

March 7, 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 289 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 289 is respectfully submitted to your committee.

Under current law, people who are sentenced to imprisonment for an off-grid offense, life without the possibility of parole, or death are prohibited from being released due to functional incapacitation or a terminal medical condition. SB 289 would remove this restriction and allow people imprisoned for an off-grid offense or sentenced to life without parole or death to be eligible for release if functionally incapacitated or terminally ill.

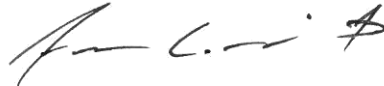
In addition, under current law the Secretary of Corrections, upon the approval of the Prisoner Review Board, may release an inmate residing in a Kansas correctional facility if a doctor licensed to practice medicine and surgery in Kansas determines that the person has a medical condition that is likely to cause death within 30 days. If the person does not die within 30 days, the released inmate is subject to revocation. SB 289 would increase the number of days a doctor must deem an inmate likely to die or be subject to revocation to 180 days.

Based upon a review of medical cases of inmates currently incarcerated, the Department of Corrections estimates that approximately ten people per year could be eligible for consideration for terminal medical release if the period was extended to 180 days. For comparison, from FY 2016 to FY 2022 the Department received approximately one application per year under the 30-day period and granted one application in 2016 and one in 2020, both for terminal medical release. The Department indicates it could absorb any increases in workload within existing resources.

The Honorable Kellie Warren, Chairperson  
Page 2—SB 289

Any fiscal effect associated with SB 289 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: Randy Bowman, Department of Corrections