

February 13, 2024

The Honorable Kellie Warren, Chairperson  
Senate Committee on Judiciary  
300 SW 10th Avenue, Room 346-S  
Topeka, Kansas 66612

Dear Senator Warren:

**SUBJECT:** Fiscal Note for SB 420 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 420 is respectfully submitted to your committee.

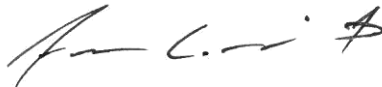
SB 420 would eliminate the element of concealment from the crime of breach of privacy related to installing or using a device to photograph or record a person under or through their clothing, or a person who is nude or in a state of undress.

The Kansas Sentencing Commission estimates that enactment of SB 420 could have an effect on prison admissions and bed space, but that the effect would be minimal. The current estimated available bed capacity is 9,668 for males and 932 for females. Based upon the Commission's most recent ten-year projection contained in its *FY 2024 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population will total 8,556 male and 828 female inmates in FY 2024 and 8,847 male and 870 female inmates in FY 2025. The Department of Corrections indicates that enactment of the bill would have a minimal effect on the agency that could be absorbed within existing resources.

The Office of Judicial Administration indicates enactment of the bill could increase the number of cases filed in district courts because the bill makes it easier to prove the crime of breach of privacy. This could increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. Since this crime carries a severity level 8, person felony penalty, enactment of the bill could require more supervision of offenders by court services officers. The bill could also result in the collection of supervision fees, docket fees, and fines in cases filed under the provisions of the bill, which would mostly be deposited in the State General

Fund. However, a precise fiscal effect cannot be determined because the number of additional cases cannot be estimated. Any fiscal effect associated with SB 420 is not reflected in *The FY 2025 Governor's Budget Report*.

Sincerely,

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

Adam C. Proffitt  
Director of the Budget

cc: Trisha Morrow, Judiciary  
Jennifer King, Department of Corrections  
Scott Schultz, Kansas Sentencing Commission