

**CONFERENCE COMMITTEE REPORT BRIEF  
SENATE BILL NO. 414**

As Agreed to April 26, 2024

**Brief\***

SB 414 would amend the crime and penalties of aggravated endangering a child; amend the crime and apply a special sentencing rule to the crime of unlawful distribution of fentanyl-related controlled substances (fentanyl); remove the element of concealment and secrecy from the crime of breach of privacy; amend law in the Kansas Code of Procedure for Municipal Courts governing fingerprinting for municipal convictions; amend provisions in sentencing law regarding computation of time served; and update terms and conditions of supervision for certain offenders.

The bill would also make technical amendments to update a statutory reference and ensure consistency in statutory phrasing.

[*Note:* Although the bill would be effective upon publication in the *Kansas Register*, all provisions, with the exception of the sentence computation provisions, as noted below, would be effective on July 1, 2024.]

***Aggravated Endangering a Child***

The bill would amend the elements of the crime of aggravated endangering a child. The bill would add fentanyl to the list of drugs for which causing or permitting a child to be in an environment where the person knows or reasonably should know the drug is present would constitute the crime. Additionally, the bill would add “or used” regarding specified environments where current law applies to storage of drug paraphernalia or toxic, or otherwise specified chemicals for manufacturing or attempting to manufacture methamphetamine or fentanyl.

***Severity Level***

The bill would create a new severity level 6 person felony penalty for the crime when bodily harm is inflicted upon the child.

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\*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kIRD>

## *Definitions*

The bill would define “fentanyl-related controlled substance” to mean the same as in the article of the Criminal Code involving controlled substances, and “methamphetamine” to mean the same as in Schedule II of the Uniform Controlled Substances Act.

[*Note:* These provisions would be effective on July 1, 2024.]

## ***Unlawful Distribution Penalties—Fentanyl***

The bill would amend the penalties for unlawful distribution of a controlled substance to specify a violation of the crime with respect to material containing any quantity of fentanyl would be the same as for material containing any quantity of heroin or methamphetamine.

When the drug is measured by dosage unit, the bill would specify the following penalties for fentanyl only:

- Drug severity level 4 felony for fewer than 10 doses;
- Drug severity level 3 felony for at least 10 doses but fewer than 50 doses;
- Drug severity level 2 felony for at least 50 doses but fewer than 250 doses; and
- Drug severity level 1 felony for 250 doses or more.

[*Note:* Continuing law defines a “dosage unit” as a discrete unit including, but not limited to, a pill, capsule, or microdot that is not distributed by weight. Continuing law also defines a “dosage unit” with respect to controlled substances in liquid form.]

## *Permissive Inference*

The bill would amend language regarding a rebuttable presumption of an intent to distribute to replace the presumption with a permissive inference. Additionally, the bill would add 3.5 grams or more and 50 dosage units or more of fentanyl to the list of quantities of controlled substances that would lead to such an inference.

[*Note:* These provisions would be effective on July 1, 2024.]

## ***Breach of Privacy***

The bill would amend the crime of breach of privacy to remove the elements of concealment and secrecy when the crime involves installing or using a device to photograph or record another person under or through their clothing, or a person who is nude or in a state of undress.

[*Note:* These provisions would be effective on July 1, 2024.]

### ***Fingerprinting for Municipal Convictions***

The bill would specify that fingerprints need not be obtained from individuals convicted of violating municipal ordinances related to vehicle registration, driving without a valid driver's license, or failing to have motor vehicle liability insurance coverage. Current law provides fingerprints must be obtained in all municipal convictions that are comparable to a class A or class B misdemeanor or assault under the Kansas Criminal Code.

[*Note:* These provisions would be effective on July 1, 2024.]

### ***Computation of Sentences***

Under continuing law, at sentencing, a judge is required to designate a date to be used when computing a defendant's sentence, parole eligibility, and conditional release dates. The date must be designated in a journal entry after considering the time the defendant has been incarcerated while awaiting disposition of their criminal case.

