

February 12, 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 2762 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2762 is respectfully submitted to your committee.

HB 2762 would amend the crime of unlawful sexual relations to clarify who is considered a person in a position of authority for a school. Under current law, unlawful sexual relations includes engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy with a person who is not married to the offender if the offender is a teacher or other person in a position of authority and the other person is a student age 16 or older enrolled at the school where the offender is employed. The bill would expand this provision to apply to any teacher or other person in a position of authority for a school, rather than limiting it to the school where the offender is employed. The bill would define “person in a position of authority for a school” to include any person who is not a student enrolled at the school, is delegated authority by the school to interact with students, and is a volunteer for the school, designated or assigned to provide services for the school, or a contractor or employee of a contractor under contract to provide services for the school. The bill would also add a definition of “school” as any public or private school offering any of the grades kindergarten through 12. The bill would not change the existing penalty for the offense, which is a severity level 5, person felony. The bill would also reorganize the definitions section and make other stylistic changes.

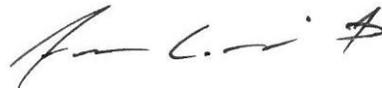
The Sentencing Commission estimates that enactment of HB 2762 would have no effect on prison admissions or the number of prison beds needed. The current estimated available bed capacity is 9,924 for males and 968 for females. Based upon the Commission’s most recent ten-year projection contained in its *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 and the Board of Indigents Defense Services indicate that enactment of the bill would have no fiscal effect on agency operations. The Judiciary indicates that enactment of the bill would have a negligible fiscal effect on the expenditures and revenues of the Judiciary and that any fiscal effect resulting from the bill's enactment could be absorbed within existing resources.

The Kansas Association of Counties indicates that enactment of the bill has the potential to increase county government expenditures on the investigation and prosecution of unlawful sexual relations; however, a precise fiscal effect could not be determined. The Division of the Budget has not received a response to the request for fiscal information on HB 2762. If the League of Kansas Municipalities indicates that enactment of the bill would have a significant fiscal effect on city governments a revised fiscal note will be issued.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam C. Proffitt", with a stylized flourish at the end.

Adam C. Proffitt
Director of the Budget

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