

January 17, 2018

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

Dear Representative Jennings:

SUBJECT: Fiscal Note for HB 2439 by Representative Jennings, et al.

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2439 is respectfully submitted to your committee.

HB 2439 would amend the definition of involuntary manslaughter to include the killing of a human being committed in the commission of, or attempt to commit, or flight from driving under the influence of alcohol or drugs while:

1. In violation of any restriction imposed on such person's driving privileges for driving under the influence of alcohol or drugs;
2. The person's driving privileges are suspended or revoked for driving under the influence of alcohol or drugs; or
3. The person has been deemed a habitual violator as defined in KSA 8-285, including at least one violation of driving under the influence of alcohol or drugs, or violating any city ordinance in this state, any county resolution in this state or any law of another state, which ordinance, resolution or law declares to be unlawful.

Any violation of HB 2439 would be a severity level 4, person felony.

The Kansas Sentencing Commission indicates that enactment of HB 2439 would have no impact on adult prison beds in FY 2019, but an additional three to 12 beds would be needed by FY 2028. The Department of Corrections estimates the three to 12 beds could increase expenditures

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for contract jail beds in FY 2028 by \$10,983 to \$43,931 from the State General Fund. The Office of Judicial Administration indicates that HB 2439 would increase court filings for the crime of involuntary manslaughter, but a precise estimate of expenditures and docket fee revenues that the courts may incur from those filings is unknown. Any fiscal effect associated with HB 2439 is not reflected in *The FY 2019 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: Linda Kelly, Corrections  
Scott Schultz, Sentencing Commission  
Ashley Michaelis, Judiciary  
Lynn Robinson, Department of Revenue  
Chardae Caine, League of Municipalities  
Melissa Wangemann, Association of Counties