

February 14, 2020

The Honorable Fred Patton, Chairperson
House Committee on Judiciary
Statehouse, Room 519C-N
Topeka, Kansas 66612

Dear Representative Patton:

SUBJECT: Fiscal Note for HB 2546 by Representative Owens, et al.

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2546 is respectfully submitted to your committee.

HB 2546 would create the crime of sexual extortion, which would be defined as communicating by any means a threat to injure the property or reputation of a person, commit violence against a person, or distribute an image or video of a person that is of a sexual nature or depicts such a person in the state of nudity. The bill would define such communication that intends to coerce a person to engage in sexual contact, sexual intercourse or conduct that is of a sexual nature or produce, provide or distribute an image, video or other recording of a person in a state of nudity or engaging in conduct that is of a sexual nature a severity level 7, person felony. The bill would also define such communication that causes a person to engage in sexual contact, sexual intercourse or conduct that is of a sexual nature or produce, provide or distribute an image, video or other recording of a person in a state of nudity or engaging in conduct that is of a sexual nature a severity level 4, person felony. The bill would require individuals convicted of sexual extortion to register as a sexual offender.

The Office of Judicial Administration indicates enactment of HB 2546 could increase the number of cases filed in district court because it would create the new crime of sexual extortion. The Office states this could increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. Since a portion of the new crime has a penalty of probation, the Office indicates court services officers may be required to perform additional supervision. The bill could also result in the collection of docket fees, probation fees, and fines assessed in cases filed under the provision of this bill. However, a fiscal effect cannot be determined because the number of cases that would be filed cannot be estimated.

The Kansas Sentencing Commission estimates that enactment of HB 2546 could result in an increase of adult prison beds and admissions, but a fiscal effect cannot be estimated because no data exists for the crime of sexual extortion. The current estimated available bed capacity is 9,916. Based upon the Commission's most recent ten-year projection contained in its *FY 2020 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population for available capacity will be over capacity by 258 inmates in FY 2020 and 524 inmates in FY 2021. The Department would house any additional inmates over the capacity limit in a combination of county jails or out-of-state contract beds, depending on the custody level and gender of the inmate. The cost to house an inmate in a contract bed ranges from \$40 per day to \$74.76 per day. The Department also indicates that enactment of the bill could result in additional workload for the parole system, which currently has a high caseload. Any fiscal effect associated with HB 2546 is not reflected in *The FY 2021 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "L. L. Campbell", written in a cursive style.

Larry L. Campbell
Director of the Budget

cc: Scott Schultz, Sentencing Commission
Mary Rinehart, Judiciary
Randy Bowman, Corrections