

February 3, 2025

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 62 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 62 is respectfully submitted to your committee.

SB 62 would create the crime of engaging in a street stunt. Engaging in a street stunt would be defined as operating a motor vehicle in a group of two or more vehicles in a way that disrupts the normal flow of traffic, such as causing other drivers to remain stopped, damaging another person's vehicle or property, or causing injury to another person. The bill would also add engaging in a street stunt to the list of offenses for fleeing or attempting to elude a police officer.

The bill would specify that if the conduct causes other drivers to remain stopped or creates a dangerous situation, the offense would be classified as a Class A person misdemeanor on the first offense and a severity level 10, person felony on a second or subsequent conviction. If the conduct results in damage to another person's vehicle or property, or injury to another person, the offense would be classified as a severity level 9, person felony on the first offense and a severity level 5, person felony on a second or subsequent conviction.

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, severity level 9 or 10, person felony cases require 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 9 or 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 5, person felony case requires 57 hours of defense attorney work. Therefore, each new severity level 5, person felony

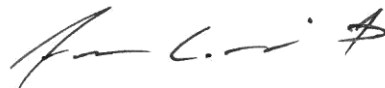
case brought to the agency would result in State General Fund expenditures of \$4,752 to \$7,125. The Board indicates that it could require 1.00 new FTE attorney position and possibly additional support staff depending on the number of new cases brought to the agency under the provisions of the bill.

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 estimates that the bill would result in an increase of three adult prison beds needed by the end of FY 2026. By the end of FY 2035, three additional beds would be needed. The current estimated available bed capacity is 9,738 for males and 932 for females. Based upon the Commission's most recent ten-year projection contained in its *FY 2025 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population will total 8,954 male and 921 female inmates in FY 2025 and 9,220 male and 961 female inmates in FY 2026. The Department of Corrections indicates that the bill would increase State General Fund expenditures by \$12,735 in FY 2026 and \$12,990 in FY 2027. This estimate assumes a marginal inmate cost of \$4,245 in FY 2026 and \$4,330 in FY 2027. Any fiscal effect associated with SB 62 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 law enforcement and legal proceedings; however, an exact estimate of this effect cannot be determined. The League of Kansas Municipalities indicates that the bill would have a negligible fiscal effect on city governments.

Sincerely,



Adam C. Proffitt
Director of the Budget

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