

February 27, 2020

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

Dear Representative Jennings:

SUBJECT: Fiscal Note for HB 2651 by Representative Pittman

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2651 is respectfully submitted to your committee.

HB 2651 would amend the definition of “abuse of a child” to mean 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, which would be a severity level nine, person felony, or recklessly causing bodily harm to a child, which would be a severity level 7, person felony. The bill would also create the crime of aggravated abuse of a child, which would be defined as:

1. Knowingly torturing or cruelly beating a child under 18;
2. Knowingly inflicting cruel and inhuman corporal punishment that results in bodily harm or when done in such a way that disfigurement or death could occur;
3. Knowingly inflicting cruel and inhuman corporal punishment with a deadly weapon;
4. Knowingly using unreasonable physical restraint including, but not limited to, caging or confining the child in a 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 provisions of the bill regarding using physical restraint or binding of a child would not apply to a law enforcement officer. Aggravated abuse of a child less than 16 years of age would be considered a severity level five or severity level three, person felony, depending on how the crime occurred. Aggravated abuse of a child older than 16 years of age would be a severity level six or severity level four, person felony, depending on how the crime occurred.

The Kansas Sentencing Commission estimates that enactment of HB 2651 would result in an increase of nine adult prison beds needed by the end of FY 2021. By the end of FY 2030, 73 additional beds would be needed. The Commission also estimates an increase of nine prison admissions in FY 2021 and ten admissions in FY 2030. The current estimated available bed capacity is 9,916. Based upon the Commission's most recent ten-year projection contained in its *FY 2020 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population for available capacity will be over capacity by 258 inmates in FY 2020 and 524 inmates in FY 2021. The Department of Corrections would house any additional inmates over the capacity limit in county jails or out-of-state contract beds at a rate ranging from \$40 per day to \$74.76 per day.

The Office of Judicial Administration indicates that enactment of the bill could increase the number of cases filed in district courts because it creates the crime of aggravated abuse of a child. This would increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. In addition, the bill could require more supervision of offenders by court services officers because a portion of the crime carries a possible penalty of probation. The bill could also result in the collection of additional docket fees in cases filed under the provisions of the bill. However, a fiscal effect cannot be determined because the number of additional cases cannot be estimated. Any fiscal effect associated with HB 2651 is not reflected in *The FY 2021 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Campbell", written in a cursive style.

Larry L. Campbell
Director of the budget

cc: Mary Rinehart, Judiciary
Scott Schultz, Sentencing Commission
Randy Bowman, Corrections