

February 9, 2011

The Honorable Pat Colloton, Chairperson  
House Committee on Corrections and Juvenile Justice  
Statehouse, Room 167-W  
Topeka, Kansas 66612

Dear Representative Colloton:

**SUBJECT:** Fiscal Note for HB 2151 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2151 is respectfully submitted to your committee.

HB 2151 would amend the breach of privacy crime by prohibiting the dissemination of any videotape, photograph, film or image of a person that was obtained unlawfully and with the intent to invade the person's privacy. Also, installing video equipment or disseminating unlawfully obtained images for the purposes of committing a breach of privacy offense would be person felonies under the bill. The bill would amend current law by making the dissemination of any videotape, photograph, film or image of a person that was obtained unlawfully for the purposes of committing the crime of blackmail a severity level 4, person felony.

The Kansas Sentencing Commission estimates that passage of HB 2151 would result in an increase of one adult prison bed in FY 2012 and an increase of four adult prison beds by FY 2020. Currently, the number of male inmates exceeds the available bed capacity of 8,259, and based upon the Kansas Sentencing Commission projections, it is estimated that at the end of FY 2011 and FY 2012, the number of male inmates will exceed available capacity by 235 beds and 394 beds, respectively. To address capacity issues, the Governor's recommended FY 2012 budget includes \$2.5 million for contract prison beds. If it is determined that facility construction is necessary, the Department of Corrections has identified two capacity expansion projects: two high medium security housing units at El Dorado Correctional Facility that would provide 512 beds with a construction cost of \$22,687,232 (\$44,311 per bed X 512) and operating costs of \$9,339,904 (\$18,242 per bed X 512); and one minimum security housing unit at Ellsworth Correctional Facility that would provide 100 beds with a construction cost of \$5,935,000 (\$59,350 per bed X 100) and operating costs of \$1,832,000 (\$18,320 per bed X 100).

HB 2151 has the potential for increasing litigation in the courts because of the new violations created by the bill. If it does, the Office of Judicial Administration indicates that there would be a fiscal effect on the operations of the court system. However, it is not possible to

The Honorable Pat Colloton, Chairperson

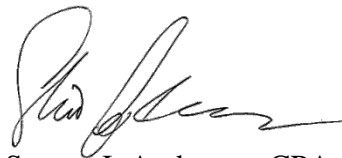
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predict the number of additional court cases that would arise or how complex and time-consuming they would be. Therefore, a precise fiscal effect cannot be determined. In any case, the fiscal effect would most likely be accommodated within the existing schedule of court cases and would not require additional resources.

The Board of Indigents Defense Services indicates that the defense costs for providing legal services to persons charged with the new offenses would be approximately \$3,000 annually. The Board estimates that it would be required to defend about three cases a year at a cost of \$1,000 per case. Any fiscal effect associated with HB 2151 is not reflected in *The FY 2012 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", with a long horizontal flourish extending to the right.

Steven J. Anderson, CPA, MBA  
Director of the Budget

cc: Brenda Harmon, Sentencing  
Jeremy Barclay, KDOC  
Mary Rinehart, Judiciary  
Pat Scalia, BIDS