

February 4, 2019

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

Dear Senator Wilborn:

**SUBJECT:** Fiscal Note for SB 45 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 45 is respectfully submitted to your committee.

SB 45 would modify the penalties for involuntary manslaughter and aggravated battery, if committed against a public safety sector employee, as defined by the bill. The bill would make involuntary manslaughter against a public safety sector employee, in certain instances described in the bill, a severity level two, person felony.

Under the bill, knowingly or recklessly causing great bodily harm to a public safety sector employee would be a severity level three, person felony. Driving under the influence which results in great bodily harm or disfigurement to a public safety sector employee would also be a severity level three, person felony.

The bill would also mandate that knowingly causing bodily harm to or physical contact with a public safety sector employee with a deadly weapon or in a way that great bodily harm, disfigurement, or death could be inflicted would be a severity level four, person felony. Driving under the influence, which results in bodily harm when great bodily harm, disfigurement, or death could have resulted would be a severity level four, person felony.

The bill would add to the definitions of battery and aggravated battery against a law enforcement officer to include batteries committed against a “uniformed or properly identified federal law enforcement officer while such officer is engaged in the performance of such officer’s duty.” The bill defines “federal law enforcement officer.”

The Office of Judicial Administration indicates that SB 45 increases the severity levels on certain crimes committed against a public safety sector employee and could result in fewer offenders being supervised by court services officers.

Further the Office states, enactment of SB 45 could result in decreased revenues to the Correctional Supervision Fund and the State General Fund. Currently, the assessed probation/correctional fee is \$60 for misdemeanors and \$120 for felonies. The fees are split with 41.67 percent to the State General Fund and 58.33 percent to the Correctional Supervision Fund. Enactment of the bill could result in decreased revenues because fewer offenders would be paying the supervision fee because of the change in severity levels for certain crimes.

The Kansas Sentencing Commission estimates that enactment of SB 45 would result in no additional adult prison beds needed in FY 2020. By FY 2029, an additional 10, 25, or 46 beds would be needed. The estimates vary depending on how many individuals would be convicted of involuntary manslaughter or aggravated battery against a public safety sector employee. 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 would house any additional inmates over the capacity limit in contract jail beds. Based on the Commission's projections, the Department would not need to absorb any additional prison beds in FY 2020; however, the Department could require additional expenditures if an increase in prison beds exceeds the capacity limit in future fiscal years. Any fiscal effect associated with SB 45 is not reflected in *The FY 2020 Governor's Budget Report*.

Sincerely,



Larry L. Campbell  
Director of the Budget

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