

February 19, 2015

The Honorable John Barker, Chairperson
House Committee on Judiciary
Statehouse, Room 149-S
Topeka, Kansas 66612

Dear Representative Barker:

SUBJECT: Fiscal Note for HB 2147 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2147 is respectfully submitted to your committee.

Under HB 2147, the definition of abuse used within the Protection from Abuse Act would be expanded to include engaging in sexual contact or attempted sexual contact with another person without consent or when a person is incapable of giving consent.

The Protection from Stalking Act would be modified to include provisions relating to sexual assault. A definition of sexual assault would be defined as any sexual contact or attempted sexual contact with another person without consent or when a person is incapable of giving consent. Courts would be able to issue a protection from stalking or sexual assault order restraining the defendant from committing or attempting to commit a sexual assault against the victim.

According to the Kansas Sentencing Commission, HB 2147 could have an effect on prison admissions, prison beds, and the workload of the agency but it is estimated that the effect would be negligible.

The Office of Judicial Administration indicates that the bill could increase the number of protection from abuse and protection from stalking petitions filed in the district courts. This would increase the time spent by judges and non-judicial personnel to process, research, and hear cases. Petitions for protections from abuse and stalking are exempt from payment of docket fees, therefore, the increase in petitions would not create additional revenue. However, if additional criminal cases are filed for violations of protective orders, more fine and docket fee revenue would be realized. However, it is not possible to predict the number of additional petitions or cases that would be filed or how complex and time-consuming they would be. Therefore, a

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precise fiscal effect cannot be determined. Any fiscal effect associated with HB 2147 is not reflected in *The FY 2016 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a long horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

cc: Mary Rinehart, Judiciary
Melissa Wangemann, KAC
Scott Schultz, Sentencing Commission