

January 24, 2023

The Honorable Stephen Owens, Chairperson
House Committee on Corrections and Juvenile Justice
300 SW 10th Avenue, Room 546-S
Topeka, Kansas 66612

Dear Representative Owens:

SUBJECT: Fiscal Note for HB 2070 by House Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2070 is respectfully submitted to your committee.

HB 2070 would increase the number of offenders who would be eligible for certified drug abuse treatment programs. The offenders who would be eligible for the programs under the bill would be offenders convicted of certain felony convictions, offenders who have no prior felony convictions of certain statutes or substantially similar offenses from other jurisdictions, and an offender's prior felonies must not exceed a certain severity level. In addition, the court must find and give specific reasons for finding that the safety of the public would not be jeopardized by placement of an offender in a drug abuse treatment program.

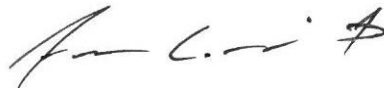
The Kansas Sentencing Commission estimates that enactment of HB 2070 could have an effect on prison admissions and bed space, but a precise effect cannot be determined at this time. Additionally, the Commission estimates enactment of the bill could increase the number of SB 123 drug treatment offenders by either 146, 292, or 438 persons in FY 2024. The Commission's estimates are based on three different scenarios. Because of the potential increase of SB 123 drug treatment offenders, the Commission estimates additional State General Fund expenditures of \$592,322, \$1,184,644, or \$1,776,966 in FY 2024, depending on which scenario occurs. The Commission reports this assessment is based on the average cost of treatment in the SB 123 Drug Treatment Program of \$4,057 per offender in FY 2022. The Department of Corrections indicates that enactment of the bill would have no fiscal effect.

The Kansas Judicial Branch indicates HB 2070 would require courts to hold hearings and provide rulings. The bill could require court services officers to provide supervision to offenders who participate in a certified drug treatment program instead of going to prison. The agency also

states that the bill would require additional work by district court judges, clerks, and court services officers. The agency indicates that it is unable to estimate a fiscal effect. Any fiscal effect associated with HB 2070 is not reflected in *The FY 2024 Governor's Budget Report*.

The Kansas Association of Counties indicates the fiscal effect of HB 2070 on local governments would depend on how many qualified offenders participate in the available programs. However, a fiscal effect cannot be estimated. The Division of the Budget requested a fiscal effect from the League of Kansas Municipalities, but a response has not been received.

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, Department of Corrections
Vicki Jacobsen, Judiciary
Wendi Stark, League of Kansas Municipalities
Jay Hall, Kansas Association of Counties