

February 18, 2015

The Honorable John Rubin, Chairperson
House Committee on Corrections and Juvenile Justice
Statehouse, Room 151-S
Topeka, Kansas 66612

Dear Representative Rubin:

SUBJECT: Fiscal Note for HB 2313 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2313 is respectfully submitted to your committee.

HB 2313 would create the new crimes of assault of a health care provider and aggravated assault of a health care provider when committed against the provider while performing his or her duties. Assault of a health care provider would be a class A, person misdemeanor and aggravated assault of a health care provider would be a severity level six, person felony.

The bill would also create the crime of battery against a health care provider, which would be a class A, person misdemeanor. However, battery of a health care provider when knowingly causing physical contact with another person when done in a rude, insulting or angry manner, or by intentionally causing human bodily fluid to make physical contact with a health care provider would be a severity level seven, person felony. Aggravated battery of a health care provider that causes great bodily harm or disfigurement would be a severity level three, person felony. Aggravated battery of a health care provider when the offender knowingly causes harm with a deadly weapon or causes great bodily harm, disfigurement or death; or knowingly causes physical contact in a rude, insulting, or angry manner with a deadly weapon would be a severity level four, person felony. Aggravated battery by intentionally causing human bodily fluid that is infected with HIV, Hepatitis B, or Hepatitis C to make contact with a health care provider would be a severity level four, person felony.

The penalties for unlawful interference with a firefighter and unlawful interference with an emergency medical services attendant would be increased from a class B, person misdemeanor to a class A, person misdemeanor. The bill would create the new crime of unlawful interference with a health care provider, which would be a class A, person misdemeanor.

According to the Kansas Sentencing Commission, passage of HB 2313 would result in an increase of five to 15 adult prison beds needed in FY 2016 and an increase of 8 to 24 adult prison beds needed in FY 2017. By FY 2025, it is estimated that 11 to 33 additional prison beds would be needed. As of January 12, 2015, the available bed capacity is 9,636. Based upon the Commission's most recent ten-year projection contained in its *FY 2015 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population will exceed available male capacity by 85 inmates in FY 2015, 109 inmates in FY 2016, and 162 inmates in FY 2017. The Department of Corrections intends to manage this bed shortfall by housing inmates in contract beds until additional capacity can be constructed. HB 2313 would add to those contract costs. Based on a contract rate of \$40 per day, it may cost the Department an additional \$73,000 to \$219,000 in FY 2016 and \$116,800 to \$350,400 in FY 2017 for contract beds. Future construction costs would depend upon the security level of the beds to be constructed and when construction is actually undertaken. Absent the passage of any other legislation, increases in the female population and the minimum security male population can be absorbed within existing resources. Likewise, any further prison commitments that result in additional parolees could require additional staff and resources so that the parolees could be effectively supervised.

The Office of Judicial Administration indicates that the bill would not result in a large number of new filings. However, because the bill includes elevated penalties for the specific crimes, it is possible that more trials and appeals could occur. This would require judicial and non-judicial staff to spend more time processing, researching and hearing cases. It is not possible to predict how complex and time-consuming the trials and appeals would be. Therefore, a precise fiscal effect on the Judicial Branch cannot be determined.

The Kansas Sentencing Commission notes that the bill would increase the journal entry workload of the agency but no additional resources would be needed. Any fiscal effect associated with HB 2313 is not reflected in *The FY 2016 Governor's Budget Report*.

Sincerely,



Shawn Sullivan,
Director of the Budget

cc: Scott Schultz, Sentencing Commission
Mary Rinehart, Judiciary