

February 20, 2023

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 183 by Senator Haley

In accordance with KSA 75-3715a, the following fiscal note concerning SB 183 is respectfully submitted to your committee.

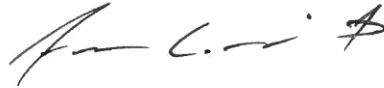
SB 183 would amend the definition of “criminal discharge of a firearm” to include the discharge of a firearm at a motor vehicle, regardless of whether the person discharging the firearm knows or has reason to know that there is a human being present. If bodily harm to a person results from the discharge of a firearm, the crime would be classified as a severity level 5, person felony. If a person was present in a dwelling, building, structure, or motor vehicle at which the offender discharged a firearm, the penalty would be presumptive imprisonment, and in addition to the sentence imposed under sentencing guidelines, an offender must be sentenced to an additional 60 months of imprisonment. If a person less than 14 years of age was present in a dwelling, building, structure, or motor vehicle, an additional 120 months of imprisonment would be added to any sentence imposed under sentencing guidelines. The bill would require additional sentences to run consecutively to any other term of imprisonment imposed and would not be considered a departure from the sentencing guidelines and would not be subject to appeal.

The Kansas Sentencing Commission estimates that enactment of SB 183 would result in an increase of eight adult prison beds needed by the end of FY 2024. By the end of FY 2033, 128 additional beds would be needed. The current estimated available bed capacity is 9,428 for males and 936 for females. Based upon the Commission’s most recent ten-year projection contained in its *FY 2023 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population will total 7,933 male and 764 female inmates in FY 2023 and 8,043 male and 740 female inmates in FY 2024.

The Department of Corrections states that enactment of the bill would have a negligible impact on current operations that could be absorbed within existing resources. The Department notes that marginal costs such as food, clothing, and supplies for each resident total \$9.52 per day per resident.

The Office of Judicial Administration indicates enactment of the bill would have a negligible fiscal effect on the Judicial Branch that could be absorbed within existing resources. Any fiscal effect associated with SB 183 is not reflected in *The FY 2024 Governor's Budget Report*.

Sincerely,

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

Adam Proffitt
Director of the Budget

cc: Vicki Jacobsen, Judiciary
Randy Bowman, Department of Corrections
Scott Schultz, Sentencing Commission