

MEMORANDUM

To: John Kirk, Division of the Budget
From: Scott M. Schultz, Executive Director
Date: March 22, 2023
Re: Prison Bed Space Impact Assessment, **SB 317 - Permitting a prosecution for childhood sexual abuse to be commenced at any time, extending the time to file civil actions for recovery of damages caused by childhood sexual abuse and providing exceptions in the Kansas tort claims act for claims arising from such abuse.**

IMPACT ASSESSMENT

- **Impact on Prison Admissions:** This bill **may** result in additional prison admissions, but it cannot be determined at this time.
- **Impact on Prison Beds:** This bill **may** result in additional prison beds, but it cannot be determined at this time.
- **Impact on the Workload of the Commission:** This bill **may** result in additional workload of the Commission, but it cannot be determined at this time.

SUMMARY OF THE BILL

Section 1. K.S.A. 12-105b is amended to include language that this subsection shall not apply to any claim for recovery of damages against a governmental entity arising from childhood sexual abuse as defined in K.S.A. 60-523.

Section 2. K.S.A. 21-5107 is amended to read that a prosecution for any of the following crimes may be commenced at any time; a prosecution for childhood sexual abuse may be commenced at any time (childhood sexual abuse" means any of the following crimes when the victim is under 18 years of age), indecent liberties with a child, aggravated indecent liberties with a child, criminal sodomy, enticement of a child, indecent solicitation of a child, aggravated indecent solicitation of a child, sexual exploitation of a child, aggravated sexual battery, aggravated incest, aggravated human trafficking, internet trading in child pornography or aggravated internet trading in child pornography, commercial sexual exploitation of a child.

Section 3. K.S.A. 60-523 is amended to read that no action for recovery of damages for injuries suffered as a result of childhood sexual 13 years after the date the victim attains 18 years of age.

Section 4. K.S.A. 75-6104 is amended to include language that the exceptions to liability in subsections (a)(1) through (a)(4) shall not be construed to preclude, prohibit or otherwise limit a claim for damages arising from childhood sexual abuse. Failure of a governmental entity to adopt or enforce a policy, regulation or law related

to childhood sexual abuse and failure to exercise reasonable discretion in the supervision of a governmental employee who commits childhood sexual abuse may be considered by the trier of fact.

Section 5. K.S.A. 75-6105 is amended to include language that his section shall not apply to any claim for recovery of damages against a governmental entity arising from childhood sexual abuse as defined in K.S.A. 60-523.

FINDINGS

- **In FY 2022**, there were **287** total convictions for crimes that fall under this bill's definition of childhood sexual abuse.
 - **Prison** – 191 (66.6%)
 - **Probation** – 96 (33.4%)
- The **average offense date** for these crimes was **6/13/2019**.
- The **median offense date** for these crimes was **10/7/2019**.
- The **earliest offense date** for these crimes was **6/29/2012**.
- The KSSC **does not** have data related to the date **when charges were filed** in a particular case, nor does it have information on the number of prosecutions that were declined due to issues related to the statute of limitations.
- While this bill may result in additional prosecutions for the crimes defined under childhood sexual abuse, the KSSC cannot determine the total number of new prosecutions due to expanded time to file charges and whether those prosecutions will result in convictions. Therefore, this bill may increase prison admissions, prison bed space, and the workload of the Commission, but it cannot be determined at this time.

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