

February 4, 2025

The Honorable Susan Humphries, Chairperson  
House Committee on Judiciary  
300 SW 10th Avenue, Room 582-N  
Topeka, Kansas 66612

Dear Representative Humphries:

**SUBJECT:** Fiscal Note for HB 2183 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2183 is respectfully submitted to your committee.

HB 2183 would modify the definitions and elements of certain criminal offenses, including sexual exploitation of a child, unlawful transmission of a visual depiction of a child, and breach of privacy. The bill would expand the definition of a “visual depiction” to include images created, altered, or modified by artificial intelligence or other digital means to appear to depict a child engaging in sexually explicit conduct. It would make similar modifications for breach of privacy offenses, specifying that visual depictions altered by artificial intelligence or digital means to depict an identifiable person in a state of undress or sexual activity would be subject to the criminal provisions.

Under the provisions of the bill, offenders would be subject to the existing statutory penalties for violations of these laws. For sexual exploitation of a child, penalties range from a severity level 5, person felony to an off-grid person felony. For unlawful transmission of a visual depiction of a child, penalties range from a Class A person misdemeanor to a severity level 10, person felony on a second or subsequent conviction. For breach of privacy, penalties range from a Class A nonperson misdemeanor to a severity level 5, person felony, with specific provisions for second or subsequent convictions. The bill would take effect on July 1, 2025.

The Board of Indigents Defense Services indicates that the bill would increase agency expenditures on legal counsel and support staff by unknown amounts. The Board estimates that on average, a severity level 8-10, person felony case requires 35 hours of direct work by an attorney to provide constitutionally adequate representation. Based on the rates of \$83.36 per hour for

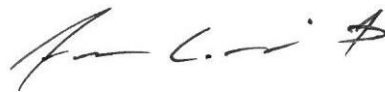
public defenders and \$125 per hour for assigned counsel, each new severity level 8-10, person felony case brought to the agency would result in State General Fund expenditures of \$2,918 to \$4,375. The Board indicates that on average, a severity level 4-7, person felony case requires 57 hours of defense attorney work. Therefore, each new severity level 4-7, person felony case brought to the agency would result in State General Fund expenditures of \$4,752 to \$7,125. The agency does not expect the misdemeanor provisions of the bill to have a fiscal effect on its operations, as it does not handle cases involving only misdemeanor charges. The Board indicates that it may require 1.00 new FTE attorney position and possibly additional support staff depending on the number of new cases brought to the agency under the provisions of the bill.

The Judiciary indicates that the bill has the potential to increase the number of cases filed in district courts. This may increase agency operating expenditures due to the additional time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. However, the Judiciary is unable to calculate an exact estimate of this effect. The bill has the potential to increase the collection of docket fees, fines, and supervision fees, which are deposited in the State General Fund; however, the amount of additional collections is unknown.

The Sentencing Commission indicates that the bill has the potential to increase prison admissions, and the number of prison beds needed; however, an exact estimate of this effect cannot be determined. The Department of Corrections indicates that the bill has the potential to increase agency operating expenditures depending on its effect on prison admissions and beds. Any fiscal effect associated with HB 2183 is not reflected in *The FY 2026 Governor's Budget Report*.

The Kansas Association of Counties indicates that the bill has the potential to increase county government expenditures on legal proceedings. The League of Kansas Municipalities indicates that the bill would have a negligible fiscal effect on cities.

Sincerely,



Adam C. Proffitt  
Director of the Budget

cc: Trisha Morrow, Judiciary  
Scott Schultz, Kansas Sentencing Commission  
Jennifer King, Department of Corrections  
Heather Cessna, Board of Indigents Defense Services  
Jay Hall, Kansas Association of Counties  
Wendi Stark, League of Kansas Municipalities