



March 17, 2025

The Honorable Susan Humphries, Chairperson
House Committee on Judiciary
300 SW 10th Avenue, Room 582-N
Topeka, Kansas 66612

Dear Representative Humphries:

SUBJECT: Fiscal Note for HB 2404 by House Committee on Taxation

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2404 is respectfully submitted to your committee.

HB 2404 would prohibit adult sex offenders aged 18 or older, who are required to register under the Kansas Offender Registration Act due to a crime against a victim under 18 years of age, from entering onto school property or attend school activities. Violations of this provision would result in criminal penalties of a severity level 6, person felony for a first conviction, a severity level 5, person felony for a second conviction, and a severity level 3, person felony for a third or subsequent conviction. The bill would amend the Kansas Offender Registration Act to include this restriction and provide definitions for “school activity” and “school property.” The bill would take effect on July 1, 2025.

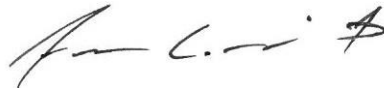
The Board of Indigents Defense Services indicates that the bill would increase agency expenditures on legal counsel and support staff by unknown amounts. The Board estimates that on average, a severity level 5 or 6, person felony case requires 57 hours of direct work by an attorney to provide constitutionally 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 5 or 6, person felony case brought to the agency would result in State General Fund expenditures of \$4,752 to \$7,125. The Board indicates that on average, a severity level 3, person felony case requires 99 hours of defense attorney work. Therefore, each new severity level 3, person felony case brought to the agency would result in State General Fund expenditures of \$8,253 to \$12,375. 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 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. However, the Judiciary is unable to calculate a precise estimate of this effect. The bill has the potential to increase the collection of docket fees which are deposited in the State General Fund; however, the amount of additional collections is unknown.

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 2404 is not reflected in *The FY 2026 Governor's Budget Report*.

The Kansas Association of Counties indicates that the bill has the potential to increase county government expenditures on legal proceedings. The League of Kansas Municipalities indicates that the bill would have no fiscal effect on cities.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam C. Proffitt", followed by a stylized dollar sign symbol.

Adam C. Proffitt
Director of the Budget

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