

February 5, 2024

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 419 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 419 is respectfully submitted to your committee.

SB 419 would expand the definition of aggravated endangerment of a child to include situations involving fentanyl-related controlled substances and would increase the penalty for aggravated endangerment of a child when it results in bodily harm to the child. The bill would make it a severity level 9, person felony to cause or permit a child to be in an environment in which any person is reasonably known to be distributing or manufacturing a fentanyl-related controlled substance. The bill would establish an identical penalty for causing or permitting a child to be in an environment in which it is reasonably known that drug paraphernalia or toxic materials, compounds, or mixtures are being stored or used in an effort to manufacture a fentanyl-related controlled substance. For any instance in which the aggravated endangerment of a child results in bodily harm to the child, the bill would increase the penalty from a severity level 9, person felony to a severity level 6, person felony.

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 a severity level 9, person felony case requires 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, person felony case brought to the agency would result in State General Fund expenditures of \$2,918 to \$4,200. The Board indicates that a severity level 6, person felony case requires 57 hours of defense attorney work. Therefore, each new severity level 6, person felony case brought to the agency would result in State General Fund expenditures of \$4,752 to \$6,840. Each severity level 6, person felony that would have previously been charged as a severity level 9, person felony would require the agency to perform 22 hours of additional case work at a cost of \$1,834 to \$2,640. 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.

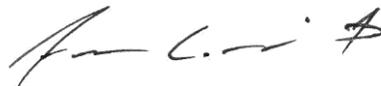
The Sentencing Commission estimates that the bill would result in an increase of five adult prison beds needed by the end of FY 2025. By the end of FY 2034, nine additional beds would be needed. The current estimated available bed capacity is 9,668 for males and 932 for females. Based upon the Commission's most recent ten-year projection contained in its *FY 2024 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population will total 8,556 male and 828 female inmates in FY 2024 and 8,847 male and 870 female inmates in FY 2025. The Department of Corrections indicates that the bill would result in State General Fund expenditures of \$19,132 in FY 2025 and \$39,030 in FY 2026 due to additional prison admissions.

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. The bill may also require more supervision of offenders by court services officers. However, the Judiciary is unable to calculate an exact estimate of this effect. The bill has the potential to increase the collections of docket fees that are deposited in the State General Fund; however, the amount of additional docket fee collections is unknown.

The Department for Children and Families and the Kansas Bureau of Investigation indicate that the bill would have no fiscal effect on agency operations. Any fiscal effect associated with SB 419 is not reflected in *The FY 2025 Governor's Budget Report*.

The Kansas Association of Counties indicates that the bill may increase operating expenditures for county law enforcement and courts. The League of Kansas Municipalities indicates that the bill would have no fiscal effect on cities.

Sincerely,



Adam C. Proffitt  
Director of the Budget

cc: Trisha Morrow, Judiciary  
Jennifer King, Department of Corrections  
Kim Holter, Department for Children & Families  
Wendi Stark, League of Kansas Municipalities  
Jay Hall, Kansas Association of Counties  
Paul Weisgerber, Kansas Bureau of Investigation  
Scott Schultz, Kansas Sentencing Commission  
Heather Cessna, Board of Indigents Defense Services