

SESSION OF 2021

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2071

As Amended by Senate Committee on Judiciary

Brief*

HB 2071, as amended, 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.

The bill would be in effect upon publication in the *Kansas Register*.

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

*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>

Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association submitted written-only **proponent** testimony. No other testimony was provided.

Senate Committee on Judiciary

In the Senate Committee hearing on March 15, 2021, two private citizens testified as **proponents**. The Johnson County District Attorney submitted written-only **proponent** testimony and answered questions from the Senate Committee at the hearing.

On March 15, 2021, the Senate Committee amended the bill to make it effective upon publication in the *Kansas Register*.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, 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 exist for the expanded definition of the crime. Based upon the Commission's most recent 10-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 ; stalking a minor