

February 10, 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 2609 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2609 is respectfully submitted to your committee.

HB 2609 would create the Supported Decision-Making Agreements Act. The bill would allow an adult to enter into a supported decision-making agreement to receive assistance with their affairs from one or more other adults. The bill outlines requirements for entering into such agreements, including being entered into voluntarily. Decision-making agreements would be required to contain certain information, including a description of the assistance, the rights and obligations of the supporter, and how information would be shared. The bill specifies conditions that would make an agreement valid and that either party would be able to terminate the agreement at any time. The bill outlines the type of assistance that a supporter would be able to provide and states that the supporter would have a fiduciary duty to act in accordance with the agreement. Types of assistance that could be provided would include assisting with making decisions, accessing and understanding information that is relevant to manage affairs, and assisting in communicating wishes to others. The bill would authorize a supporter, with consent, to access certain health information with several limitations. The bill would require the supporter who collects information to maintain confidentiality and act in good faith. The bill would also require recognition of a decision made with assistance for purposes of a provision of law, establish limitations on civil and criminal liability, and states that an agreement could not be used as evidence of incapacitation in certain circumstances. The bill would add a violation of the Act to the crime of mistreatment of a dependent adult or elder person.

The Office of Judicial Administration indicates enactment of the bill could increase the number of cases filed in district courts because it expands the crime of mistreatment of a dependent

adult or an elder person. This would increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. Since a portion of this crime carries lower-level penalties, there could also be more supervision of offenders required to be performed by court services officers. The bill could also result in the collection of supervision and docket fees in cases filed under the provisions of the bill, which would be deposited into the Correctional Supervision Fund and the State General Fund. However, a precise fiscal effect cannot be estimated.

The Kansas Guardianship Program states that it is unknown whether enactment of the bill would require it to be responsible for implementing, tracking, or monitoring the supported decision-making agreements. The agency also indicates that it is unknown whether the agreements would be submitted to the courts and whether it will need to establish an approval process. The agency indicates that if the bill were to increase its responsibilities, additional positions would be required. However, a precise fiscal effect cannot be estimated.

The Sentencing Commission estimates that enactment of HB 2609 would result in an increase of up to two beds needed by the end of FY 2027. By the end of FY 2036, up to seven 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 will 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 indicates enactment of the bill would not have a fiscal effect on the correctional system.

The Department for Aging and Disability Services and Department for Children and Families indicate enactment of the bill would not have a fiscal effect on the agencies. Any fiscal effect associated with HB 2609 is not reflected in *The FY 2027 Governor's Budget Report*.

Sincerely,



Adam C. Proffitt
Director of the Budget

cc: Leigh Keck, Department for Aging & Disability Services
Nancy Mayberry, Kansas Guardianship Program
Kim Holter, Department for Children & Families
Trisha Morrow, Judiciary
Scott Schultz, Kansas Sentencing Commission
Jennifer King, Department of Corrections