The bill would specify that the defendant is entitled to have credit applied for each day spent incarcerated while awaiting disposition of their criminal case.

A court would not be able to consider the following in designating a date:

- Time awarded as credit in another case when consecutive sentences are imposed on a defendant; or
- Time spent incarcerated in another jurisdiction if no hold has been issued in such jurisdiction for the case being sentenced.

[*Note:* These provisions of the bill would be effective upon publication in the *Kansas Register*.]

### ***Special Sentencing Rule—Fentanyl***

The bill would amend the special sentencing rule for the unlawful manufacturing of fentanyl to specify this rule would apply to an offender convicted of unlawful distribution when the crime is classified as a drug severity level 1, 2, or 3 felony. [*Note:* The special sentencing rule provides a sentence of presumptive imprisonment and two times the maximum duration of the presumptive sentence term. Sentences under the special rule are not considered a departure and would not be subject to appeal.]

[*Note:* These provisions would be effective on July 1, 2024.]

### ***Conditions of Supervision***

The bill would revise and amend conditions of supervision for persons on supervised release. For persons on supervision for probation, suspension of sentence, or assignment to community corrections, the bill would authorize the court to impose the conditions listed below. For persons on parole or postrelease supervision after being in the custody of the Department

of Corrections (KDOC), the Prisoner Review Board would be required to impose the following conditions:

- Obey all laws and ordinances [*Note*: The court is required to impose this condition under current law.];
- Inform the supervision officer of any encounters with law enforcement within 24 hours of such encounter;
- Refrain from engaging in or making threats of violence;
- Not purchase or possess any dangerous weapon, including a firearm, if the supervision is for a felony conviction;
- Report to the assigned supervision officer as directed and be truthful in all matters;
- Remain in Kansas or other areas as specified by the supervision officer;
- Inform the supervision officer of any sudden changes in residence or contact information within 24 hours of the change, and reside at the approved residence;
- Not possess, use, or distribute any controlled substance unless prescribed by a licensed medical professional;
- Abstain from alcohol or substance use and from entering an establishment where sale or consumption of alcohol is the primary business;
- Comply with alcohol or substance testing as directed by the supervision officer without tampering with the specimen or test. [*Note*: The court is required to impose this condition under current law.];
- Participate in assessments, treatment, programs, and other directives mandated by the court or supervision officer; and
- Refrain from contacting victims unless authorized by the court as part of rehabilitation or therapy.
- The bill would also direct the Office of Judicial Administration (OJA) and the DOC to collaborate on developing appropriate documentation for conditions of supervision for probation, suspension of sentence, and community corrections.

#### *Parole or Postrelease Supervision*

The bill would remove the required conditions of repaying transportation costs related to apprehension of the person for violation of a condition of release, pursuing a secondary education, and performing community service. The bill would retain required conditions of supervision for persons on parole or postrelease supervision regarding payment of fees and reimbursement for services.

### *Searches and Reporting*

Provisions regarding searches would be included in the conditions for persons on probation, community corrections, parole, or postrelease supervision. The person would be required to submit to searches of their person, belongings, vehicle, and property by:

- A court services officer or community correctional services officer for persons on probation or in community corrections;
- A parole or corrections officer for persons on parole or postrelease supervision, with or without a warrant or cause, although not for the sole purpose of harassment; and
- A law enforcement officer based on reasonable suspicion of probation, parole, or postrelease supervision violations or criminal activity.

The bill would add a requirement that a law enforcement officer who conducts a search under supervision terms of parole submit a written report to the person's parole officer not later than the close of business the next day after the search is conducted. The bill would require the written report to include facts leading to the search, the scope of the search, and any findings of the search. [Note: Similar requirements are found in continuing law for searches of persons on probation and in community corrections.]

### *Probation Conditions for Driving Under the Influence*

The bill would require certain persons with a felony driving under the influence (DUI) conviction to participate in a multidisciplinary model of substance use disorder treatment.

Current law classifies DUI as a severity level 6 nonperson felony when:

- The person has a prior conviction within the past 10 years, not including periods of incarceration; or
- It is the person's fourth or subsequent conviction.

