

February 19, 2021

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

Dear Representative Jennings:

SUBJECT: Fiscal Note for HB 2223 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2223 is respectfully submitted to your committee.

HB 2223 would remove “sodomy between persons who are 16 or more years of age and members of the same sex” from the definition of “criminal sodomy.” The bill would also add a provision to the definition of “aggravated criminal sodomy” to include sodomy with a victim when the victim’s consent was obtained through a knowing misrepresentation made by the offender that the sodomy was a medically or therapeutically necessary procedure or legally required procedure within the scope of the offender’s authority.

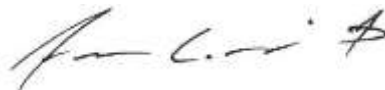
The bill would add a provision to the definition of “aggravated sexual battery” to include the touching of a victim who is 16 or more years of age with the intent to arouse or satisfy the sexual desires of the offender when the victim’s consent was obtained through a knowing misrepresentation made by the offender that the touching was a medically or therapeutically necessary procedure or legally required procedure within the scope of the offender’s authority.

The Office of Judicial Administration states that enactment of HB 2223 could increase the number of cases filed in district court because the bill expands the crimes of aggravated criminal sodomy and aggravated sexual battery, which could result in more time spent by court employees and judges processing and hearing cases. According to the Office, a fiscal effect cannot be estimated until the Judicial Branch has had an opportunity to operate under the bill’s provisions. The Office also indicates enactment of the bill could result in additional revenue through the collection of docket fees.

The Kansas Sentencing Commission states enactment of the bill could have an effect on prison admissions and bed space; however, the Commission does not have enough information to estimate what that the effect would be. The Department of Corrections states enactment of the bill would not have a fiscal effect on Department operations.

The State Board of Indigents' Defense Services states enactment of the bill could increase medical expert costs, as well as potentially increasing workloads to process the billing for the medical experts; however, the Board does not have enough information to estimate a fiscal effect. Any fiscal effect associated with HB 2223 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: Debbie Thomas, Judiciary
Scott Schultz, Sentencing Commission
Randy Bowman, Corrections
Heather Cessna, Indigents Defense Services