

March 18, 2019

CORRECTED

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

Dear Representative Jennings:

SUBJECT: Corrected Fiscal Note for HB 2396 by House Committee on Appropriations

In accordance with KSA 75-3715a, the following corrected fiscal note concerning HB 2396 is respectfully submitted to your committee.

HB 2396 would expand the 2003 SB 123 Substance Abuse Treatment Program by allowing the court ordered placement of offenders who have been convicted of a felony violation of drug severity level four crime of unlawful cultivation or distribution of controlled substances in certified drug abuse treatment programs.

The Kansas Sentencing Commission estimates enactment of HB 2396 would increase annual expenditures for substance abuse treatment from the State General Fund by a minimum of \$1.1 million for 284 offenders beginning in FY 2020. The estimate assumes 30.0 percent (or 23 prison beds) of drug severity level four offenders sentenced to prison and 70.0 percent sentenced to probation would be sentenced to drug treatment. However, the Commission estimates the bill could increase annual expenditures for substance abuse treatment from the State General Fund by up to \$1.4 million for 365 offenders beginning in FY 2020 assuming 80.0 percent (or 62 beds) of drug severity level four offenders sentenced to prison and 90.0 percent sentenced to probation were sentenced to drug treatment.

The Department of Corrections estimates a reduction of 23 prison beds would avoid costs of approximately \$41,676 and a reduction of 62 prison beds would avoid costs of approximately \$112,344 in FY 2020. By FY 2029, a 30.0 percent reduction in prison beds would avoid costs of \$65,232 and an 80.0 percent reduction in prison beds would avoid costs of \$179,388.

The Office of Judicial Administration indicates enactment of HB 2396 would increase Judicial Branch expenditures from additional court time needed to determine and set forth with particularity the reasons for finding that public safety would not be jeopardized by placing the

offender in a drug abuse treatment program, but a precise fiscal effect cannot be estimated. It was originally reported that funding for HB 2396 is not included in the Governor's budget recommendation. However, the Kansas Sentencing Commission has since clarified that this bill does not further expand the 2003 SB 123 Substance Abuse Treatment Program. HB 2396 merely makes technical corrections to legislation that was enacted during the 2018 Legislative Session. The fiscal effect associated with HB 2396 is currently reflected in *The FY 2020 Governor's Budget Report*.

Sincerely,

A handwritten signature in cursive script that reads "L. L. Campbell". The signature is written in dark ink and is positioned above the printed name and title.

Larry L. Campbell
Director of the budget

cc: Scott Schultz, Sentencing Commission
Janie Harris, Judiciary
Linda Kelly, Corrections