



March 23, 2026

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 2749 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2749 is respectfully submitted to your committee.

HB 2749 would amend the crime of unlawful sexual relations to add a new category of offense involving a person in a position of trust or authority. Under the bill, it would be a crime for a person in a position of trust or authority to engage in consensual sexual intercourse, lewd fondling or touching, or sodomy with a person 16 years of age or older when the offender used, abused, or exploited the position of trust or authority to obtain access to the child, cause the child to submit to the conduct, or maintain secrecy, compliance, or control over the child. The bill would define “person in a position of trust or authority” as a person who, by reason of employment, role, status, or relationship, exercises supervision, guidance, counseling, mentorship, spiritual authority, or influence over the child, including clergy members, youth group or ministry leaders, coaches and athletic instructors or trainers who do not meet the definition of a teacher, counselors and mentors (whether formal or informal), and any person who has assumed responsibility for the child’s guidance, instruction, mentoring, or spiritual development. A conviction under this provision would be a severity level 5, person felony.

The Sentencing Commission estimates that enactment of HB 2749 would result in an increase of one to three adult prison beds needed by the end of FY 2027, depending on the scenario. The scenarios project one additional inmate if one person is convicted and sentenced to prison each year, two additional inmates if two persons are convicted and sentenced each year, and three additional inmates if three persons are convicted and sentenced each year. By the end of FY 2036, three to ten additional beds would be needed, depending on the scenario. The current estimated available bed capacity is 9,924 for males and 968 for females. Based upon the Commission's most recent ten-year projection contained in its *FY 2026 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population will total 9,176 male and 924 female inmates in FY 2026 and 9,485 male and 953 female inmates in FY 2027.

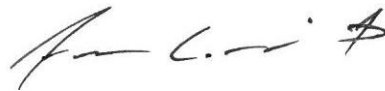
The Department of Corrections estimates that the bill would increase State General Fund expenditures by \$17,348 in FY 2027 and \$23,192 in FY 2028, based on the marginal cost of housing additional inmates. The Department's estimate is based on the Sentencing Commission's third scenario, which assumes three new prison admissions each year. The marginal cost per inmate represents costs that fluctuate with changes in the population, and the Department assumes a 3.0 percent annual inflation rate.

The Board of Indigents' Defense Services (BIDS) estimates that enactment of the bill would increase State General Fund expenditures by unknown amounts in FY 2027 and FY 2028. Because BIDS offices currently operate at capacity, new cases would likely be referred to private assigned counsel attorneys at a rate of \$125 per hour. BIDS estimates that each case charged as a severity level 5, person felony would require approximately 57 hours of defense attorney time, or approximately \$7,125 per case.

The Judiciary indicates enactment of the bill could increase the number of cases filed in district courts. This could increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. Since the offense carries felony penalties, 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, a fiscal effect cannot be estimated. Any fiscal effect associated with HB 2749 is not reflected in *The FY 2027 Governor's Budget Report*.

The Kansas Association of Counties indicates that the bill could increase expenditures for county governments for investigation and prosecution of cases under the new provision; however, the organization was not able to provide an estimate of the fiscal effect on county governments. The League of Kansas Municipalities indicates the bill would have no fiscal effect on city governments.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam C. Proffitt", followed by a stylized flourish or symbol.

Adam C. Proffitt
Director of the Budget

cc: Trisha Morrow, Judiciary
Jennifer King, Department of Corrections
Ann Sagan, Board of Indigents Defense Services
Scott Schultz, Kansas Sentencing Commission
Bruce Chladny, Kansas Association of Counties
Wendi Stark, League of Kansas Municipalities