



## MEMORANDUM

**To:** Alex Feyerherm, Division of the Budget  
**From:** Scott M. Schultz, Executive Director  
**Date:** February 3, 2025  
**Re:** Prison Bed Space Impact Assessment, **HB 2183 - Including any photograph, film, video picture, digital or computer-generated image or picture that has been created, altered or modified by artificial intelligence or any digital means in the definition of a visual depiction for certain criminal offenses**

### IMPACT ASSESSMENT

- **Impact on Prison Admissions:** This bill **may increase** prison admissions, but the total cannot be determined at this time.
- **Impact on Prison Beds:** This bill **may increase** prison beds, but it cannot be determined at this time.
- **Impact on the Workload of the Commission:** This bill **may increase** the workload of the Commission, but it cannot be determined at this time.

## SUMMARY OF THE BILL

**Section 1.** K.S.A. 21-5510 is amended to include language that **sexual exploitation of a child** is possessing any visual depiction of a child under 18 years of age shown or heard engaging in sexually explicit conduct with intent to arouse or satisfy the sexual desires or appeal to the prurient interest of the offender or any other person, regardless of whether an actual child under 18 years of age was involved in the creation of the original image.

The **definition of visual depiction** is amended to include any photograph, film, video picture, digital or computer-generated image or picture that has been created, in whole or in part, altered or modified by artificial intelligence or any digital means to appear to depict or purport to depict a child engaging in sexually explicit conduct.

**Section 2.** K.S.A. 21-5611, **unlawful transmission of a visual depiction of a child**, is amended to include a similar definition of visual depiction.

**Section 3.** K.S.A. 21-6101, **breach of privacy**, is amended to include a similar definition of visual depiction.

## FINDINGS

- In **FY 2024**, there were **77** total convictions under K.S.A. 21-5510, **sexual exploitation of a child**. The following is a breakdown of convictions by severity level:
  - Severity level 3 – **16**
    - Prison – 10 (5.9%)
    - Probation – 6 (94.1%)
  - Severity level 5 – **54**
    - Prison – 24 (25.0%)
    - Probation – 30 (75.0%)
  - Severity level 7 – **7**
    - Prison – 5 (25.0%)
    - Probation – 2 (75.0%)
- In **FY 2024**, there were **2** total convictions under K.S.A. 21-5611, **unlawful transmission of a visual depiction of a child**. The following is a breakdown of convictions by severity level:
  - Severity level 9 – **2**
    - Probation – 2 (100.0%)
- In **FY 2024**, there were **14** total convictions under K.S.A. 21-6101, **breach of privacy**. The following is a breakdown of convictions by severity level:
  - Severity level 5 – **3**
    - Prison – 1 (5.9%)
    - Probation – 2 (94.1%)
  - Severity level 8 – **10**
    - Prison – 1 (25.0%)
    - Probation – 9 (75.0%)
  - Severity level 10 – **2**
    - Prison – 1 (25.0%)
    - Probation – 1 (75.0%)
- Because this bill creates a new factual circumstance for the commission of these crimes, the KSSC cannot determine the total increase in prison admissions, bed space, and workload of the Commission.

## SUMMARY

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