

# STATE OF KANSAS

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GOVERNOR JEFF COLYER, M.D.  
LARRY L. CAMPBELL, CHIEF BUDGET OFFICER

February 7, 2018

The Honorable Russell Jennings, Chairperson  
House Committee on Corrections and Juvenile Justice  
Statehouse, Room 151-S  
Topeka, Kansas 66612

Dear Representative Jennings:

**SUBJECT:** Fiscal Note for HB 2581 by Representatives Carmichael, Whitmer and Markley

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2581 is respectfully submitted to your committee.

HB 2581 would amend the crime of giving a false alarm. The bill would change the crime of "giving a false alarm" to "making an unlawful request for emergency service assistance." Under current law, a violation is either a class A nonperson misdemeanor; a severity level ten, nonperson felony; or a severity level seven, nonperson felony. The bill would make minor modifications to the existing penalties and adds a severity level six, person felony when bodily harm results from the response by emergency services; a severity level four, person felony when great bodily harm results from the response by emergency services; and a severity level two, person felony when death results from the response by emergency services.

HB 2581 would prohibit a "defense of contributory harm" and would allow violators of the crime to be prosecuted for any form of homicide.

HB 2581 has the potential for increasing litigation in the courts because of the new penalties created by the bill. If it does, the Office of Judicial Administration indicates that there would be a fiscal effect on the operations of the court system. However, it is not possible to estimate the number of additional court cases that would arise or how complex and time-consuming they would be. In any case, the fiscal effect would most likely be accommodated within the existing schedule of court cases and would not require additional resources.

The Kansas Sentencing Commission indicates enactment of HB 2581 could have an effect on prison admissions and bed space; however, the Commission cannot estimate an effect. Any fiscal effect associated with HB 2581 is not reflected in *The FY 2019 Governor's Budget Report*.

Both the Kansas Association of Counties and the League of Kansas Municipalities indicate enactment of HB 2581 would not have a fiscal effect.

Sincerely,



Larry L. Campbell  
Chief Budget Officer

cc: Ashley Michaelis, Judiciary  
Scott Schultz, Sentencing Commission  
Linda Kelly, Corrections  
Chardae Caine, League of Municipalities  
Melissa Wangemann, Association of Counties  
Willie Prescott, Office of the Attorney General  
Pat Scalia, Indigents Defense Services  
Shelia Sawyer-Tyler, KBI  
Sherry Macke, Highway Patrol