

March 22, 2013

The Honorable Lance Kinzer, Chairperson  
House Committee on Judiciary  
Statehouse, Room 165-W  
Topeka, Kansas 66612

Dear Representative Kinzer:

**SUBJECT:** Fiscal Note for HB 2399 by House Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2399 is respectfully submitted to your committee.

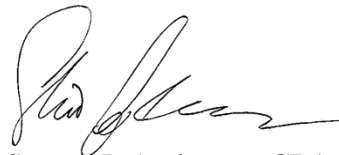
HB 2399 relates to civil action for damages from criminal acts. Any person injured in person or property by a criminal act would have a civil cause of action and could recover actual damages, punitive damages and reasonable attorneys' fees and other litigation costs.

The bill provides that the recovery of a claim for relief in a tort action would be barred if the person had been convicted of or had pled guilty to a felony or misdemeanor offense of violence arising out of criminal conduct that was a proximate cause of the injury or loss for which relief is claimed in the tort action.

An inhabitant of a property would owe no duty of care to a trespasser except to refrain from injuring the trespasser. An inhabitant would be able to use justifiable force to repel a trespasser who has the intent to commit a crime. However, an inhabitant would be liable for the physical injury or death of a child who has trespassed when injury or death resulted from a dangerous artificial condition on the land.

Enactment of HB 2399 would have no fiscal effect on the Judicial Branch.

Sincerely,



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

cc: Mary Rinehart, Judiciary