



February 10, 2025

The Honorable Bob Lewis, Chairperson
House Committee on Corrections and Juvenile Justice
300 SW 10th Avenue, Room 546-S
Topeka, Kansas 66612

Dear Representative Lewis:

SUBJECT: Fiscal Note for HB 2177 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2177 is respectfully submitted to your committee.

HB 2177 would increase the criminal penalties for fleeing or attempting to elude a police officer. Under current law, fleeing or attempting to elude a police officer is a Class B nonperson misdemeanor for the first offense, a Class A nonperson misdemeanor for one prior conviction, and a severity level 9, person felony for two or more prior convictions.

The bill would introduce additional penalties depending on the circumstances of the offense. If the driver fails to stop for a police road block, drives around tire deflating devices, engages in reckless driving, is involved in a motor vehicle accident, intentionally causes property damage, commits five or more moving violations, or operates a stolen motor vehicle, the violation would be classified as a severity level 9, person felony for the first offense, severity level 7, person felony for one prior conviction, and severity level 5, person felony for two or more prior convictions.

If the person drives the wrong way into an opposing lane of travel, causes an evasive maneuver by another driver, or causes a collision involving another driver, the violation would be classified as a severity level 7, person felony for the first offense, severity level 6, person felony for one prior conviction, and severity level 4, person felony for two or more prior convictions. Additionally, a fine of at least \$500 would be imposed if the driver is operating a stolen motor vehicle during the commission of the offense.

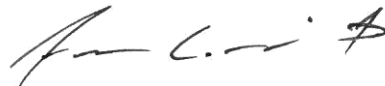
The Board of Indigents Defense Services indicates that the bill would increase agency expenditures on legal counsel and support staff by unknown amounts. The Board estimates that on average, a severity level 9, person felony case requires 35 hours of direct work by an attorney to provide constitutionally adequate representation. Based on the rates of \$83.36 per hour for public defenders and \$125 per hour for assigned counsel, each new severity level 9, person felony case that would have previously been charged as a misdemeanor would result in State General Fund expenditures of \$2,918 to \$4,375. The Board indicates that on average, a severity level 5-7, person felony case requires 57 hours of defense attorney work. Therefore, each severity level 5-7, 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 \$2,750. The Board indicates that it may require 1.00 new FTE attorney position and possibly additional support staff depending on the number of new cases brought to the agency under the provisions of the bill.

The Judiciary indicates that by increasing criminal penalties, the bill has the potential to decrease the amount of supervision required from court services officers, leading to a reduction of supervision fee revenue that is deposited in the State General Fund; however, the agency is unable to calculate a precise estimate of this effect.

The Sentencing Commission indicates that the bill has the potential to increase prison admissions and the number of prison beds needed; however, a precise estimate of this effect cannot be determined. The Department of Corrections indicates that the bill has the potential to increase agency operating expenditures depending on its effect on prison admissions and beds. Any fiscal effect associated with HB 2177 is not reflected in *The FY 2026 Governor's Budget Report*.

The Kansas Association of Counties and the League of Kansas Municipalities indicate that the bill has the potential to increase local government expenditures on legal proceedings and enforcement by unknown amounts.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adam C. Proffitt', followed by a stylized flourish.

Adam C. Proffitt
Director of the Budget

cc: Heather Cessna, Board of Indigents Defense Services
Jay Hall, Kansas Association of Counties
Wendi Stark, League of Kansas Municipalities
Trisha Morrow, Judiciary
Scott Schultz, Kansas Sentencing Commission
Jennifer King, Department of Corrections