**Risk and needs assessment.** The bill would require, if a person convicted of a felony DUI has been granted probation, a risk assessment tool specified by the Kansas Sentencing Commission to be used to determine the person's risk and needs. The court would, then, be required to determine whether community correctional services or court services will supervise the person, based upon the determined risk and needs of the person.

**Multidisciplinary model of services.** The bill would require a person convicted of a felony DUI under probation supervision to participate in a multidisciplinary model of services for substance abuse disorders facilitated by a care coordination agency designated by the Kansas Department for Aging and Disability Services (KDADS).

The bill would require the model of services to include assessment and, if appropriate, referral to community-based substance use disorder treatment, including recovery management and mental health counseling as needed. The bill would require members of the multidisciplinary team to include:

- The designated care coordination agency;
- The supervision officer;
- The KDADS designated treatment provider; and
- The person.

[*Note:* These provisions would be effective on July 1, 2024.]

### ***Effective Date***

The bill would be in effect upon publication in the *Kansas Register*, but all provisions, with the exception of the sentence computation provisions, would become effective on July 1, 2024, as noted above.

### **Conference Committee Action**

The Conference Committee agreed to the provisions of SB 414, as passed by the House, and to further amend the bill to:

- Remove the provisions of Sub. for HB 2676 creating the crime of encouraging suicide [*Note:* These provisions have been enacted in Senate Sub. for HB 2144.];
- Insert the provisions of SB 318, as recommended by the Senate Committee on Judiciary, regarding fingerprinting for certain municipal convictions;
- Insert the provisions of HB 2601 regarding conditions of probation for certain felony DUI convictions; and
- Insert the provisions of HB 2741 as amended by the House Committee on Corrections regarding terms of supervision for offenders on probation and post-release supervision.

### **Background**

SB 414, as amended by the Conference Committee, contains provisions related to fentanyl distribution, fentanyl special sentencing rule, sentence computation, aggravated endangerment of a child, and breach of privacy. The Conference Committee also agreed to add the provisions of SB 318 as recommended by the Senate Committee on Judiciary (fingerprinting for municipal convictions), HB 2601 as passed by the House (DUI probation conditions), and HB 2741 as passed by the House (supervision terms).

### ***SB 414***

On March 21, 2024, SB 414 was withdrawn from the House Calendar and re-referred to the House Committee on Corrections and Juvenile Justice.

The House Committee on Corrections and Juvenile Justice further amended SB 414 to add the provisions of HB 2654, as passed by the House; Sub. for HB 2676, as passed by the House; SB 419, as passed by the Senate; and SB 420, as passed by the Senate. [Note: The Conference Committee retained these amendments except for the inclusion of the provisions of Sub. for HB 2676, creating the crime of encouraging suicide.]

*SB 414 (Unlawful Distribution Penalties; Special Sentencing Rule—Fentanyl)*

SB 414 was introduced by the Senate Committee on Judiciary at the request of a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association.

**Senate Committee on Judiciary.** In the Senate Committee hearing, a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association provided **proponent** testimony, stating the enhanced penalties provided in the bill are needed to adequately address the fentanyl crisis in the state.

Written-only proponent testimony was provided by a representative of the Kansas Bureau of Investigation (KBI) and the Kansas County and District Attorneys Association (KCDAA).

Written-only opponent testimony was provided by a representative of the Board of Indigents' Defense Services (BIDS).

No other testimony was provided.

The Senate Committee amended the bill to add the contents of SB 413 regarding penalties for unlawful distribution of fentanyl. [Note: The Conference Committee retained this amendment.]

**House Committee on Corrections and Juvenile Justice.** In the House Committee hearing, **proponent** testimony was provided by the Johnson County District Attorney and a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association. The proponents stated the bill is needed to address the fentanyl crisis in the state and that the substance should be treated similarly to methamphetamine and heroin under the Criminal Code.

No other testimony was provided.

