

February 15, 2017

The Honorable Rick Wilborn, Chairperson  
Senate Committee on Judiciary  
Statehouse, Room 541-E  
Topeka, Kansas 66612

Dear Senator Wilborn:

**SUBJECT:** Fiscal Note for SB 101 by Senator Pettey, et al.

In accordance with KSA 75-3715a, the following fiscal note concerning SB 101 is respectfully submitted to your committee.

SB 101 would change the name of the “Protection from Stalking Act” to the “Protection from Stalking or Sexual Assault Act.” The bill would expand the definition of “abuse” to include “engaging in any sexual contact or attempted sexual contact with another person without consent or when such person is incapable of giving consent.” SB 101 would add a definition for the term “sexual assault.”

The bill would allow for the issuance of proactive orders for victims of sexual assault. No docket fee would be charged when a person seeks relief under the bill’s provisions. Also, a court would be required to hold a hearing on a petition requesting protection from sexual assault within the same amount of time as is currently required for hearings on petitions requesting protection from stalking, which is 21 days.

SB 101 would expand the scope of the order that may be issued by a judge to include restraining the defendant from committing or attempting to commit a sexual assault upon the victim. Any breach would be considered a violation of the protective order. The order would also include a statement that if the order is violated, the violation may constitute a sex offense and the offender may be prosecuted.

According to the Office of Judicial Administration, enactment of SB 101 could increase the number of protection from abuse and protection from stalking petitions filed in the district courts, which could cause judicial and non-judicial staff to spend more time processing, researching, and hearing cases. The bill would not result in the collection of docket fees for protection from abuse and protection from stalking petitions because those petitions are exempt from the payment of the docket fee; however, if there are additional criminal case filings under

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the bill's provisions there could be additional docket fee revenue. 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 fiscal effect cannot be determined.

The Office of the Attorney General states any fiscal effect resulting from the passage of SB 101 would be negligible. The Kansas Sentencing Commission states the bill could have an effect on prison admissions and bed space; however, any effect would be negligible. Any fiscal effect associated with SB 101 is not reflected in *The FY 2018 Governor's Budget Report*.

Sincerely,

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

Shawn Sullivan,  
Director of the Budget

cc: Ashley Michaelis, Judiciary  
Scott Schultz, Sentencing Commission  
Linda Kelly, Corrections  
Willie Prescott, Office of the Attorney General