



Adam C. Proffitt, Director

Laura Kelly, Governor

January 24, 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 2488 by Representative Hoheisel

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2488 is respectfully submitted to your committee.

HB 2488 would expand the definition of assisting suicide to include intentionally advising or encouraging another person to commit or attempt suicide. Current law defines assisting suicide as a physical act in which the offender causes by force, provides the means for, or participates in a victim's suicide attempt. Under the bill, advising or encouraging suicide would be a severity level 7, person felony if it causes the victim to commit or attempt suicide. If the offender's encouragement does not cause the victim to commit or attempt suicide, the offense would be a class A person misdemeanor.

Estimated State Fiscal Effect			
	FY 2024	FY 2025	FY 2026
Expenditures			
State General Fund	--	\$123,375	\$123,375
Fee Fund(s)	--	--	--
Federal Fund	--	--	--
Total Expenditures	--	\$123,375	\$123,375
Revenues			
State General Fund	--	--	--
Fee Fund(s)	--	--	--
Federal Fund	--	--	--
Total Revenues	--	--	--
FTE Positions	--	1.00	1.00

The Board of Indigents Defense Services indicates that due to staffing shortages, any new felony cases charged under the provisions of the bill would require State General Fund expenditures of \$123,375 in both FY 2025 and FY 2026 to support 1.00 new FTE attorney position. The Board indicates that more positions may be needed depending on the number of new cases charged. To meet the constitutionally required standard of reasonably effective counsel on felony

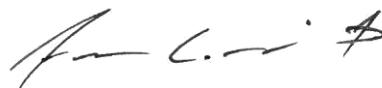
cases of this severity, agency attorneys would be required to spend an average of 57 hours per case on direct work related to the bill. The Board estimates that it would require an additional 1.00 FTE attorney position for every 21 new cases charged under the bill, assuming that each public defender has an average of 1,480 hours per year to spend on direct casework and that the average indigency rate is 84.0 percent.

The Board also indicates that for every 3.00 FTE attorney positions required to implement the bill, it would be required to hire 1.00 FTE investigator position and 1.00 FTE mental health advocate or social worker position to comply with national staffing standards. The average cost of these positions is \$86,250 and \$99,750, respectively. For every 4.00 FTE attorney positions required to implement the bill, national staffing standards require the addition of 1.00 FTE legal assistant position and 1.00 FTE administrative assistant position at an average cost of \$86,250 and \$72,750, respectively. However, the cost of these additional positions is not included in the fiscal effect estimate because the exact number of new cases that will be charged under the provisions of the bill is unknowable at this time.

The fiscal effect above is based on an estimate of increased workload that would result from the passage of this bill. Because of the difficulty of judging the effect on public defense expenditures, the fiscal effect could vary within a reasonable range from the amount shown. The assumptions used by the agency for this bill could be producing a fiscal effect at the upper end of that range.

The Judiciary indicates that by expanding the definition of a crime, the bill could increase agency operating expenditures due to a greater number of cases filed in district court. The bill could also result in the collection of additional docket fees which would be deposited in the State General Fund. However, the agency is unable to provide an exact estimate of this fiscal effect. The Sentencing Commission indicates that any effect on prison admissions, bed space, or workload of the Commission would be small. The Department of Corrections indicates that the bill may increase agency operating expenditures by a negligible amount that could be absorbed within existing resources. According to the Attorney General, enactment of the bill would not have a fiscal effect on its operations. Any fiscal effect associated with HB 2488 is not reflected in *The FY 2025 Governor's Budget Report*.

Sincerely,



Adam C. Proffitt
Director of the Budget

cc: Trisha Morrow, Judiciary
Jennifer King, Department of Corrections
Heather Cessna, Board of Indigents Defense Services
William Hendrix, Office of the Attorney General
Scott Schultz, Kansas Sentencing Commission
Paul Weisgerber, Kansas Bureau of Investigation