The House Committee amended the bill to replace a rebuttable presumption in current law with a permissive inference and to remove the bill's provisions expanding quantities of controlled substance to also include amounts of material containing any quantity of the controlled substance that would lead to a presumption of intent to distribute. [Note: The Conference Committee retained these amendments].

[Note: Provisions regarding permissive inferences are also found in HB 2385, which was passed by the House.]

*SB 413 (Penalties for Unlawful Distribution of Fentanyl by Dosage Unit)*

SB 413 was introduced by the Senate Committee on Judiciary at the request of a representative of KCDA.

**Senate Committee on Judiciary.** In the Senate Committee hearing, a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association provided **proponent** testimony regarding the need for the enhanced sentencing for distribution of fentanyl-related substances at lower quantity levels.

Written-only proponent testimony was provided by representatives of the KBI and the KCDA.

Written-only opponent testimony was provided by a representative of BIDS.

No other testimony was provided.

*SB 419 (Aggravated Endangerment of a Child)*

SB 419 was introduced by the Senate Committee on Judiciary at the request of a representative of the Office of the Attorney General (OAG).

**Senate Committee on Judiciary.** In the Senate Committee hearing, the Attorney General provided **proponent** testimony, stating that the changes in the bill are needed because of the toxicity of fentanyl and the harm to children that may result from conduct involving fentanyl-related substances. Representatives of the Johnson County Sheriff's Office, Northeast Kansas Drug Task Force, Kansas Association of Chiefs of Police, Kansas Peace Officers Association, Kansas Sheriffs Association, KCDA, and the OAG also provided proponent testimony, expressing similar concerns related to the lethality of fentanyl, especially with regard to children.

Written-only proponent testimony was provided by a representative of the KBI.

Written-only opponent testimony was provided by a representative of BIDS.

No other testimony was provided.

**House Committee on Corrections and Juvenile Justice.** In the House Committee hearing, representatives of the Johnson County Sheriff's Office; the Kansas Association of Chiefs of Police, the Kansas Peace Officers Association, and the Kansas Sheriffs Association; and the OAG provided proponent testimony. The proponents generally stated fentanyl is a lethal substance in small quantities, especially for children, and the bill would provide prosecutors the ability to charge individuals for knowingly putting children in environments where the distribution or manufacturing of fentanyl takes place.

Written-only proponent testimony was provided by the Attorney General, a representative of KBI, and the Johnson County District Attorney.

Written-only opponent testimony was submitted by a representative of BIDS.

No other testimony was provided.

*SB 420 (Crime of Breach of Privacy)*

SB 420 was introduced by the Senate Committee on Judiciary at the request of a representative of the KCDAA.

**Senate Committee on Judiciary.** In the Senate Committee hearing, the Wabaunsee County Attorney and representatives of the City of Wichita and the Wichita Police Department provided **proponent** testimony, stating the changes proposed by the bill would ensure the crime of breach of privacy may continue to be prosecuted in the event a recording device is not concealed, which is becoming increasingly common due to advances in technology.

Written-only proponent testimony was provided by a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association and a representative of the Kansas Coalition Against Sexual and Domestic Violence.

No other testimony was provided.

*HB 2654 (Computation of Sentences)*

HB 2654 was introduced by the House Committee on Corrections and Juvenile Justice at the request of a representative of the KCDAA.

**House Committee on Corrections and Juvenile Justice.** In the House Committee hearing, **proponent** testimony was provided by a representative of the KCDAA, who stated the bill was introduced to address a recent Kansas Supreme Court decision, *State v. Hopkins*, which has caused a significant disruption to sentencing decisions, and the bill would prevent duplicative credit in consecutive sentences.

Neutral testimony was provided by a private citizen, who stated concerns that the bill would not make a notable difference in recidivism and would make the sentencing process more complicated.

**Opponent** testimony was provided by a representative of the BIDS Legislative Committee, who stated its concern the bill would be contrary to other provisions of sentencing law and would not address “dead time” in a meaningful way. The opponent also stated the provisions of the bill regarding duplicative credit are already in the Kansas Administrative Regulations of the DOC.

