

February 20, 2024

The Honorable Kellie Warren, Chairperson
Senate Committee on Judiciary
300 SW 10th Avenue, Room 346-S
Topeka, Kansas 66612

Dear Senator Warren:

SUBJECT: Fiscal Note for SB 472 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 472 is respectfully submitted to your committee.

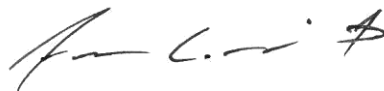
SB 472 would create the crime of unlawful sexual communication. The bill would make it a severity level 7, person felony to knowingly transmit a visual depiction of an adult in a state of nudity to a person who is at least 16 years of age, is not married to the offender, and is under the custody, detention, supervision, or care of the offender by virtue of the offender's professional duties. The bill would apply to employees, workers, contractors, teachers, volunteers, sureties, and officers at law enforcement agencies, adult and juvenile correctional facilities, community corrections offices, parole offices, licensed foster care facilities, schools, and state agencies. The bill would establish the penalty of a severity level 6, person felony for offenses committed against inmates at a juvenile correctional facility by employees of the facility.

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, severity level 6 or 7, person felony cases require 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 6 or 7, person felony case brought to the agency would result in State General Fund expenditures of \$4,752 to \$6,840.

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 unknown amounts. 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 has the potential to increase agency operating expenditures depending on its effect on prison admissions and beds. Any fiscal effect associated with SB 472 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: Heather Cessna, Board of Indigents Defense Services
Jennifer King, Department of Corrections
Trisha Morrow, Judiciary
Scott Schultz, Kansas Sentencing Commission