

February 15, 2023

The Honorable Stephen Owens, Chairperson  
House Committee on Corrections and Juvenile Justice  
300 SW 10th Avenue, Room 546-S  
Topeka, Kansas 66612

Dear Representative Owens:

**SUBJECT:** Fiscal Note for HB 2350 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2350 is respectfully submitted to your committee.

HB 2350 would create the crimes of human smuggling and aggravated human smuggling. Human smuggling would be defined as transporting, harboring, or concealing an individual into or within Kansas who the person knows, or should have known, is entering into or remaining in the United States illegally. Human smuggling would be a severity level 5, person felony. Aggravated human smuggling would be defined as human smuggling that is committed using a deadly weapon, causes bodily harm, great bodily harm, or disfigurement to the individual being smuggled, or causes the individual being smuggled to become a victim of a sex offense. Aggravated human smuggling would be a severity level 3, person felony. The bill would take effect upon publication in the statute book.

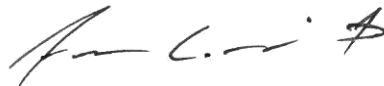
The Sentencing Commission estimates that enactment of HB 2350 would increase prison admissions and bed space, but this effect cannot be determined. The current estimated available bed capacity is 9,428 for males and 936 for females. Based upon the Commission's most recent ten-year projection contained in its *FY 2023 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population will total 7,933 male and 764 female inmates in FY 2023 and 8,043 male and 740 female inmates in FY 2024. The Department of Corrections indicates that enactment of the bill would have no fiscal effect.

The Office of Judicial Administration indicates enactment of the bill could increase the number of cases filed in district courts because it creates new crimes. This would increase the time spent by district court judicial and nonjudicial personnel in processing researching, and

hearing cases. The bill could also result in the collection of docket fees in cases filed under the provisions of the bill. However, the Office states a fiscal effect cannot be estimated until the Judicial Branch has had an opportunity to operate under the provisions of the bill.

The Attorney General indicates enactment of the bill could add criminal cases to the workload of the agency in cases only involving smuggling and no other elements of human trafficking. However, a fiscal effect cannot be estimated. Any fiscal effect associated with HB 2350 is not reflected in *The FY 2024 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  
Vicki Jacobsen, Judiciary  
Randy Bowman, Department of Corrections  
John Milburn, Office of the Attorney General