

February 7, 2024

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 2656 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2656 is respectfully submitted to your committee.

HB 2656 would create the crime of engaging in a street stunt and add engaging in a street stunt to the list of crimes included in fleeing or attempting to elude a police officer. The bill would define engaging in a street stunt as operating a motor vehicle in a group of two or more vehicles while engaging in conduct that disrupts the normal flow of traffic in an intersection or roadway. For street stunts that impede the legal progress of other drivers or pedestrians in a way that would reasonably make them fear for the safety of themselves or others, the bill would establish a Class A misdemeanor penalty for the first offense and a severity level 10, person felony for subsequent offenses. For street stunts that result in damage to another person's vehicle, damage to another person's property, or injury to another person, the bill would establish penalties of a severity level 9, person felony for the first offense and a severity level 5, person felony for subsequent offenses. The bill would also classify the attempt to elude capture by police for the commission of a street stunt as a severity level 7, person felony offense.

The Board of Indigents Defense Services indicates that the bill would increase agency expenditures on legal counsel and support staff by an unknown amount. The Board estimates that on average, severity level 9 or 10, person felony cases require 35 hours of direct work by an attorney to provide constitutionally adequate representation. Based on the rates of \$83.36 per hour for public defenders and \$120 per hour for assigned counsel, each new severity level 9 or 10, person felony case brought to the agency would result in State General Fund expenditures of \$2,918 to \$4,200. The Board indicates that on average, severity level 5 or 7, person felony cases require 57 hours of defense attorney work. Therefore, each new severity level 5 or 7, person felony

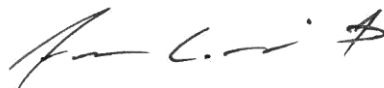
case brought to the agency would result in State General Fund expenditures of \$4,752 to \$6,840. The Board indicates that it may require 1.00 new FTE attorney position and possibly additional support staff depending on the amount of work required by the bill.

The Judiciary indicates that the bill has the potential to increase the number of cases filed in district courts. This may increase agency operating expenditures due to the additional time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. However, the Judiciary is unable to calculate an exact estimate of this effect. The bill has the potential to increase the collection of docket fees, fines, and supervision fees, which are deposited in the State General Fund; however, the amount of additional collections is unknown.

The Sentencing Commission indicates that the bill could increase prison admissions and beds by an unknown amount. The Department of Corrections indicates that the bill may increase agency operations expenditures, but an exact estimate of this effect cannot be determined. Any fiscal effect associated with HB 2656 is not reflected in *The FY 2025 Governor's Budget Report*.

The Kansas Association of Counties and the League of Kansas Municipalities indicate that the bill has the potential to increase local government expenditures on law enforcement and legal proceedings; however, an exact estimate of this effect cannot be determined.

Sincerely,

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

Adam C. Proffitt  
Director of the Budget

cc: Trisha Morrow, Judiciary  
Jennifer King, Department of Corrections  
Scott Schultz, Kansas Sentencing Commission  
Jay Hall, Kansas Association of Counties  
Wendi Stark, League of Kansas Municipalities  
Heather Cessna, Board of Indigents Defense Services