

February 14, 2011

The Honorable Pat Colloton, Chairperson  
House Committee on Corrections and Juvenile Justice  
Statehouse, Room 167-W  
Topeka, Kansas 66612

Dear Representative Colloton:

**SUBJECT:** Fiscal Note for HB 2152 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2152 is respectfully submitted to your committee.

HB 2152 would place the crime of operating a vessel under the influence of alcohol or drugs under the Kansas Criminal Code. Under existing law, the provisions are under the body of laws that govern wildlife, parks and recreation. Penalties for operating a vessel under the influence of alcohol or drugs would also be increased. A first conviction of refusing to submit to a drug or alcohol test would constitute a class B misdemeanor. Upon a second conviction of refusing to submit to a test, an offender would be charged with a class A misdemeanor, which would include imprisonment for a minimum of 90 days.

The Kansas Association of Counties indicates that passage of HB 2152 could result in an increase in offenders who are remitted to county jails as a result of the increased penalties; however, because it is not known how many offenders would be sentenced to jail, a precise fiscal effect cannot be determined. According to the Department of Wildlife and Parks, enactment of the bill would have no fiscal effect on agency operations.

Sincerely,



Steven J. Anderson, CPA, MBA  
Director of the Budget

cc: Dick Koerth, W&P  
Mary Rinehart, Judiciary  
Melissa Wangemann, KS Association of Counties