

February 2, 2026

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 2518 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2518 is respectfully submitted to your committee.

HB 2518 would modify the crime of breach of privacy by changing the culpable mental state from “knowingly” to “intentionally.” The bill would also increase the penalties for certain violations based on the age of the victim. If the offender is 18 years of age or older and the victim is less than 14 years of age, breach of privacy or attempt, conspiracy, or criminal solicitation to commit breach of privacy would be an off-grid person felony. If the victim is 14 years of age or older but less than 18 years of age, breach of privacy would be a severity level 5, person felony. The bill would remove the standard reduction in severity level that applies to attempt, conspiracy, and criminal solicitation when the offender is 18 years of age or older and the victim is less than 14 years of age.

Estimated State Fiscal Effect			
	FY 2026	FY 2027	FY 2028
Expenditures			
State General Fund	--	\$16,500	\$32,959
Fee Fund(s)	--	--	--
Federal Fund	--	--	--
Total Expenditures	--	\$16,500	\$32,959
Revenues			
State General Fund	--	--	--
Fee Fund(s)	--	--	--
Federal Fund	--	--	--
Total Revenues	--	--	--
FTE Positions	--	--	--

The Sentencing Commission estimates that enactment of HB 2518 would result in no change to the number of adult prison beds needed in FY 2027 and three additional beds needed in FY 2028. By the end of FY 2036, 22 additional beds would be needed. The current estimated available bed capacity is 9,924 for males and 968 for females. Based upon the Commission's most recent ten-year projection contained in its *FY 2026 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population would total 9,176 male and 924 female inmates in FY 2026 and 9,485 male and 953 female inmates in FY 2027.

The Department of Corrections estimates that enactment of the bill would increase State General Fund expenditures by \$16,459 in FY 2028. The Department indicates that the estimated cost is based on the marginal cost to house additional inmates, which represents the cost to add one inmate to the system and includes variables such as postage, incentive pay, and food service. Using the Sentencing Commission's estimate of three additional beds needed in FY 2028, the Department calculates the total cost at \$16,459. The Department notes that the inmate population is expected to exceed capacity by FY 2029 and that capacity expansion options are included in the Department's five-year capital improvements plan.

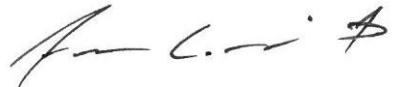
The Board of Indigents Defense Services estimates that enactment of HB 2518 would increase State General Fund expenditures by \$16,500 in both FY 2027 and FY 2028. The Board indicates that off-grid person felony cases require approximately 167 hours of defense attorney work time to meet the minimum standards of constitutionally effective representation, compared to approximately 35 hours for the current severity level 8 and level 10 felonies. The difference of 132 additional hours per case, multiplied by the assigned counsel rate of \$125 per hour, results in an estimated cost of \$16,500 per case. Between 2019 and 2023, there were 26 convictions under the relevant subsections of breach of privacy, and only 12 required appointed counsel. Based on this historical data, the Board estimates that one case per year would be charged under the bill's provisions.

The Judiciary indicates that enactment of the bill could increase the number of cases filed in district courts because it creates increased penalties for certain offenses. This could increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. The bill could also result in the collection of docket fees and fines, which would be deposited into the State General Fund. However, the agency states that any fiscal effect would be negligible and could be absorbed within existing resources. Any fiscal effect associated with HB 2518 is not reflected in *The FY 2027 Governor's Budget Report*.

The Kansas Association of Counties indicates that enactment of the bill could result in increased costs for county prosecution if more expert testimony is required regarding the mental state of defendants. The League of Kansas Municipalities indicates that enactment of the bill could

increase training costs for law enforcement officers. However, neither organization was able to provide a specific estimate of the fiscal effect on local governments.

Sincerely,



Adam C. Proffitt
Director of the Budget

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