

March 18, 2019

The Honorable Fred Patton, Chairperson
House Committee on Judiciary
Statehouse, Room 519-N
Topeka, Kansas 66612

Dear Representative Patton:

SUBJECT: Fiscal Note for HB 2394 by House Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2394 is respectfully submitted to your committee.

HB 2394 would amend the definition of “abuse of a child” and create the crime of aggravated abuse of a child. Abuse of a child would be defined as knowingly causing physical contact with any child less than 18 years of age that results in or could reasonably be expected to result in physical injury to the child or recklessly causing bodily harm to any child less than 18 years of age.

Aggravated abuse of a child would be:

1. Knowingly torturing or cruelly beating any child less than 18 years of age;
2. Knowingly inflicting cruel and inhumane corporal punishment that results in bodily harm or when done in such a way that disfigurement or death could occur to a child less than 18 years of age;
3. Knowingly inflicting cruel and inhumane corporal punishment with a deadly weapon;
4. Knowingly using unreasonable physical restraint against a child less than 18 years of age through means including, but not limited to, caging or confining the child in any space not designed for human habitation or binding the child in a way that is not medically necessary;
or
5. Recklessly causing great bodily harm, permanent disability, or disfigurement to any child less than 18 years of age.

The bill would increase the penalties for abuse of a child, based on the abuse, to either a severity level seven or nine, person felony. The penalty for aggravated abuse of a child, based on the abuse, would be either a severity level three or five, person felony.

The Office of Judicial Administration states enactment of HB 2394 could increase the number of cases filed in district court, which would result in more time spent by court employees and judges processing and deciding these cases. According to the Office, a fiscal effect cannot be estimated until the Judicial Branch has had an opportunity to operate under the bill's provisions.

The Kansas Sentencing Commission estimates that enactment of HB 2394 would result in an increase of either two, three, or four adult prison beds needed by the end of FY 2020. By the end of FY 2029, an additional 12, 18, or 27 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 \$3,624 for an additional two beds; \$5,436 for an additional three beds; or \$7,248 for an additional four beds in FY 2020 resulting from the enactment of HB 2394. Any fiscal effect associated with HB 2394 is not reflected in *The FY 2020 Governor's Budget Report*.

Sincerely,

A handwritten signature in cursive script that reads "L. L. Campbell".

Larry L. Campbell
Director of the Budget

cc: Janie Harris, Judiciary
Scott Schultz, Sentencing Commission
Linda Kelly, Corrections