

January 28, 2020

The Honorable Fred Patton, Chairperson
House Committee on Judiciary
Statehouse, Room 519C-N
Topeka, Kansas 66612

Dear Representative Patton:

SUBJECT: Fiscal Note for HB 2468 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2468 is respectfully submitted to your committee.

Under current law, child abuse is defined as torturing or cruelly beating any child under the age of 18, shaking any child which results in great bodily harm, and inflicting cruel and inhuman corporal punishment upon a child. HB 2468 would amend the definition of child abuse to include knowingly or recklessly causing physical injury or bodily harm to a child less than 18 years of age. The bill would also define aggravated abuse of a child less than 18 years of age as knowingly torturing or cruelly beating any child; knowingly inflicting cruel and inhuman corporal punishment that results in bodily harm, disfigurement, or death; knowingly inflicting cruel and inhuman corporal punishment with a deadly weapon; knowingly using unreasonable physical restraint against a child such as caging or confining a child in a space not designed for human habitation or binding a child in a way that is not medically necessary; or recklessly causing great bodily harm, permanent disability, or disfigurement to a child. The bill would make child abuse a severity level 9, person felony and would outline felony severity levels for the various definitions of aggravated child abuse.

The Kansas Sentencing Commission estimates that enactment of HB 2468 would result in a decrease of six adult prison beds needed by the end of FY 2021. By the end of FY 2030, ten to 17 fewer prison beds would be needed, depending on the scenario related to the severity level of the sentence. The current estimated available bed capacity is 9,227 for males and 947 for females. Based upon the Commission's most recent ten-year projection contained in its *FY 2020 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population for available male capacity will be over capacity by 214 inmates in FY 2020 and 447 inmates in FY 2021. The Department of Corrections would house any additional inmates over the capacity limit in contract jail beds. Based on the Commission's projections, the Department of Corrections indicates that a reduction in the prison population is beneficial toward avoiding future costs but is not sufficient to reduce current prison expenditures. The Department also notes that any person

who is convicted and not sent to prison would still be supervised in the community, which could require an increase in community supervision resources in the future.

The Office of the Attorney General indicates that enactment of the bill could increase expenditures of counties if the Office is asked to prosecute crimes described in the bill by a county or district attorney's office. However, a fiscal effect cannot be estimated.

The Office of Judicial Administration (OJA) indicates HB 2468 could increase the number of cases filed in district courts because it creates the new crime of aggravated abuse of a child and amends the crime of abuse of a child. OJA estimates an increased number of cases would increase judicial branch expenditures for time spent by judicial and nonjudicial personnel in processing, researching, and hearing cases. HB 2468 would also increase the amount of supervision of offenders required by court services officers because the crimes potentially carry a penalty of probation. The bill could also result in additional revenues remitted to the court for docket fees and fines assessed in any additional cases filed. However, a fiscal effect could not be estimated. Any fiscal effect associated with HB 2468 is not reflected in *The FY 2021 Governor's Budget Report*.

Sincerely,

A handwritten signature in cursive script that reads "L. L. Campbell". The signature is written in black ink and is positioned above the printed name and title.

Larry L. Campbell
Director of the Budget

cc: Scott Schultz, Sentencing Commission
Mary Rinehart, Judiciary
Willie Prescott, Office of the Attorney General