

February 3, 2022

REVISED

The Honorable Stephen Owens, Chairperson
House Committee on Corrections and Juvenile Justice
Statehouse, Room 546-S
Topeka, Kansas 66612

Dear Representative Owens:

SUBJECT: Revised Fiscal Note for HB 2515 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following revised fiscal note concerning HB 2515 is respectfully submitted to your committee.

HB 2515 would allow certain drug offenders to file a petition for relief from the Kansas Offender Registration Act (KORA) requirements if the offender has registered for a period of at least five years after the date of parole, discharge, or release, or five years after the date of conviction or adjudication if the offender was not confined. The bill would specify that any period of time during which an offender was incarcerated or does not substantially comply with the requirements of the KORA would not count towards the five-year requirement. An offender would be required to file a petition for relief from registration requirements to the district court in the county where the offender was convicted or adjudicated or any county where the offender is required to register if the offense occurred in another state. The bill outlines certain requirements the offender would have to include in the petition and would require a petition form to be developed by the Judicial Council.

Upon filing of such petitions, the court would be required to set a date for a hearing and give notice to the county or district attorney in the county where the petition is filed. The county or district attorney would be required to notify any victim of the offense, would have access to all applicable records, and could require a drug offender to undergo a risk assessment to be performed by a professional agreed upon by the parties or a professional approved by the court at the offender's expense. The court would be required to order relief from registration requirements under certain circumstances. If the court orders relief, it would be required to notify the Kansas Bureau of

Investigation (KBI) and any local law enforcement agencies that registers the offender within 14 days. If the court were to grant relief, the offender would be allowed to combine such petition with a petition for expungement. If the court were to deny relief, the offender would not be allowed to petition for three years unless a shorter time is ordered by the court.

Since the original fiscal effect statement was issued, the Sentencing Commission has provided information on the fiscal effect of this bill. The Commission estimates that enactment of HB 2515 could result in a decrease of 43 adult prison beds needed by the end of FY 2023. By the end of FY 2032, 71 fewer beds would be needed. The current estimated available bed capacity is 9,428 for males and 936 for females. Based upon the Commission's most recent ten-year projection contained in its *FY 2022 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population will total 7,782 male and 756 female inmates in FY 2022 and 7,736 male and 730 female inmates in FY 2023.

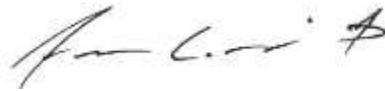
The Department of Corrections indicates that the reduction in prison population would be beneficial towards avoiding future prison costs but would not be sufficient to reduce current prison expenditures. The Department of Corrections indicates that enactment of the bill could require it to update information on the Kansas Adult Supervised Population Electronic Repository if the offender requests such information be readily available. However, any fiscal effect would be minimal and could be absorbed within existing resources.

The KBI states there are currently 5,964 drug offenders on the registry. Of this amount, 3,556 have been registering for five years or more. It is unknown how many will apply for relief from registration and be approved; however, the KBI states it takes approximately 75 minutes per offender to end registration. If all 3,556 offenders applied and were approved immediately, it would take 2.00 Administrative Officer FTE positions working full time for approximately 55.5 weeks to remove such offenders from the registry. However, the KBI states that it is unlikely that all drug offenders would apply and be approved all at once, and it would only require \$51,468 from the State General Fund beginning in FY 2023 to hire 1.00 Administrative Officer FTE position.

The Office of Judicial Administration indicates that enactment of the bill would require judges and non-judicial staff to process and research new petitions, provide notice and hold hearings, issue court orders, allow expungements on additional cases, and notify the KBI and local law enforcement agencies of any approved expungements within 14 days. The bill would also require court services officers to complete offender risk assessments, verify that there were no new felony convictions within five years, complete record checks and allow prosecutors to access confidential files. The Office indicates that the additional requirements would increase the workload of district court personnel. Further, the bill could result in the collection of additional docket fees in cases filed under the provisions of the bill. However, a fiscal effect cannot be estimated because the amount of additional docket fees and whether the district courts could absorb the additional duties with existing staff or if additional employees would need to be hired is unknown. Any fiscal effect associated with HB 2515 is not reflected in *The FY 2023 Governor's Budget Report*.

The Kansas Association of Counties indicates that because counties are financially responsible for holding hearings to review the petitions for relief and for victim notification in the offender's change of status, enactment of the bill could increase expenditures for counties. However, a fiscal effect cannot be estimated because the frequency of requests for relief and the ability of offenders to meet the eligibility requirements is unknown.

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: Paul Weisgerber, KBI
Jay Hall, Association of Counties
Vicki Jacobsen, Judiciary
Randy Bowman, Corrections