

February 13, 2013

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 2161 by Representative Hildabrand, et al.

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2161 is respectfully submitted to your committee.

HB 2161 would create the new crime of unlawful denial of due process as it relates to the National Defense Authorization Act. Unlawful denial of due process would include knowingly attempting, conducting or assisting the following:

1. Indefinite detention of a person apprehended within the United States without charge or trial;
2. Prosecution of a person apprehended within the United States by a military tribunal; or
3. Transfer of a person apprehended within the United States to any foreign jurisdiction pursuant to a prosecution brought by the United States.

Violation of the new law would be a class A nonperson misdemeanor. The provisions of the bill would not apply to the court martial of any member of the United States military. Also, it would not be a defense that the person was acting under the authority of the National Defense Authorization Act or any other law of the State of Kansas or the United States. Any person who violates the bill may also be prosecuted for, convicted of, and punished for kidnapping or aggravated kidnapping.

According to the Office of Judicial Administration, HB 2161 has the potential for increasing the number of cases relating to unlawful denial of due process filed in district and appellate courts. This would increase the time spent by district court and appellate court judicial and non-judicial personnel in processing, researching, and hearing cases. Likewise, the additional cases could also result in the collection of added revenue from docket fees and penalties. However, it is not possible to predict the number of additional court cases that would

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arise or how complex and time-consuming they would be. Therefore, a precise fiscal effect cannot be determined. In any case, the fiscal effect would most likely be accommodated within the existing schedule of court cases and would not require additional resources. Any fiscal effect associated with HB 2161 is not reflected in *The FY 2014 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", written in a cursive style.

Steven J. Anderson, CPA, MBA  
Director of the Budget

cc: Mary Rinehart, Judiciary  
Scott Schultz, Sentencing Commission  
Jeremy Barclay, KDOC  
Pat Scalia, BIDS