

February 13, 2023

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 149 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 149 is respectfully submitted to your committee.

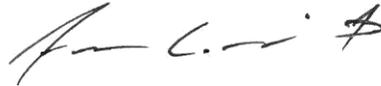
SB 149 would expand the definition of crimes related to obscene performances to include drag performances. A first conviction would be a class A nonperson misdemeanor and a subsequent conviction would be a severity level 9, person felony. The bill would establish definitions of what constitutes a drag performance.

The Office of Judicial Administration indicates enactment of the bill could increase the number of cases filed in district courts because it creates a new crime. This could increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. Since the crime carries misdemeanor and felony penalties, there could also be more supervision of offenders required to be performed by court services officers. The bill could also result in the collection of supervision fees, docket fees, and fines, which would be deposited into the State General Fund. However, the Office states a precise fiscal effect cannot be determined until the Judicial Branch has had an opportunity to operate under the bill's provisions.

The Attorney General indicates enactment of the bill would require additional prosecution of cases under the provisions of the bill, but any fiscal effect would be negligible. The Sentencing Commission indicates enactment of the bill could result in additional prison beds needed, but a precise effect cannot be determined. The Department of Corrections indicates enactment of the

bill would not have a fiscal effect on the agency. Any fiscal effect associated with SB 149 is not reflected in *The FY 2024 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt
Director of the Budget

cc: Scott Schultz, Sentencing Commission
Vicki Jacobsen, Judiciary
Randy Bowman, Department of Corrections
John Milburn, Office of the Attorney General