

February 3, 2015

The Honorable John Barker, Chairperson
House Committee on Judiciary
Statehouse, Room 149-S
Topeka, Kansas 66612

Dear Representative Barker:

SUBJECT: Fiscal Note for HB 2080 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2080 is respectfully submitted to your committee.

HB 2080 would expand the crime of blackmail by adding the action of disseminating any videotape, photograph, film, or image of another person who is 18 or more years of age that (1) was taken under or through the clothing being worn by that person or (2) when the person is nude or in a state of undress and the image was taken with consent, but the person did not consent to dissemination. The penalty for blackmail in this case would be a severity level four, person felony.

The bill would also amend the provisions relating to the crime of breach of privacy. Violations of breach of privacy when committing the actions above would be a severity level eight, person felony. The penalty would be a severity level five, person felony upon second or subsequent convictions. It would be a severity level five, person felony if the offender gained something of value from committing the crime; maintained a website, online service, online application, or mobile application that contains the videotape, photograph, film, or image; acted with intent to harass, annoy, or alarm the person; or paired personally identifiable information of the person with the videotape, photograph, film, or image.

The Kansas Sentencing Commission estimates that passage of HB 2080 would result in an increase of one adult prison bed needed in FY 2016 and an increase of two adult prison beds needed by FY 2017. By the end of FY 2025, four additional prison beds would be needed. As of January 12, 2015, the available bed capacity is 9,636. Based upon the Commission's most recent ten-year projection contained in its *FY 2015 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population will exceed available male capacity by 85 inmates in FY 2015, 109 inmates in FY 2016, and 162 inmates in FY 2017. The Department of Corrections is planning to manage the projected bed shortfall by housing inmates in contract

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beds until additional capacity can be constructed. Based on a contract rate of \$40 per day, HB 2080 may cost the Department of Corrections an additional \$14,600 in FY 2016 and \$29,200 in FY 2017.

According to the Office of Judicial Administration, the bill could have a fiscal effect on the Judicial Branch by allowing prosecutors to file new cases. This would increase the time spent by district and appellate court staff to process, research, and hear cases. Any additional cases would also result in added docket fee revenue. However, based on the Kansas Sentencing Commission's estimates provided above the fiscal effect on the courts is not expected to be large.

The Kansas Sentencing Commission notes that the bill would increase the journal entry workload of the agency; however, additional resources would not be needed. Any fiscal effect associated with HB 2080 is not reflected in *The FY 2016 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

cc: Mary Rinehart, Judiciary
Scott Schultz, Sentencing Commission
Jeremy Barclay, Corrections