

February 23, 2021

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 2361 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2361 is respectfully submitted to your committee.

HB 2361 would require the Supreme Court to adopt rules and regulations for the establishment of one or more specialty court programs in the state. The chief judge of a judicial district may establish a specialty court in accordance with the rules adopted by the Supreme Court. The bill would establish a Specialty Court Funding Advisory Committee within the Judicial Branch. The Committee would evaluate resources available for assessment and treatment, secure funds for operations of specialty courts, recommend to the Judicial Administrator the allocation of resources among specialty courts, and recommend legislation and rules to aid in the development of specialty courts.

Membership of the Committee would include the Chairpersons of the House and Senate Judiciary Committees; the Chairperson of the Legislative Budget Committee; one member of the Legislature from the minority party appointed jointly by the Minority Leaders of the House and Senate; five members appointed by the Chief Justice of the Supreme Court; one member appointed by the Secretary of Corrections; one member appointed by the Secretary for Aging and Disability Services; and a drug and alcohol addiction treatment provider appointed by the Kansas Sentencing Commission. Members of the Committee would be appointed prior to August 1, 2021.

The Office of Judicial Administration would provide technical assistance to the Committee. All members of the Committee who are not Judicial members would receive compensation, reimbursement for travel, and subsistence expenses. Judicial members would receive reimbursement for travel and subsistence expenses. Nothing in the bill would prohibit any judicial district, local government, or the Judicial Branch from directly applying for, receiving, and retaining funding for the purpose of operating specialty courts. Funds received by a judicial district or local government would not be remitted to the State Treasurer.

The bill would also establish the Specialty Court Resources Fund, which would be administrated by the Judicial Administrator. All expenditures from the fund would be for the

purpose of operating specialty court programs. For all people who successfully complete a specialty court program, the person's sentence may be reduced or modified; however, nothing in the bill should be construed to authorize a judge to impose, modify, or reduce a sentence below the minimum sentence required by law.

HB 2361 would allow a judge to order a convicted defendant to participate in a specialty court program. The bill would allow anyone who has completed a specialty court program to apply for expungement of the conviction and related arrest records. Additionally, the court may waive all or part of the docket fee imposed for filing a petition.

The Office of Judicial Administration states enactment of HB 2361 would have a negligible fiscal effect on the Judicial Branch.

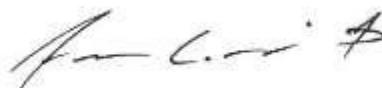
The Kansas Sentencing Commission states the bill's enactment could have an effect on prison admissions and beds; however, the Commission cannot estimate what that effect would be. The Commission also states enactment of the bill would not have a fiscal effect on the agency's workload.

Legislative Administrative Services states estimates that enactment of the bill would result in additional costs to the Legislature for FY 2022 of approximately \$8,587 from the State General Fund. These costs would be for four legislators attending four meetings, with \$1,419 for salaries and wages (legislator pay  $\$88.66 \times 4 \times 4$ ), \$2,416 for subsistence ( $\$151 \times 4 \times 4$ ), \$2,240 for mileage ( $\$0.56 \times 250 \times 4 \times 4$ ), \$96 for tolls ( $\$6 \times 4 \times 4$ ), and \$2,416 for en route days ( $\$151 \times 4 \times 4$ ). Legislative Administrative Services notes that if any Committee meetings are held during the Legislative Session, on days legislators are already being paid, those members would not receive any reimbursement pursuant to the bill's provisions.

The Department of Corrections states there would be no fiscal effect to Department operations if the bill is enacted. The Kansas Department for Aging and Disability Services estimates any fiscal effect resulting from the enactment of HB 2361 would have a negligible fiscal effect on agency operations. Any fiscal effect associated with HB 2361 is not reflected in *The FY 2022 Governor's Budget Report*.

The Kansas Association of Counties states enactment of the bill could have a fiscal effect on Kansas counties if they establish a specialty court and there could be costs associated; however, the Specialty Court Resources Fund could offset some of those costs.

Sincerely,



Adam Proffitt  
Director of the Budget

cc: Debbie Thomas, Judiciary  
Jay Hall, Association of Counties