

March 10, 2021

The Honorable John Barker, Chairperson
House Committee on Federal and State Affairs
Statehouse, Room 285A-N
Topeka, Kansas 66612

Dear Representative Barker:

SUBJECT: Fiscal Note for HB 2403 by House Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2403 is respectfully submitted to your committee.

HB 2403 would establish the Community Defense Act to regulate sexually oriented businesses. The bill would prohibit the establishment of a sexually oriented business within 1,000 feet of any pre-existing accredited public or private elementary school, house of worship, state-licensed day care facility, public library, public park, residence, or other sexually oriented business. This provision would not apply to any sexually oriented business lawfully established before the effective date of this act. HB 2403 would prohibit the establishment of a sexually oriented business if a person with an influential interest in the sexually oriented business has been convicted of a specified criminal activity.

The bill would prohibit a person from appearing nude in a sexually oriented business. An employee of a sexually oriented business could appear semi-nude only on a fixed stage at least 18 inches from the floor and at least six feet from all patrons in a room of at least 600 square feet. The semi-nude employee would be prohibited from touching a patron or the patron's clothing. HB 2403 would impose certain space, configuration, and monitoring restrictions on a sexually oriented business that shows film or other video reproduction of specified sexual activities or specified anatomical areas.

HB 2403 would require a sexually oriented business to remain closed between midnight and 6:00 a.m., prohibit anyone under the age of 18 from being on the premises, and prohibit the sale, use, or consumption of alcoholic beverages on the premises.

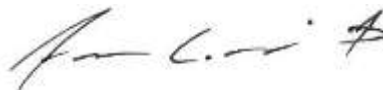
A violation or refusal to comply with these provisions would constitute a class C misdemeanor. Each day that a violation occurs and each separate occurrence would be a separate offense. Finally, the bill would label habitual violations of any law regulating sexually oriented businesses as common nuisances.

The Office of Judicial Administration states that enactment of HB 2403 could increase the number of cases filed in district court because the bill's provisions would create new violations concerning sexually oriented businesses, which could result in more time spent by court employees and judges processing and hearing cases. According to the Office, a fiscal effect cannot be estimated until the Judicial Branch has had an opportunity to operate under the bill's provisions. The Office also indicates enactment of the bill could result in the collection of additional docket fees, supervision fees, and fines in those cases filed under the bill's provisions.

The Kansas Sentencing Commission states enactment of the bill would not have an effect on prison admission or bed space. Any fiscal effect associated with HB 2403 is not reflected in *The FY 2022 Governor's Budget Report*.

The League of Kansas Municipalities states that if the bill is enacted, there would be a negligible fiscal effect to cities. The Kansas Associations of Counties states that enactment of the bill could result in added costs related to enforcing the new law, but the amount cannot be determined at this time.

Sincerely,



Adam Proffitt
Director of the Budget

cc: Wendi Stark, League of Municipalities
Jay Hall, Association of Counties
Debbie Thomas, Judiciary
Scott Schultz, Sentencing Commission
Randy Bowman, Corrections