

January 20, 2021

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

Dear Representative Patton:

SUBJECT: Fiscal Note for HB 2001 by Representative Owens

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2001 is respectfully submitted to your committee.

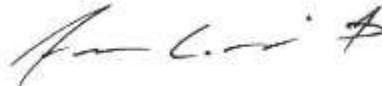
HB 2001, as introduced, would create the crime of sexual extortion with penalties of either a severity level seven, person felony or a severity level four, person felony. The bill would require a person convicted of the crime to register as a sex offender under the Kansas Offender Registration Act. The bill would require the duration of registration to be 15 years after the date of parole, discharge, or release or 15 years after the conviction, depending on whether the offender was confined.

The Office of Judicial Administration indicates that enactment of HB 2001, as introduced, could increase the number of cases filed in district courts because it creates the new crime of sexual extortion. This could increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. The Office notes that because a portion of the new crime has a penalty of probation the bill could increase time spent by court services officers supervising offenders. The Office also states that the bill could result in the collection of additional docket fees, probation fees and fines assessed under the provisions of the bill. However, a fiscal effect cannot be determined because the number of additional cases is unknown.

The Kansas Sentencing Commission estimates that enactment of HB 2001, as introduced, may result in an increase of adult prison beds, but the exact increase cannot be estimated because no data currently exists for the crime of sexual extortion. The current estimated available bed capacity is 9,420 for males and 948 for females. 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 male capacity will be under capacity by 1,287 inmates in FY 2021 and 1,241 inmates in FY 2022.

The Department of Corrections notes that under the current sentencing matrix, for an adult found guilty of sexual extortion, the applicable sentence for a severity level four, person felony would be imprisonment. A person found guilty of a severity level seven, person felony would be sentenced to prison if they have either A or B criminal history, but not C through I. For juvenile offenders, those convicted of a severity level four offense could be sentenced to the Kansas Juvenile Correctional Complex (KJCC). A juvenile convicted of a severity level seven offense could also be sentenced to the KJCC, if the risk assessment conducted by the court found the youth to be high risk. The Department indicates that enactment of the bill would increase adult and juvenile facility bed utilization but estimates there would be no fiscal effect. Any fiscal effect associated with HB 2001 is not reflected in *The FY 2022 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt
Director of the Budget

cc: Scott Schultz, Sentencing Commission
Randy Bowman, Corrections
Debbie Thomas, Judiciary