

February 12, 2024

The Honorable Stephen Owens, Chairperson
House Committee on Corrections and Juvenile Justice
300 SW 10th Avenue, Room 546-S
Topeka, Kansas 66612

Dear Representative Owens:

SUBJECT: Fiscal Note for HB 2666 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2666 is respectfully submitted to your committee.

Under current law, the penalty for fleeing or attempting to elude a police officer is a severity level 9, person felony when the person has one prior conviction of the offense, and a severity level 7, person felony when the offender has two or more prior convictions. HB 2666 would increase the penalty to a severity level 5, person felony when the person has one prior conviction, and a severity level 3, person felony when the person has two or more prior convictions.

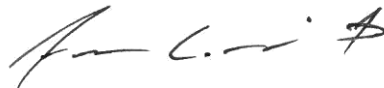
The Board of Indigents Defense Services indicates that the bill would increase agency expenditures on legal counsel and support staff by unknown amounts. The Board estimates that on average, a severity level 9, person felony case requires 35 hours of direct work by an attorney to provide constitutionally adequate representation, while a severity level 5, person felony case requires 57 hours of attorney case work. Therefore, each severity level 5, person felony case that would have previously been charged as a severity level 9, person felony would require the agency to perform 22 hours of additional case work. Based on the rates of \$83.36 per hour for public defenders and \$120 per hour for assigned counsel, this would result in new State General Fund expenditures of \$1,834 to \$2,640 per case.

The Board also estimates that on average, a severity level 7, person felony case requires 57 hours of attorney case work, while a severity level 3, person felony requires 99 hours of attorney case work. Therefore, each severity level 3, person felony case that would have previously been charged as a severity level 7, person felony would require the agency to perform an additional 42 hours of case work and result in new State General Fund expenditures of \$3,501 to \$5,040. 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 by increasing criminal penalties, the bill has the potential to decrease the number of offenders eligible for court supervision. This would decrease agency expenditures on court supervision and decrease the amount of supervision fee revenue that is collected and deposited into the State General Fund. However, an exact estimate of this effect cannot be determined.

The Kansas Sentencing Commission indicates that enactment of the bill has the potential to increase prison admissions and the number of beds needed, but an exact estimate of this effect cannot be determined. The Department of Corrections indicates that the bill has the potential to increase agency operating expenditures depending on the bill's effect on prison admissions and beds. Any fiscal effect associated with HB 2666 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