

February 25, 2025

The Honorable Kellie Warren, Chairperson
Senate Committee on Judiciary
300 SW 10th Avenue, Room 346-S
Topeka, Kansas 66612

Dear Senator Warren:

SUBJECT: Fiscal Note for SB 96 by Senator Haley

In accordance with KSA 75-3715a, the following fiscal note concerning SB 96 is respectfully submitted to your committee.

SB 96 would create the crime of deprivation of rights under color of law, which would apply when a person, under the color of law, knowingly subjects another person to the deprivation of their rights, privileges, or immunities secured by the U.S. Constitution or Kansas law. This would include causing bodily harm, great bodily harm, mental anguish, emotional harm, or monetary loss to another person.

The bill would classify offenses of deprivation of rights under color of law based on the severity of harm caused. Deprivation that results in bodily harm or mental anguish would be classified as a Class B person misdemeanor. Deprivation causing great bodily harm would be classified as a severity level 4, person felony. If the deprivation involves bodily harm with a deadly weapon or similar means, the offense would be classified as a severity level 7, person felony. For monetary loss, the offense would be classified as a severity level 9, nonperson felony for losses between \$1,000 and \$25,000, and a severity level 7, nonperson felony for losses over \$25,000.

The bill would also authorize a civil cause of action for victims, allowing them to seek restitution for damages, including attorney fees. A prevailing plaintiff would be entitled to recover three times the actual damages or \$10,000, whichever is greater. 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

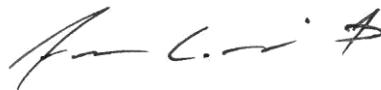
on average, a severity level 9, person felony case requires 35 hours of direct work by an attorney to provide constitutionally adequate representation. Based on the rates of \$83.36 per hour for public defenders and \$125 per hour for assigned counsel, each new severity level 9, person felony case brought to the agency would result in State General Fund expenditures of \$2,918 to \$4,375. The Board indicates that on average, a severity level 4-7, person felony case requires 57 hours of defense attorney work. Therefore, each new severity level 4-7, person felony case brought to the agency would result in State General Fund expenditures of \$4,752 to \$7,125. 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 Sentencing Commission indicates that the bill has the potential to increase prison admissions and the number of prison beds by a negligible amount. The Department of Corrections indicates that the bill could increase agency operating expenditures by a negligible amount, which would be accommodated within existing resources.

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. Any fiscal effect associated with SB 96 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 by unknown amounts.

Sincerely,



Adam C. Proffitt
Director of the Budget

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