

January 20, 2021

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

Dear Representative Patton:

**SUBJECT:** Fiscal Note for HB 2071 by Representatives Lynn, et al.

HB 2071 would expand the definition of stalking to include intentionally engaging in a course of conduct targeted at a specific child under 14 years of age. A first-time conviction would be a severity level seven, person felony and a second conviction would be a severity level four, person felony.

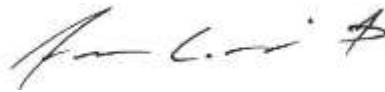
The Office of Judicial Administration indicates that enactment of HB 2071 could increase the number of cases filed in district courts because it expands the crime of stalking, which could increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. The Office notes that because the crime carries a different severity level penalty, enactment could increase time spent by court services officers supervising offenders. The Office also states that the bill could result in the collection of additional docket fees and supervision fees for cases filed under the provisions of the bill. However, a fiscal effect cannot be estimated, as the number of additional cases is unknown.

The Kansas Sentencing Commission estimates that enactment of HB 2071 may result in an increase of adult prison beds, but the exact increase cannot be estimated because no data currently exists for the expanded definition of the crime. The current estimated available bed capacity is 9,420 for males and 948 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 under capacity by 1,287 inmates in FY 2021 and 1,241 inmates in FY 2022.

The Department of Corrections notes that under the current sentencing matrix, for an adult found guilty of stalking, the applicable sentence for a severity level four, person felony would be imprisonment. A person found guilty of a severity level seven, person felony would be sentenced

to prison if they have either A or B criminal history, but not C through I. For juvenile offenders, those convicted of a severity level four offense could be sentenced to the Kansas Juvenile Correctional Complex (KJCC). A juvenile convicted of a severity level seven offense could also be sentenced to the KJCC if the risk assessment conducted by the court found the youth to be high risk. The Department indicates that enactment of the bill would increase adult and juvenile facility bed utilization but estimates there would be no fiscal effect. Any fiscal effect associated with HB 2071 is not reflected in *The FY 2022 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt  
Director of the Budget

cc: Scott Schultz, Sentencing Commission  
Randy Bowman, Corrections  
Debbie Thomas, Judiciary