

February 8, 2012

The Honorable Lance Kinzer, Chairperson
House Committee on Judiciary
Statehouse, Room 165-W
Topeka, Kansas 66612

Dear Representative Kinzer:

SUBJECT: Fiscal Note for HB 2533 by Representative O'Neal, et al.

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2533 is respectfully submitted to your committee.

HB 2533 would create the new crimes of failure to report child abuse and failure to report sexual abuse of a child. Certain persons who knowingly fail to report any suspected physical, mental, or emotional abuse or neglect of a child could be charged with failure to report abuse, which would be a class B misdemeanor. Failure to report sexual abuse by certain persons would be a severity level 10 nonperson felony.

The bill would also expand the list of individuals who are required to promptly report abuse by adding the following persons:

1. Employees or administrators of public or private educational institutions including elementary schools, secondary schools, technical colleges, community colleges, municipal universities, and universities;
2. Persons licensed by the Department of Social and Rehabilitative Services to provide foster family placements;
3. Employees or volunteers of any organization that provides recreational services to children;
4. Church employees or volunteers; and
5. State employees who work in positions of authority over minors in official capacities.

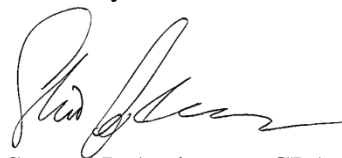
The bill would also increase the penalty for intentionally preventing or interfering with the making of a report from a class B misdemeanor to a severity level eight nonperson felony.

The Board of Regents and the Department of Education indicate that there would be no fiscal effect, respectively, for universities and schools.

Because of the new crimes and increased penalty created by HB 2533, it is possible that there would be an effect to prison admissions and beds; however, a bed impact statement had not been received from the Kansas Sentencing Commission at the time this fiscal note was prepared. Any information from the Commission that indicates a change in bed space needs will be incorporated and sent in a revised note. Currently, the number of male inmates exceeds the available bed capacity of 8,369, and based upon the Kansas Sentencing Commission projections, it is estimated that at the end of FY 2012 and FY 2013, the number of male inmates will exceed available capacity by 335 beds and 453 beds, respectively. To address capacity issues, the Governor's budget includes \$3,896,150 to renovate and operate existing facilities in Labette County and an additional \$1.5 million to contract for prison beds (\$2.5 million was added last year for contract beds). If it is determined that additional facility construction is essential in the near-term, the Department of Corrections has identified a capacity expansion project at El Dorado Correctional Facility that includes building two new medium security housing units, which would provide a total of 512 beds. It is estimated that the new units would have a construction cost of \$22,320,329 and operating costs of \$8,184,231 (or \$43.79 per inmate per day).

Any near-term or long-term capacity needed beyond the options outlined above would require additional contract or construction costs. The actual construction costs would depend upon the security level of the beds to be constructed and when construction is actually undertaken, while the actual operating costs would depend upon the base salary amounts, fringe benefit rates, per meal costs, per capita health care costs, and other cost factors applicable at the time the additional capacity is occupied. Likewise, any further prison commitments that result in additional parolees could require additional staff and resources so that the additional parolees can be effectively supervised. Any fiscal effect associated with HB 2533 is not reflected in *The FY 2013 Governor's Budget Report*.

Sincerely,



Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Jackie Aubert, SRS
Scott Schultz, Sentencing Commission
Mary Rinehart, Judiciary
Jeremy Barclay, Corrections
Dale Dennis, Education
Kelly Oliver, Board of Regents