

February 20, 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 186 by Senator Haley

In accordance with KSA 75-3715a, the following fiscal note concerning SB 186 is respectfully submitted to your committee.

SB 186 would create the crime of deprivation of rights under color of law and would create a civil course of action for those injured by a person who committed an act in violation of the bill. The bill would define deprivation of rights under color of law as any action that knowingly subjects another person to the deprivation of any rights, privileges, or immunities secured or protected by the constitution or laws of the United States and Kansas, by causing:

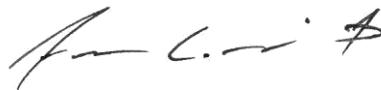
1. Bodily harm to another person, which would be class B person misdemeanor;
2. Great bodily harm or disfigurement of another person, which would be severity level 4, person felony;
3. Bodily harm to another person with a deadly weapon or in any manner where great bodily harm, disfigurement, or death can be inflicted, which would be severity level 7, person felony;
4. Physical contact with another person when done in rude, insulting, or angry manner or in any manner in which great bodily harm, disfigurement, or death can be inflicted, which would be severity level 7, person felony;
5. Mental anguish, emotional harm, embarrassment, or similar distress to another person, which would be class B person misdemeanor; or
6. Monetary loss to another person, which would be class A nonperson misdemeanor if loss is less than \$1,000, a severity level 9, nonperson felony if loss is more than \$1,000 and less than \$25,000, and a severity level 7, nonperson felony if loss \$25,000 or more.

The bill would also allow a victim of deprivation of rights under color of law to bring a civil action against individuals who committed the acts. A civil suit would have to be filed within three years after the date the violation was discovered or the conclusion of a related criminal case, whichever is later. Prevailing plaintiffs would be awarded up to three times the actual damages sustained or \$10,000, whichever is greater, plus costs including reasonable attorney fees.

The Kansas Sentencing Commission estimates that enactment of SB 186 could increase the number of prison beds and admissions, but 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 increase the number of cases filed in district courts because new crimes and allows for civil suits to be filed. This could increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. The bill could also require more supervision of offenders 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 186 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