

March 4, 2024

The Honorable Will Carpenter, Chairperson  
House Committee on Federal and State Affairs  
300 SW 10th Avenue, Room 346-S  
Topeka, Kansas 66612

Dear Representative Carpenter:

**SUBJECT:** Fiscal Note for HB 2813 by House Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2813 is respectfully submitted to your committee.

HB 2813 would create the crime of coercion to obtain an abortion. The crime would be defined as engaging in coercion with knowledge that a woman is pregnant and with the intent to compel the woman to obtain an abortion when she has expressed a desire to not obtain an abortion. The bill would classify this offense as a person felony, carrying a 30-day minimum sentence of imprisonment and a fine of \$500 to \$5,000. The bill would specify that if the adult father of the unborn child is the one committing coercion to obtain an abortion, the offense would carry a minimum sentence of 90 days to one year of imprisonment and a fine of \$1,000 to \$10,000. The bill would provide definitions for coercion, abortion, and unborn child.

The bill would also increase the penalties for certain crimes if they were committed to coerce a woman to obtain an abortion. These crimes would include kidnapping, interference with parental custody, criminal restraint, assault, battery, domestic battery, criminal threat, human trafficking, stalking, blackmail, endangerment, rape, criminal sodomy, sexual battery, indecent liberties with a child, unlawful voluntary sexual relations, indecent solicitation of a child, electronic solicitation, sexual exploitation of a child, sexual extortion, endangerment of a child, abuse of a child, incest, and abandonment of a child. The bill would increase the penalty for these offenses by one severity level if the original offense was classified as severity level 2 through 10. For severity level 1 offenses committed to coerce a woman to obtain an abortion, the bill would establish a sentence of imprisonment for life with no eligibility for parole or a reduced sentence within the first 25 years of imprisonment. For these cases in which the offender is subject to presumptive imprisonment with a sentencing range of more than 25 years, the duration of ineligibility for parole or good time credits would be equal to the sentence established in sentencing guidelines.

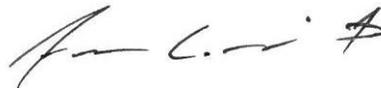
The Board of Indigents Defense Services indicates that the bill would increase agency expenditures on legal counsel and support staff by unknown amounts. The Board estimates that on average, low-level person felony cases require 35 hours of direct work by an attorney to provide constitutionally adequate representation. Based on the rates of \$83.36 per hour for public defenders and \$120 per hour for assigned counsel, each new low-level person felony case brought to the agency would result in State General Fund expenditures of \$2,918 to \$4,200. The Board indicates that mid-level felonies require 57 hours of attorney case work, while high-level felonies require 99 hours of attorney case work. Therefore, each low-level felony that is upgraded to a mid-level felony would require the agency to perform 22 hours of additional work at a cost of \$1,834 to \$2,640. Each mid-level felony that is upgraded to a high-level felony would require 42 hours of additional work at a cost of \$3,501 to \$5,040.

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 an exact estimate of this effect. The bill has the potential to increase the collection of docket fees and fines, which are deposited in the State General Fund; however, the amount of additional collections is unknown.

The Sentencing Commission indicates that the bill has the potential to increase prison admissions and beds by a negligible amount. The Department of Corrections indicates that the bill may increase agency operating expenditures by a negligible amount that could be accommodated within existing resources. Any fiscal effect associated with HB 2813 is not reflected in *The FY 2025 Governor's Budget Report*.

The Kansas Association of Counties indicates that the bill has the potential to increase operating expenditures for county jails. The League of Kansas Municipalities did not provide an estimate of the bill's fiscal effect on cities.

Sincerely,



Adam C. Proffitt  
Director of the Budget

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