The House Committee amended the bill to:

- State the defendant shall be entitled to have credit applied for each day spent incarcerated [*Note:* The Conference Committee retained this amendment.]; and
- Clarify that no credit is to be awarded when consecutive sentences are imposed (and credit has already been awarded), and for time spent incarcerated in another jurisdiction. [*Note:* The Conference Committee retained this amendment.]

### ***SB 318 (Fingerprinting for Municipal Convictions)***

SB 318 was introduced in the Senate Committee on Ways and Means at the request of Senator Bowers.

#### *Senate Committee on Judiciary*

In the Senate Committee hearing on January 23, 2024, a representative of the Kansas Municipal Judges Association (KMJA) provided **proponent** testimony, stating the bill would reduce the time and resources of staff needed to process fingerprints in municipal court for these nonviolent offenses.

Written-only proponent testimony was provided by two municipal court judges.

The City Attorney of Topeka provided neutral testimony stating that removing the fingerprint requirement for these offenses would mean defendants would not have to appear in court which could lead to unintended consequences.

Written-only neutral testimony was provided by a representative of the Kansas Association of Police Chiefs, Kansas Sheriffs Association, and Kansas Peace Officers Association.

No other testimony was provided.

### ***HB 2601 (Probation Conditions for Driving Under the Influence)***

HB 2601 was introduced by the House Committee on Corrections and Juvenile Justice at the request of a representative of the Kansas Association of Addiction Professionals.

#### *House Committee on Corrections and Juvenile Justice*

In the House Committee hearing, **proponent** testimony was provided by representatives of the Behavioral Health Association of Kansas, the Kansas Association of Addiction Professionals, and the Kansas Association of Court Services Officers. The proponents indicated multidisciplinary services have been provided by local organizations and that such services include treatment, counseling, peer services, and case updates. The proponents expressed their desire to implement these services statewide.

Written-only proponent testimony was provided by representatives of the DUI Victims Center of Kansas, Heartland Regional Alcohol & Drug Assessment Center, KDADS, and the Substance Abuse Center of Kansas and by a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and the Kansas Sheriffs Association.

No other testimony was provided.

## ***HB 2741 (Conditions of Supervision)***

HB 2471 was introduced by the House Committee on Corrections and Juvenile Justice at the request of DOC.

### *House Committee on Corrections and Juvenile Justice*

In the House Committee hearing, the DOC Deputy Secretary of Juvenile and Adult Community Based Services and the Director of Reno County Community Corrections provided **proponent** testimony. The proponents generally stated the bill is the result of the Kansas Criminal Justice Reform Commission's work, which took into account the Council of State Governments' recommended considerations: Is it realistic? Is it relevant? Is it research-supported?

Written-only proponent testimony was submitted by the Director of Riley County Community Corrections.

Neutral testimony was provided by a representative of the Office of Judicial Administration (OJA), and written-only neutral testimony was submitted by a representative of the Kansas Association of Court Service Officers.

No other testimony was provided.

The House Committee amended the bill to:

- Remove the requirement of OJA and DOC to collaborate on appropriate documentation relating to parole supervision [*Note*: The Conference Committee retained this amendment.];
- Further specify allowable search and seizure as a condition of supervision [*Note*: The Conference Committee retained this amendment.];
- Require a law enforcement officer to submit a written report to the corresponding parole officer within one business day of conducting a search [*Note*: The Conference Committee retained this amendment.]; and
- Make further technical amendments. [*Note*: The Conference Committee retained these amendments.]

## **Fiscal Information**

### ***SB 318 (Fingerprinting for Municipal Convictions)***

No fiscal note was available when the Senate Committee took action on SB 318.

