

February 22, 2012

REVISED

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

Dear Representative Colloton:

SUBJECT: Revised Fiscal Note for HB 2534 by Representative O'Neal, et al.

In accordance with KSA 75-3715a, the following revised fiscal note concerning HB 2534 is respectfully submitted to your committee.

HB 2534 would create the new crime of failure to report the disappearance of a child. The new crime would be defined as the failure of a parent, legal guardian, or caretaker to report to a law enforcement officer or state investigative agency, as soon as practically possible, the disappearance of a child under the age of 13 when the parent, guardian, or caretaker knows or reasonably should know that the child has been missing for 12 hours or more. In addition, it would be a crime if the parent, guardian, or caretaker believes the child is in imminent danger of death or great bodily harm and fails to report the disappearance. Failure to report the disappearance of a child would be a severity level eight nonperson felony.

The bill would also create the new crime of failure to report the death of a child. Parents, legal guardians, and caretakers who knowingly fail to report the death of a child to a coroner could be charged with a severity level eight person felony. Failure of certain persons who are in the medical, mental health, education, child care, and public safety professions to report the death of a child to a coroner would be a class B nonperson misdemeanor.

Finally, the crime of interference with law enforcement would be expanded to include falsely reporting to law enforcement officers or state investigative agencies any information concerning the death, disappearance, or the potential death or disappearance of a child under the age of 13, knowing that the information is false and intending that the officer or agency will act upon the information. This new provision would be a severity level eight nonperson felony.

The Juvenile Justice Authority (JJA) states that any increase in the number of adjudicated youth that might enter into JJA custody and associated operating costs as a result of the bill's passage would be negligible and accommodated within existing Authority resources.

Since the original fiscal effect statement was issued, the Kansas Sentencing Commission has provided information on the effect of this bill. The Commission states that HB 2534 would

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have no effect on prison admissions and beds. The original note suggested that additional bed needs could be possible as a result of the new crimes.

HB 2534 has the potential for increasing litigation in the courts because of the new crimes and penalties 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 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. Any fiscal effect associated with HB 2534 is not reflected in *The FY 2013 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", written in a cursive style.

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

cc: Marcy Watson, JJA
Jeremy Barclay, Corrections
Mary Rinehart, Judiciary
Scott Schultz, Sentencing Commission