

February 12, 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 2526 by Representative Concannon, et al.

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2526 is respectfully submitted to your committee.

HB 2526 would add the crimes of assault of a health care provider and aggravated assault of a health care provider. Assault of a health care provider would be a class A misdemeanor while aggravated assault of a health care provider would be a severity level six, person felony.

The bill would also add the crimes of battery against a health care provider and aggravated battery against a health care provider. Battery against a health care provider knowingly causing physical contact in a rude, insulting, or angry manner would be a class A misdemeanor. Battery against a health care provider knowingly causing bodily harm or intentionally causing human bodily fluid to make physical contact with a health care provider would be a severity level seven, person felony. Aggravated battery against a health care provider knowingly causing bodily harm or disfigurement would be a severity level three, person felony. Aggravated battery against a health care provider would be a severity level four, person felony when committing the following acts:

1. Knowingly causing bodily harm to another person with a deadly weapon or in any manner whereby great bodily harm, disfigurement, or death can be inflicted;
2. Knowingly causing physical contact with another person when done in a rude, insulting, or angry manner with a deadly weapon or in any manner whereby great bodily harm, disfigurement or death can be inflicted; or
3. Intentionally causing human bodily fluid to make physical contact with a health care provider and the offender knows that the fluid is infected with Human Immunodeficiency Virus, Hepatitis B, or Hepatitis C at the time the offense is committed.

HB 2526 would create the new crime of unlawful interference with a health care provider, which is defined as knowingly interfering with health care providers while they are performing their duties. Unlawful interference with a health care provider would be a class A

misdeemeanor. The bill would also increase the penalties for unlawful interference with a firefighter and unlawful interference with an emergency medical services attendant from class B misdemeanors to class A misdemeanors.

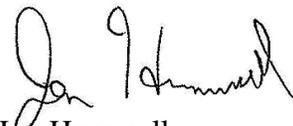
The Kansas Sentencing Commission estimates that passage of HB 2526 would result in an increase of five to 15 adult prison beds needed in FY 2015 and an increase of 11 to 33 adult prison beds needed by FY 2024. As of January 13, 2014, the available bed capacity is 9,636. Based upon the Commission's most recent ten-year projection contained in its *FY 2014 Adult Inmate Prison Population Projections* report, by the end of FY 2014 and FY 2015 it is estimated that the number of inmates will be below available capacity by 103 beds and 196 beds, respectively. However, starting in FY 2017 it is expected that the adult correctional facilities will again be over capacity. While the bed space requirements of HB 2526 could be handled within existing capacity in the short term, the bill will add to capacity challenges occurring in the near future.

Continued population increases eventually will require construction of new cell houses at the El Dorado Correctional Facility. This project would include 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 approximately \$24.4 million and operating costs of approximately \$8.4 million (or about \$45.00 per inmate per day). If bonds are used to finance the construction of the units, bonding authority would be required in FY 2016 so that operations at the new cell houses could begin in FY 2017.

The Office of Judicial Administration states that it has been the Judicial Branch's experience that when the level of penalties and fines are increased, more offenders enter "not guilty" pleas and increase defense efforts to avoid the longer sentences or higher fines. This could result in additional motions and more requests for jury trials, which would increase the time spent by district and appellate court judicial and non-judicial personnel to process, research, and hear cases. However, it is not possible to predict how complex and time-consuming they would be. Therefore, a precise fiscal effect cannot be determined.

The Kansas Sentencing Commission notes that the bill would add to the journal entry workload of the agency; however, additional resources would not be needed. Any fiscal effect associated with HB 2526 is not reflected in *The FY 2015 Governor's Budget Report*.

Sincerely,



Jon Hummell,
Interim Director of the Budget

cc: Mary Rinehart, Judiciary
Scott Schultz, Sentencing Commission
Pat Scalia, BIDS
Jeremy Barclay, KDOC