

February 7, 2024

The Honorable Susan Humphries, Chairperson
House Committee on Judiciary
300 SW 10th Avenue, Room 582-N
Topeka, Kansas 66612

Dear Representative Humphries:

SUBJECT: Fiscal Note for HB 2676 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2676 is respectfully submitted to your committee.

HB 2676 would expand the definition of assisting suicide to include intentionally advising, encouraging, or coercing another person to commit or attempt suicide. Current law defines assisting suicide as a physical act in which the offender causes by force, provides the means for, or participates in a victim's suicide attempt. The bill would make it a severity level 9, person felony to provide knowledge about the physical means by which another person attempts or commits suicide; a severity level 5, person felony to take advantage of a person's fears, affections, or sympathies to cause them to attempt or commit suicide; a severity level 4, person felony to knowingly exert undue influence over another person with the intent to cause the person to attempt or commit suicide; and a severity level 4, person felony to intentionally coerce or encourage another person to attempt or commit suicide.

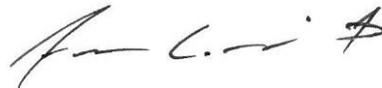
The Board of Indigents Defense Services indicates that the bill would increase agency expenditures on legal counsel and support staff by an unknown amount. The Board estimates that on average, a severity level 9, person felony case requires 35 hours of direct work by an attorney to provide constitutionally adequate representation. Based on the rates of \$83.36 per hour for public defenders and \$120 per hour for assigned counsel, each new severity level 9, person felony case brought to the agency would result in State General Fund expenditures of \$2,918 to \$4,200. The Board indicates that on average, severity level 4 or 5, person felony cases require 57 hours of defense attorney work. Therefore, each new severity level 4 or 5, person felony case brought to the agency would result in State General Fund expenditures of \$4,752 to \$6,840. The Board indicates that it may require 1.00 new FTE attorney position and possibly additional support staff depending on the amount of work required by the bill.

The Judiciary indicates that the bill has the potential to increase the number of cases filed in district courts. This may increase agency operating expenditures due to the additional time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. However, the Judiciary is unable to calculate an exact estimate of this effect. The bill has the potential to increase the collection of docket fees, which are deposited in the State General Fund; however, the amount of additional collections is unknown.

The Sentencing Commission estimates that the bill would result in an increase of two adult prison beds needed by the end of FY 2025. By the end of FY 2034, eight additional beds would be needed. The current estimated available bed capacity is 9,668 for males and 932 for females. Based upon the Commission's most recent ten-year projection contained in its *FY 2024 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population will total 8,556 male and 828 female inmates in FY 2024 and 8,847 male and 870 female inmates in FY 2025.

The Department of Corrections indicates that the bill would increase State General Fund expenditures by \$7,653 in FY 2025 and \$7,806 in FY 2026. This estimate assumes a marginal inmate cost of \$3,826 in FY 2025 and \$3,903 in FY 2026. Any fiscal effect associated with HB 2676 is not reflected in *The FY 2025 Governor's Budget Report*.

Sincerely,

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

Adam C. Proffitt
Director of the Budget

cc: Trisha Morrow, Judiciary
Jennifer King, Department of Corrections
Heather Cessna, Board of Indigents Defense Services
Scott Schultz, Kansas Sentencing Commission