

January 30, 2020

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

Dear Representative Jennings:

SUBJECT: Fiscal Note for HB 2494 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2494 is respectfully submitted to your committee.

HB 2494 would lower the severity level of the crime of tampering with an electronic monitoring device from a level six, nonperson felony to a level eight, nonperson felony for individuals on postrelease supervision or parole for a conviction of a felony. For individuals on postrelease supervision or parole for a conviction of a misdemeanor the crime would be a class A nonperson misdemeanor.

The Office of Judicial Administration indicates there were 46 convictions for unlawful tampering with electronic monitoring equipment in FY 2019. The Office states that enactment of the bill would result in additional offenders being supervised by court services officers. However, the Office expects the fiscal effect would be negligible and could be absorbed within existing resources.

The Kansas Sentencing Commission estimates that enactment of HB 2494 would result in a decrease of nine adult prison beds needed by the end of FY 2021. By the end of FY 2030, ten fewer beds would be needed. The Commission also estimates a decrease of six prison admissions each year for the next ten years. The current estimated available bed capacity is 9,013 for males and 903 for females. Based upon the Commission's most recent ten-year projection contained in its *FY 2020 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population for available male capacity will be over capacity by 214 inmates in FY 2020 and 447 inmates in FY 2021. The Department would house any additional inmates over the capacity limit in contract jail beds. Based on the Commission's projections, the Department of Corrections

indicates that a reduction in the prison population is beneficial toward avoiding future costs but is not sufficient to reduce current prison expenditures. The Department also notes that any person who is convicted and not sent to prison would still be supervised in the community, which could require an increase in community supervision resources in the future. Any fiscal effect associated with HB 2494 is not reflected in *The FY 2020 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "L. L. Campbell". The signature is fluid and cursive, with the first name "L." and last name "Campbell" clearly visible.

Larry L. Campbell
Director of the budget

cc: Randy Bowman, Corrections
Mary Rinehart, Judiciary
Scott Schultz, Sentencing Commission