

January 25, 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 2077 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2077 is respectfully submitted to your committee.

HB 2077 would amend the statutory duties of the Kansas Criminal Justice Reform Commission to include:

1. Analyzing diversion programs and making recommendations for legislation that (1) would require pre-filing and post-filing diversion to be an option in all counties, (2) would establish minimum statewide standards for diversion, and (3) would provide a method for sealing or otherwise removing diversion records from criminal records;
2. Reviewing supervision practices for offenders who service sentences for felony offenses on community supervision, including supervision by court services, community corrections, and parole;
3. Discussing and developing detailed recommendations for legislation that establishes research-based standards and practices for all community supervision programs that (1) provide incentives for compliant offenders to earn early discharge from supervision, (2) create standardized terms and conditions for community supervision and provide for a method that courts may utilize to use special terms as indicated through the introduction of compelling evidence, (3) create standardized effective responses to behavior through a system of incentives and graduated sanctions, and (4) provide for a means to consolidate concurrent supervision into one supervision agency.

The bill would also remove various duties the Commission is statutorily required to analyze and would add a public defender to the Commission, as appointed by the Governor.

The Kansas Sentencing Commission indicates that enactment of HB 2077 may have an impact on prison admissions and bed space, but that this effect cannot be estimated at this time. The current estimated available bed capacity is 9,420 for males and 948 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 under capacity by 1,287 inmates in FY 2021 and 1,241 inmates in FY 2022.

The Office of Judicial Administration and the Department of Corrections indicate that enactment of HB 2077 would have no fiscal effect. Any fiscal effect associated with HB 2077 is not reflected in *The FY 2022 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: Scott Schultz, Sentencing Commission
Randy Bowman, Corrections
Debbie Thomas, Judiciary
Heather Cessna, Indigents Defense Services