

February 13, 2023

The Honorable Kellie Warren, Chairperson
Senate Committee on Judiciary
300 SW 10th Avenue, Room 346-S
Topeka, Kansas 66612

Dear Senator Warren:

SUBJECT: Fiscal Note for SB 174 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 174 is respectfully submitted to your committee.

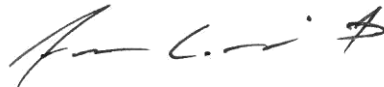
SB 174 would amend the crime of interference with law enforcement to add the act of knowingly fleeing, other than by motor vehicle, from a law enforcement officer who has reason to stop the person. The new crime would be a class A nonperson misdemeanor in the case of a misdemeanor or resulting from any authorized disposition for a misdemeanor or civil case, a severity level 7, nonperson felony in the case of a felony or resulting from parole or any authorized disposition of a felony, and a severity level 5, nonperson felony if the offender possessed a firearm while fleeing.

The Kansas Sentencing Commission estimates that enactment of SB 174 would result in an increase of one adult prison bed needed by the end of FY 2024. By the end of FY 2033, one additional bed would also be needed. 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 enactment of the bill would have a negligible fiscal effect that could be absorbed within existing resources.

The Office of Judicial Administration indicates enactment of the bill could increase the number of cases filed in district courts because it creates a new crime. This could increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. Since the crime carries misdemeanor and felony penalties, there could also be more supervision of offenders required to be performed by court services officers. The bill could also

result in the collection of supervision fees, docket fees, and fines, which would be deposited into the State General Fund. However, the Office states a precise fiscal effect cannot be determined until the Judicial Branch has had an opportunity to operate under the bill's provisions. Any fiscal effect associated with SB 174 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
Randy Bowman, Department of Corrections
Scott Schultz, Sentencing Commission