

February 9, 2012

The Honorable Pat Colloton, Chairperson  
House Committee on Corrections and Juvenile Justice  
Statehouse, Room 167-W  
Topeka, Kansas 66612

Dear Representative Colloton:

**SUBJECT:** Fiscal Note for HB 2534 by Representative O'Neal, et al.

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2534 is respectfully submitted to your committee.

HB 2534 would create the new crime of failure to report the disappearance of a child. The new crime would be defined as the failure of a parent, legal guardian, or caretaker to report to a law enforcement officer or state investigative agency, as soon as practically possible, the disappearance of a child under the age of 13 when the parent, guardian, or caretaker knows or reasonably should know that the child has been missing for 12 hours or more. In addition, it would be a crime if the parent, guardian, or caretaker believes the child is in imminent danger of death or great bodily harm and fails to report the disappearance. Failure to report the disappearance of a child would be a severity level eight nonperson felony.

The bill would also create the new crime of failure to report the death of a child. Parents, legal guardians, and caretakers who knowingly fail to report the death of a child to a coroner could be charged with a severity level eight person felony. Failure of certain persons who are in the medical, mental health, education, child care, and public safety professions to report the death of a child to a coroner would be a class B nonperson misdemeanor.

Finally, the crime of interference with law enforcement would be expanded to include falsely reporting to law enforcement officers or state investigative agencies any information concerning the death, disappearance, or the potential death or disappearance of a child under the age of 13, knowing that the information is false and intending that the officer or agency will act upon the information. This new provision would be a severity level eight nonperson felony.

The Juvenile Justice Authority (JJA) states that any increase in the number of adjudicated youth that might enter into JJA custody and associated operating costs as a result of the bill's passage would be negligible and accommodated within existing Authority resources.

HB 2534 has the potential for increasing litigation in the courts because of the new crimes and penalties created by the bill. If it does, the Office of Judicial Administration indicates

that there would be a fiscal effect on the operations of the court system. However, it is not possible to predict the number of additional court cases that would arise or how complex and time-consuming they would be. Therefore, a precise fiscal effect cannot be determined. In any case, the fiscal effect would most likely be accommodated within the existing schedule of court cases and would not require additional resources.

Because of the new crimes and expanded penalties created by HB 2534, it is possible that there would be an effect to prison admissions and beds; however, a bed impact statement had not been received from the Kansas Sentencing Commission at the time this fiscal note was prepared. Any information from the Commission that indicates a change in bed space needs will be incorporated and sent in a revised note. Currently, the number of male inmates exceeds the available bed capacity of 8,369, and based upon the Kansas Sentencing Commission projections, it is estimated that at the end of FY 2012 and FY 2013, the number of male inmates will exceed available capacity by 335 beds and 453 beds, respectively. To address capacity issues, the Governor's budget includes \$3,896,150 to renovate and operate existing facilities in Labette County and an additional \$1.5 million to contract for prison beds (\$2.5 million was added last year for contract beds). If it is determined that additional facility construction is essential in the near-term, the Department of Corrections has identified a capacity expansion project at El Dorado Correctional Facility that includes building two new medium security housing units, which would provide a total of 512 beds. It is estimated that the new units would have a construction cost of \$22,320,329 and operating costs of \$8,184,231 (or \$43.79 per inmate per day).

Any near-term or long-term capacity needed beyond the options outlined above would require additional contract or construction costs. The actual construction costs would depend upon the security level of the beds to be constructed and when construction is actually undertaken, while the actual operating costs would depend upon the base salary amounts, fringe benefit rates, per meal costs, per capita health care costs, and other cost factors applicable at the time the additional capacity is occupied. Likewise, any further prison commitments that result in additional parolees could require additional staff and resources so that the additional parolees can be effectively supervised. Any fiscal effect associated with HB 2534 is not reflected in *The FY 2013 Governor's Budget Report*.

Sincerely,



Steven J. Anderson, CPA, MBA  
Director of the Budget

cc: Marcy Watson, JJA  
Jeremy Barclay, Corrections  
Mary Rinehart, Judiciary  
Scott Schultz, Sentencing Commission