### ***SB 414 (Penalties for Unlawful Distribution of Fentanyl by Weight)***

According to the fiscal note prepared by the Division of the Budget on SB 414, as introduced, BIDS indicates enactment of the bill would increase agency expenditures on legal counsel and support staff by an unknown amount. BIDS estimates that drug severity level 2, 3, or 4 felony cases require 57 hours of direct work by an attorney to provide constitutionally adequate representation. Based on the rates of \$83.36 per hour for public defenders and \$120 per hour for assigned counsel, each new drug severity level 2, 3, or 4 felony case brought to the agency would result in State General Fund (SGF) expenditures of \$4,752 to \$6,840. BIDS indicates that a drug severity level 1 felony case requires 99 hours of defense attorney work. Therefore, each new drug severity level 1 felony case brought to the agency would result in SGF expenditures of \$8,253 to \$11,880. BIDS indicates that it may require 1.00 new FTE attorney position and possibly require additional support staff, depending on the amount of work required by the bill.

The Kansas Sentencing Commission (KSC) estimates enactment of the bill would result in an increase of 11 adult prison beds needed by the end of FY 2025. By the end of FY 2034, 50 additional beds would be needed.

The DOC indicates enactment of the bill would result in SGF expenditures of \$42,091 in FY 2025 and \$62,447 in FY 2026 due to additional prison admissions.

The Judicial Branch indicates enactment of the bill has the potential to increase the number of cases filed in district courts. This may increase agency operating expenditures due to the additional time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. The bill has the potential to increase the collections of docket fees that are deposited in the SGF. However, the overall fiscal effect of the bill and the amount of additional docket fee collections are unknown.

The Board of Pharmacy and KBI indicate that enactment of the bill would have no fiscal effect on agency operations.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2025 Governor's Budget Report*.

The Kansas Association of Counties (KAC) indicates enactment of SB 414, as introduced, may increase operating expenditures for county law enforcement and courts. The League of Kansas Municipalities (LKM) indicates enactment the bill would have no fiscal effect on cities.

### ***SB 413 (Penalties for Unlawful Distribution of Fentanyl by Dosage Unit)***

According to the fiscal note prepared by the Division of the Budget on SB 413, as introduced, BIDS indicates enactment of the bill would increase agency expenditures on legal counsel and support staff by an unknown amount. BIDS estimates that each new drug severity level 2, 3, or 4 felony case brought to the agency would result in SGF expenditures of \$4,752 to \$6,840. BIDS indicates that each new drug severity level 1 felony case brought to the agency would result in SGF expenditures of \$8,253 to \$11,880. BIDS indicates that it may require 1.00 new FTE attorney position and possibly additional support staff depending on the amount of work required by the bill.

The KSC estimates enactment of the bill would result in an increase of four adult prison beds needed by the end of FY 2025. By the end of FY 2034, 14 additional beds would be needed.

The DOC indicates enactment of the bill would result in SGF expenditures of \$15,306 in FY 2025 and \$31,224 in FY 2026 due to additional prison admissions.

The Judicial Branch indicates enactment of the bill has the potential to increase the number of cases filed in district courts. This may increase agency operating expenditures due to the additional time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. The bill has the potential to increase the collections of docket fees that are deposited in the SGF. However, the overall fiscal effect of the bill and the amount of additional docket fee collections is unknown.

The Board of Pharmacy and KBI indicate enactment of the bill would have no fiscal effect on agency operations.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2025 Governor's Budget Report*.

The KAC indicates enactment of the bill may increase operating expenditures for county law enforcement and courts. The LKM indicates enactment of the bill would have no fiscal effect on cities.

#### ***SB 419 (Aggravated Endangerment of a Child)***

According to the fiscal note prepared by the Division of the Budget on SB 419, as introduced, BIDS indicates enactment of the bill would increase agency expenditures on legal counsel and support staff by an unknown amount. BIDS estimates that each new severity level 9 person felony case brought to the agency would result in SGF expenditures of \$2,918 to \$4,200. BIDS indicates that each severity level 6 person felony that would have previously been charged as a severity level 9 person felony would require the agency to perform 22 hours of additional case work at a cost of \$1,834 to \$2,640. BIDS indicates it may require 1.0 new FTE attorney position and possibly require additional support staff depending on the amount of work required by the bill.

The KSC estimates enactment of the bill would result in an increase of five adult prison beds needed by the end of FY 2025. By the end of FY 2034, nine additional beds would be needed.

