

March 6, 2019

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

Dear Representative Jennings:

SUBJECT: Fiscal Note for HB 2284 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2284 is respectfully submitted to your committee.

HB 2284 would create and amend penalties for the following crimes:

1. Unlawful interference with a healthcare provider would be a class A person misdemeanor;
2. Assault of a healthcare provider would be a class A person misdemeanor;
3. Aggravated assault of a healthcare provider would be a severity level six, person felony;
4. Battery against a healthcare provider engaged in the performance of the provider's duty would be a class A person misdemeanor;
5. Battery against a healthcare provider engaged in the performance of the provider's duty or intentionally causing human bodily fluid to make physical contact with a healthcare provider engaged in the performance of the provider's duty would be a severity level seven, person felony;
6. Aggravated battery against a healthcare provider engaged in the performance of the provider's duty would be a severity level three, person felony;
7. Aggravated battery against a healthcare provider engaged in the performance of the provider's duty or intentionally causing human bodily fluid to make physical contact with a healthcare provider engaged in the performance of such provider's duty and the offender has knowledge that the source of the human bodily fluid is infected with human immunodeficiency virus, hepatitis B, or hepatitis C at the time the offense is committed would be a severity level four, person felony;

8. The penalty for unlawful interference with a firefighter would be changed from a class B person misdemeanor to a class A person misdemeanor; and
9. The penalty for unlawful interference with an emergency medical services attendant would be changed from a class B person misdemeanor to a class A person misdemeanor.

HB 2284 has the potential for increasing litigation in the courts because of the new crimes and changes in penalties created by the bill. If litigation would increase, 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 estimate the number of additional court cases that would arise or how complex and time-consuming the cases would be. The fiscal effect would most likely be negligible and could be accommodated within the existing budget resources.

The Kansas Sentencing Commission estimates that enactment of HB 2284 would result in an increase of either five, ten, or 15 adult prison beds needed by the end of FY 2020. By the end of FY 2029, an additional 11, 22, or 33 beds would be needed. The Commission's estimates are based on three scenarios. The current estimated available bed capacity is 9,056 for males and 915 for females. Based upon the Commission's most recent ten-year projection contained in its *FY 2019 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population for available male capacity will be over capacity by 264 inmates in FY 2019 and 581 inmates in FY 2020. The Department of Corrections indicates it would require additional State General Fund expenditures of either \$9,060 for an additional five beds; \$18,120 for an additional ten beds; or \$27,180 for an additional 15 beds in FY 2020 resulting from the enactment of HB 2284. Any fiscal effect associated with HB 2284 is not reflected in *The FY 2020 Governor's Budget Report*.

Sincerely,



Larry L. Campbell
Director of the budget

cc: Cody Gwaltney, Aging & Disability Services
Joe House, EMS
Janie Harris, Judiciary
Scott Schultz, Sentencing Commission
Linda Kelly, Corrections