

SESSION OF 2019

SUPPLEMENTAL NOTE ON SENATE BILL NO. 108

As Amended by Senate Committee on Judiciary

Brief*

SB 108, as amended, would amend the penalty for the crime of involuntary manslaughter to raise it from a severity level 5 to a severity level 3 person felony if the victim is under six years of age.

The bill would amend the penalty for the crime of abuse of a child to raise it from a severity level 5 to a severity level 4 person felony if the victim is under six years of age.

The bill would state its provisions would be known as "Mireya's Law."

Background

The bill was introduced by the Senate Committee on Judiciary at the request of Senator Rucker. As introduced, the bill would have raised the penalty for both crimes to a severity level 3 person felony and would have added a presumption of parental unfitness to the Revised Code for Care of Children (CINC Code) upon the first conviction of either crime if the victim was under six years of age.

In the Senate Committee hearing, a private citizen testified in support of the bill. A representative of the Department for Children and Families provided neutral testimony regarding the CINC Code amendment. No opponent testimony was provided.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The Senate Committee amended the bill to raise the child abuse penalty to severity level 4 instead of severity level 3, remove the CINC Code provision, and name the bill "Mireya's Law."

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, the Kansas Sentencing Commission indicates enactment of the bill would increase prison bed needs by between 2 and 10 beds by the end of FY 2020 and by between 6 and 35 beds by the end of FY 2029. Based upon the Commission's most recent 10-year projections, it is estimated the year-end population for available male capacity will be exceeded by 264 inmates in FY 2019 and 581 inmates in FY 2020. The Department of Corrections indicates an additional two beds in FY 2020 would require State General Fund expenditures of \$3,624, an additional five beds would require \$9,060, and an additional ten beds would require \$18,120. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2020 Governor's Budget Report*.