

February 10, 2014

The Honorable John Rubin, Chairperson
House Committee on Corrections and Juvenile Justice
Statehouse, Room 151-S
Topeka, Kansas 66612

Dear Representative Rubin:

SUBJECT: Fiscal Note for HB 2501 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2501 is respectfully submitted to your committee.

HB 2501 would require offenders who have been convicted of buying sexual relations and have entered diversion agreements to pay fines. All revenue from the fines would be remitted to the Human Trafficking Victim Assistance Fund in the Office of the Attorney General. The diversion agreements may also require offenders to complete suitable educational or treatment programs regarding commercial sexual exploitation. For the purposes of determining whether a conviction is a first, second or subsequent conviction, all previous convictions, municipal violations, and diversions would be taken into account. Offenders may enter into diversion agreements for buying sexual relations only once during an offender's lifetime.

The bill would add case filings and dispositions for violations of human trafficking, selling sexual relations, promoting the sale of sexual relations, buying sexual relations, and commercial sexual exploitation of a child to the list of information that district courts must electronically report to the Kansas Bureau of Investigations central repository.

According to the Office of the Attorney General, HB 2501 would increase revenue to the Human Trafficking Victim Assistance Fund from requiring mandatory fines from buyers of sexual relations who are given diversion agreements; however, the Office is unable to determine a specific fiscal effect because the number of diversions that would occur under the bill is unknown. By limiting the number of diversions to one, the agency estimates that there will be more convictions. The fines in current statute for subsequent convictions increase from \$2,500 to \$5,000 which will add to the amount of revenue collected.

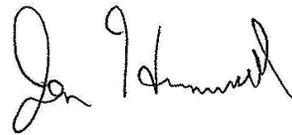
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The Office of Judicial Administration states that court service officers are required to prepare presentence investigation reports prior to sentencing in felony cases. To complete those reports, HB 2501 could increase costs from additional staff time from officers researching municipal ordinances and county resolutions to determine if the ordinances or resolutions prohibit the same acts in the bill. The Office indicates that local governments could also incur additional expenses if court service officers have to obtain certified copies of convictions from other jurisdictions. Local governments that are not currently remitting fines for diversions to the Human Trafficking Victim Assistance Fund could experience a reduction in revenue from the provisions in the bill. However, it is not possible to predict the number of diversion cases that would arise or how time-consuming they would be. Therefore, a precise fiscal effect cannot be determined. Any fiscal effect associated with HB 2501 is not reflected in *The FY 2015 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Hummell". The signature is written in a cursive style with a large initial "J" and "H".

Jon Hummell,
Interim Director of the Budget

cc: Mary Rinehart, Judiciary
Jeremy Barclay, Corrections
Willie Prescott, Attorney General's Office
Scott Schultz, Sentencing Commission
Pat Scalia, Indigents Defense Services