

February 18, 2015

The Honorable Gregory Smith, Chairperson
Senate Committee on Corrections and Juvenile Justice
Statehouse, Room 441-E
Topeka, Kansas 66612

Dear Senator Smith:

SUBJECT: Fiscal Note for SB 214 by Senate Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning SB 214 is respectfully submitted to your committee.

SB 214 would allow victims of human trafficking to pursue a civil action against their traffickers. At the victim's request, the Attorney General may pursue cases on behalf of any Kansas victims and all damages obtained must go to the victim, however, the Attorney General may seek reasonable attorney fees and costs.

Courts must order offenders who are convicted of human trafficking or commercial sexual exploitation of a child to pay restitution to the victim. If the victim does not claim the restitution within five years after the entry of the order, the restitution would be paid to the Human Trafficking Victims Assistance Fund. The bill would also add aggravated human trafficking to the definition of sexual abuse as defined in the statutes relating to the Kansas Code for Care of Children.

Estimated State Fiscal Effect				
	FY 2015 SGF	FY 2015 All Funds	FY 2016 SGF	FY 2016 All Funds
Revenue	--	--	--	--
Expenditure	--	--	\$206,795	\$282,816
FTE Pos.	--	--	--	--

The Department for Children and Families indicates that SB 214 would result in additional intakes by the Kansas Protection Report Center (PRC) and cases assigned for investigation. The increase in the number of calls to the PRC is estimated to be small and could

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be handled by current staffing levels. PRC staff may require additional training related to the provisions of the bill but those training costs could be absorbed within current resources. However, any increases to the number of reports would likely result in additional removals from homes. While the number of removals is difficult to accurately predict, the Department estimates that an average of 16 additional Out-of-Home (OOH) placements could occur in FY 2016. With an annual cost of \$17,676 per OOH placement, it is estimated that SB 214 could require additional expenditures of \$282,816 in FY 2016 (16 placements X \$17,676), which would include \$206,795 from the State General Fund and \$76,021 from federal funds. For FY 2017, the bill could result in an average of 45 additional OOH placements for a total cost of \$795,420 including \$581,611 from the State General Fund and \$213,809 from federal funds.

The Office of the Attorney General reports that the bill could increase revenues to the Human Trafficking Victims Assistance Fund from the provision that allows restitution to be paid to the fund if the victim does not claim it within five years. However, the amount of additional revenue that would be generated is unknown. Any fiscal effect associated with SB 214 is not reflected in *The FY 2016 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

cc: Scott Schultz, Sentencing Commission
Mary Rinehart, Judiciary
Willie Prescott, Attorney General's Office
Jeremy Barclay, DOC