

February 8, 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 2084 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2084 is respectfully submitted to your committee.

HB 2084 would amend current law to: (1) place a cap on the amount of time probation can be extended for an offender convicted of non-support of a child who is ordered to pay restitution and has not done so; (2) add a provision for courts to grant early discharge to probationers if they are found to be in substantial compliance with supervision after serving 50.0 percent of the probation term; and (3) add a provision to allow probationers to earn early discharge by awarding discharge credits towards sentence reduction at the rate of seven days for each full month of supervision compliance. Both the provision to allow courts to grant early discharge at 50.0 percent of the probation term and the provision to allow probationers to earn early discharge credits would require the probationer to be in substantial compliance with the terms of probation to include:

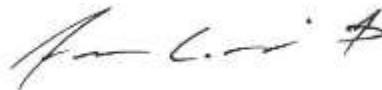
1. A history of compliance with terms and conditions of supervision;
2. Payment of fines, fees, and restitution; and
3. Successful completion of any required treatment program. However, offenders subject to the provisions of KSA 2020 Supp. 21-6824 for certified drug abuse treatment programs would not be eligible for early discharge.

The court would grant discharge unless the court finds by clear and convincing evidence that denial of such discharge would serve community safety interests. The Kansas Sentencing Commission would be required to adopt procedures and forms to standardize the process for calculating earned discharge credit. HB 2084 would take effect and be in force from and after its publication in the statute book.

The Office of Judicial Administration (OJA) indicates the enactment of HB 2084 would require additional hearings for all defendants on probation who are assigned to a community correctional services program and have a suspended sentence or non-prison sanction. OJA estimates the additional hearings would increase annual expenditures for the Judicial Branch by a minimum of \$295,934 and as much as \$507,279 from the State General Fund, beginning in FY 2022. OJA's estimates are based on four different scenarios using the number of cases on supervision at the beginning of FY 2019 and FY 2020. OJA indicates the cost would depend on the time required of judicial and nonjudicial staff and which scenario would occur. OJA indicates the bill may also increase costs for counties statewide as prosecutors and defense attorneys may be required to spend more time attending hearings in addition to the cost of postage to send hearing notices. The Kansas Association of Counties indicates the costs to counties would depend upon how the inflow and outflow of offenders would balance.

The Kansas Sentencing Commission estimates that enactment of HB 2084 would result in a decrease of 255, 301, or 343 adult prison beds in FY 2022. By FY 2031, the Commission estimates 273, 328, or 379 fewer adult prison beds would be needed. 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. In addition, the Commission estimates the bill would reduce the workload of the Commission by 195 journal entries in FY 2022 and by 213 journal entries in FY 2031. The Kansas Department of Corrections indicates the provisions of HB 2084 could increase compliance and decrease probation populations; however, it is unable to determine how many community corrections probationers it could impact. Any fiscal effect associated with HB 2084 is not reflected in *The FY 2022 Governor's Budget Report*.

Sincerely,



Adam Proffitt
Director of the Budget

cc: Scott Schultz, Sentencing Commission
Randy Bowman, Corrections
Debbie Thomas, Judiciary
Jay Hall, Association of Counties