
300 SW 10th Avenue, Room 346-S
Topeka, Kansas 66612

Dear Senator Warren:

SUBJECT: Fiscal Note for SB 240 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 240 is respectfully submitted to your committee.

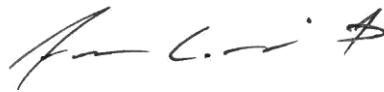
SB 240 would amend the definition of “aggravated endangering a child” to include that endangering a child is causing or permitting a child to be in an environment where the person knows or reasonably should know that any person is distributing, possessing with intent to distribute, manufacturing, or attempting to manufacture any methamphetamine or any fentanyl-related controlled substance. Aggravated endangering a child would also include causing or permitting a child to be in an environment where the person knows or reasonably should know that drug paraphernalia or volatile, toxic, or flammable chemicals are stored for the purpose of manufacturing or attempting to manufacture any fentanyl-related controlled substance. The bill would take effect after publication in the statute book.

The Kansas Sentencing Commission estimates that enactment of SB 240 could have an effect on prison admissions and bed space, but this effect cannot be determined at this time. The current estimated available bed capacity is 9,428 for males and 936 for females. Based upon the Commission’s most recent ten-year projection contained in its *FY 2023 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population will total 7,933 male and 764 female inmates in FY 2023 and 8,043 male and 740 female inmates in FY 2024. The Department of Corrections indicates that enactment of the bill would have no fiscal effect.

The Office of Judicial Administration indicates enactment of the bill could increase the number of cases filed in district courts because it expands the crime of aggravated endangering of a child. This could increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. Since the crime carries a severity level 9, person

felony, there could also be more supervision of offenders required to be performed by court services officers. The bill could also result in the collection of supervision fees, docket fees, and fines, which would be deposited into the State General Fund. However, the Office states a precise fiscal effect cannot be determined until the Judicial Branch has had an opportunity to operate under the bill's provisions. Any fiscal effect associated with SB 240 is not reflected in *The FY 2024 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt
Director of the Budget

cc: Scott Schultz, Sentencing Commission
Randy Bowman, Department of Corrections
Vicki Jacobsen, Judiciary