

February 19, 2026

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 493 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 493 is respectfully submitted to your committee.

SB 493 would specify that sexual exploitation of a child includes knowingly engaging in a pattern of conduct or communication in person, through a third party or by electronic means, including an electronic device, social media, text messages, or any other means, to gain access to a child under 18 years of age or a person who the offender believes to be a child under 18 years of age to engage in sexually explicit conduct or any other unlawful sexual activity. The conduct would be a severity level five, person felony.

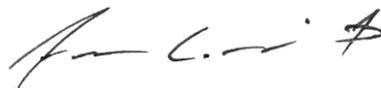
The Office of Judicial Administration indicates enactment of the bill could increase the number of cases filed in district courts because it expands the crime of sexual exploitation of a child. This could increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. Enactment of the bill could also result in the collection of docket fees, which would be deposited into the State General Fund. However, the agency states a fiscal effect cannot be estimated.

The Sentencing Commission estimates that enactment of SB 493 would result in an increase of three to seven adult prison beds needed by the end of FY 2027. By the end of FY 2036, 12 to 26 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 enactment of the bill would increase State General Fund expenditures by \$40,478 in FY 2027 and \$56,109 in FY 2028. The Department indicates that the estimated cost is based on the marginal cost to house additional inmates, which represents the cost to add one inmate to the system and includes variables such as postage, incentive pay, and food service. The Department notes that the inmate population is expected to exceed capacity by FY 2029 and that capacity expansion options are included in the Department's five-year capital improvements plan.

The Board of Indigents Defense Services (BIDS) estimates that the bill would increase State General Fund expenditures for legal counsel by \$356,250 in FY 2027 and FY 2028. The Board indicates that on average, a severity level five, person felony case requires 57 hours of direct work by an attorney to provide constitutionally adequate representation. Because BIDS' offices currently operate at capacity, any new cases would be referred to private attorneys at a rate of \$125 per hour. At 57 hours per case, each new severity level five, person felony case brought to the agency under the provisions of the bill would increase State General Fund expenditures by \$7,125. The agency's estimates for FY 2027 and FY 2028 assume that 50 cases would be brought to BIDS each fiscal year. Any fiscal effect associated with SB 493 is not reflected in *The FY 2027 Governor's Budget Report*.

Sincerely,

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

Adam C. Proffitt
Director of the Budget

cc: Jennifer King, Department of Corrections
Scott Schultz, Kansas Sentencing Commission
Trisha Morrow, Judiciary
Ann Sagan, Board of Indigents Defense Services