

February 22, 2012

REVISED

The Honorable Lance Kinzer, Chairperson
House Committee on Judiciary
Statehouse, Room 165-W
Topeka, Kansas 66612

Dear Representative Kinzer:

SUBJECT: Revised Fiscal Note for HB 2533 by Representative O'Neal, et al.

In accordance with KSA 75-3715a, the following revised fiscal note concerning HB 2533 is respectfully submitted to your committee.

HB 2533 would create the new crimes of failure to report child abuse and failure to report sexual abuse of a child. Certain persons who knowingly fail to report any suspected physical, mental, or emotional abuse or neglect of a child could be charged with failure to report abuse, which would be a class B misdemeanor. Failure to report sexual abuse by certain persons would be a severity level 10 nonperson felony.

The bill would also expand the list of individuals who are required to promptly report abuse by adding the following persons:

1. Employees or administrators of public or private educational institutions including elementary schools, secondary schools, technical colleges, community colleges, municipal universities, and universities;
2. Persons licensed by the Department of Social and Rehabilitative Services to provide foster family placements;
3. Employees or volunteers of any organization that provides recreational services to children;
4. Church employees or volunteers; and
5. State employees who work in positions of authority over minors in official capacities.

The bill would also increase the penalty for intentionally preventing or interfering with the making of a report from a class B misdemeanor to a severity level eight nonperson felony.

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Since the original fiscal effect statement was issued, the Kansas Sentencing Commission has provided information on the effect of this bill. The Commission has concluded that HB 2533 would have no effect on prison admissions and beds. The original note suggested that additional bed needs could be possible as a result of the new crimes.

The Board of Regents and the Department of Education indicate that there would be no fiscal effect, respectively, for universities and schools.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", written in a cursive style.

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

cc: Jackie Aubert, SRS
Scott Schultz, Sentencing Commission
Mary Rinehart, Judiciary
Jeremy Barclay, Corrections
Dale Dennis, Education
Kelly Oliver, Board of Regents