The DOC indicates enactment of the bill would result in SGF expenditures of \$19,132 in FY 2025 and \$39,030 in FY 2026 due to additional prison admissions.

The Judicial Branch indicates enactment of the bill would have the potential to increase the number of cases filed in district courts, and subsequently increase agency operating expenditures due to the additional time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. Enactment of the bill could also require more supervision of offenders by court services officers. However, the Judicial Branch is unable to calculate an exact estimate of this effect. Enactment of the bill has the potential to increase the

collections of docket fees that are deposited in the SGF; however, the amount of additional docket fee collections is unknown.

The Department for Children and Families and the KBI indicate enactment of the bill would have no fiscal effect on either agency's operations. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2025 Governor's Budget Report*.

The KAC indicates enactment of the bill may increase operating expenditures for county law enforcement and courts. The LKM indicates enactment of the bill would have no fiscal effect on cities.

### ***SB 420 (Crime of Breach of Privacy)***

According to the fiscal note prepared by the Division of the Budget on SB 420, the KSC estimates that enactment of the bill could have an effect on prison admissions and bed space, but the effect would be minimal.

The DOC indicates that enactment of the bill would have a minimal effect on the agency, which could be absorbed within existing resources.

The Office of Judicial Administration indicates enactment of the bill could increase the number of cases filed in district courts because the bill makes it easier to prove the crime of breach of privacy. This could increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. Because this crime carries a severity level 8 person felony penalty, enactment of the bill could require more supervision of offenders by court services officers. The bill could also result in the collection of supervision fees, docket fees, and fines in cases filed under the provisions of the bill, which would mostly be deposited in the SGF. However, a precise fiscal effect cannot be determined because the number of additional cases cannot be estimated.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2025 Governor's Budget Report*.

### ***HB 2654 (Concerning Computation of Sentences)***

According to the fiscal note prepared by the Division of the Budget on HB 2654, as introduced, the DOC indicates enactment of the bill could result in increased costs if additional prison beds were needed. However, an estimate could not be determined. The Judicial Branch indicates the bill would not have an effect on expenditures. Any fiscal effect associated with enactment of the bill is not included in *The FY 2025 Governor's Budget Report*.

According to the prison bed impact statement prepared by the KSC on the bill, as introduced, the KSC indicates enactment of the bill would have no impact on prison admissions or its workload. The bill may impact prison beds needed, but the total cannot be determined.

### ***HB 2601 (Probation Conditions of Driving Under the Influence)***

According to the fiscal note prepared by the Division of the Budget on HB 2601, DOC indicates the bill would have a fiscal effect on its operations that cannot be estimated. The agency stated it has entered into a memorandum of agreement with KDADS to provide reimbursement for appropriately documented services provided to third-time misdemeanor DUI offenders. However, DOC offenders would not be covered by provisions of the bill and payment for such services likely would be provided by another agency.

KDADS indicates the bill may increase agency expenditures depending on the number of offenders requiring services, but a fiscal effect could not be estimated. The Judicial Branch indicated enactment of the bill would not have a fiscal effect on its operations.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2025 Governor's Budget Report*.

The KAC indicates enactment of the bill could increase county government expenditures on community corrections services, but a fiscal effect could not be estimated.

### ***HB 2741 (Conditions of Supervision)***

According to the fiscal note prepared by the Division of the Budget on HB 2741, as introduced, DOC estimates the bill would result in \$530 State General Fund expenditures to update the agency's data management system, and this expenditure could be accommodated within existing resources. The Judicial Branch indicates the bill has the potential to increase operating expenditures by a negligible amount.

Any fiscal effects associated with enactment of the bill are not reflected in *The FY 2025 Governor's Budget Report*.

The KAC indicates the bill has potential to increase expenditures; however, an exact estimate cannot be determined.

Crimes; sentencing; controlled substances; fentanyl; probation; post-release supervision; driving under the influence; municipal courts; fingerprinting; driver's license; vehicle

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