

February 10, 2023

The Honorable Stephen Owens, Chairperson
House Committee on Corrections and Juvenile Justice
300 SW 10th Avenue, Room 546-S
Topeka, Kansas 66612

Dear Representative Owens:

SUBJECT: Fiscal Note for HB 2186 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2186 is respectfully submitted to your committee.

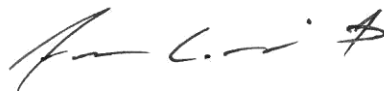
HB 2186 would modify the age limits for the crime of unlawful voluntary sexual relations. Under current law, unlawful voluntary sexual relations is defined as engaging in certain acts with a child who is ten or more years old but less than 16. The bill would shorten the age range to ten or more years old but less than 14. The bill would make unlawful voluntary sexual relations a class A person misdemeanor if the child is 13 or more years old, but less than 19 years of age and the offender and child are less than 48 months apart. The bill would make unlawful voluntary sexual relations a severity level 9, person felony if the offender and child are at least 24 months but less than 48 months apart in age and the offender is 13 or more years of age. Finally, the bill would change the definition of “offender” as it relates to the Kansas Offender Registration Act to not include those convicted of unlawful voluntary sexual relations or adjudicated as a juvenile offender for an act that would constitute unlawful voluntary sexual relations.

The Office of Judicial Administration indicates enactment of the bill could increase the number of cases filed in district courts because it modifies who can commit crimes. This would increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. The bill could also result in the collection of docket fees in cases filed under the provisions of the bill, which would be deposited in the State General Fund. However, a precise fiscal effect cannot be estimated because the number of additional cases is unknown.

The Sentencing Commission indicates enactment of the bill would reduce the number of prison beds needed, but that the effect would be negligible.

The Department of Corrections states that no youth have been sentenced to the Kansas Juvenile Correctional Complex for unlawful voluntary sexual relations in the past two years and that enactment of the bill would have no fiscal effect on the agency. Any fiscal effect associated with HB 2186 is not reflected in *The FY 2024 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt
Director of the Budget

cc: Randy Bowman, Department of Corrections
Vicki Jacobsen, Judiciary
Scott Schultz, Sentencing Commission