

March 4, 2024

The Honorable Will Carpenter, Chairperson
House Committee on Federal and State Affairs
300 SW 10th Avenue, Room 346-S
Topeka, Kansas 66612

Dear Representative Carpenter:

SUBJECT: Fiscal Note for HB 2808 by House Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2808 is respectfully submitted to your committee.

HB 2808 would create the crimes of causing harm to a public transportation employee and aggravated causing harm to a public transportation employee. The bill would define causing harm to a public transportation employee as making physical contact with the employee by spitting; throwing or transferring bodily fluids, pathogens, or human waste; throwing objects that are reasonably known to cause physical damage; or physically striking the employee. The penalty for this offense would be a class A person misdemeanor.

The bill would define aggravated causing of harm to a public transportation employee as physical contact that causes serious injury to the employee; brandishing a firearm or weapon in a way that creates a substantial threat to the employee; or causing serious injury by attempting to strangle the employee. The penalty for this offense would be a severity level 7, person felony.

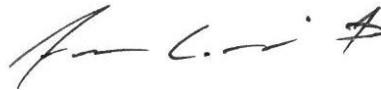
The Board of Indigent Defense Services indicates that the bill would increase agency expenditures on legal counsel and support staff by unknown amounts. The Board estimates that on average, a severity level 7, person felony case requires 57 hours of direct work by an attorney to provide constitutionally 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 7, person felony case brought to the agency would result in State General Fund expenditures of \$4,752 to \$6,840. The creation of a new misdemeanor offense would have a negligible fiscal effect on agency operations.

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, fines, and supervision fees, which are deposited in the State General Fund; however, the amount of additional collections is unknown.

The Sentencing Commission indicates that the bill has the potential to increase prison admissions and beds by a negligible amount. The Department of Corrections indicates that the bill may increase agency operating expenditures by a negligible amount that could be accommodated within existing resources. Any fiscal effect associated with HB 2808 is not reflected in *The FY 2025 Governor's Budget Report*.

The Kansas Association of Counties indicates that the bill has the potential to increase operating expenditures for county jails. The League of Kansas Municipalities indicates that the bill would have a negligible fiscal effect on cities.

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
Jay Hall, Kansas Association of Counties
Wendi Stark, League of Kansas Municipalities