

February 22, 2023

The Honorable Stephen Owens, Chairperson
House Committee on Corrections and Juvenile Justice
300 SW 10th Avenue, Room 546-S
Topeka, Kansas 66612

Dear Representative Owens:

SUBJECT: Fiscal Note for HB 2370 by Representative Osman

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2370 is respectfully submitted to your committee.

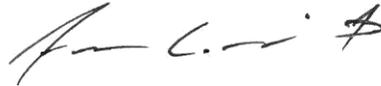
HB 2370 would add a definition of “consent” to statutes regarding sex crimes. The bill would define consent as meaning words or overt actions by an individual indicating a freely given present agreement to engage in a specific sexual activity that may be revoked at any time. Consent to a specific sexual activity does not constitute consent to a sexual activity that occurs after withdrawal of consent. The bill would specify that consent does not include the lack of verbal or physical resistance by the victim resulting from the use or threat of force, submission by the victim, or the manner of dress of the victim at the time of the offense.

The Kansas Sentencing Commission estimates that enactment of HB 2370 could have an effect on prison admissions and bed space, but that this effect cannot be determined at this time. The current estimated available bed capacity is 9,428 for males and 936 for females. Based upon the Commission’s most recent ten-year projection contained in its *FY 2023 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population will total 7,933 male and 764 female inmates in FY 2023 and 8,043 male and 740 female inmates in FY 2024. The Department of Corrections indicates that enactment of the bill would have no fiscal effect.

The Office of Judicial Administration indicates enactment of the bill could have a fiscal effect on expenditures of the Judicial branch because it could affect the number of cases filed. However, the Office states a precise fiscal effect cannot be provided until the courts have had an

opportunity to operate under the provisions of the bill. Any fiscal effect associated with HB 2370 is not reflected in *The FY 2024 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt
Director of the Budget

cc: Vicki Jacobsen, Judiciary
Scott Schultz, Sentencing Commission
Randy Bowman, Department of Corrections