

SESSION OF 2021

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2071**

As Recommended by House Committee on  
Judiciary

**Brief\***

HB 2071 would amend the definition of the crime of stalking to include intentionally engaging in a course of conduct targeted at a specific child under the age of 14 that would cause a reasonable person in the circumstances of the targeted child, or a reasonable person in the circumstances of an immediate family member of such child, to fear for such child's safety.

The penalty for the new provision would be a severity level 7, person felony for a first conviction and a severity level 4, person felony for a second or subsequent conviction.

**Background**

The bill was introduced by Representative Lynn and 20 additional representatives.

***House Committee on Judiciary***

In the House Committee hearing on January 20, 2021, Representative Lynn, the Johnson County District Attorney, and two private citizens testified as **proponents**, stating the bill would close a potential loophole identified in the course of a recent case. A representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and

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\*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>

Kansas Sheriffs Association submitted written-only **proponent** testimony. No other testimony was provided.

### **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill, the Office of Judicial Administration indicates enactment of the bill could increase the number of cases filed in district court, increasing the time spent on such cases by district court personnel and court services officers. The bill also could result in the collection of additional docket fees and supervision fees, but a fiscal effect cannot be estimated, as the number of additional cases is unknown.

The Kansas Sentencing Commission (Commission) states enactment of the bill could result in an increase of adult prison beds, but an exact increase cannot be estimated because no data currently exists for the expanded definition of the crime. Based upon the Commission's most recent ten-year prison population projections, it is estimated that year-end population for available male capacity will be under capacity by 1,287 inmates in FY 2021 and by 1,241 inmates in FY 2022.

The Kansas Department of Corrections indicates enactment of the bill would increase adult and juvenile facility bed utilization, but estimates there would be no fiscal effect.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2022 Governor's Budget Report*.

Stalking a Minor