

February 20, 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 2213 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2213 is respectfully submitted to your committee.

HB 2213 would allow a person required to register as an offender under the Kansas Offender Registration Act to petition the district court in the county where the offender resides to waive payment of the registration fee. If the court determines that requiring payment will create hardship on the offender or the offender's immediate family, the court could waive the current payment owed, extend the time in which the offender has to make the payment, or waive the payment for a specified period of time not to exceed three years. Courts would be allowed to waive registration fees for offenders that are determined to be indigent or if the fee would impose hardship on the offender or their family.

The bill would remove the requirement that an offender must register in the county where they are employed or attend school. If an offender reports an employer or school that is in a county other than the county where the offender resides, the Kansas Bureau of Investigation (KBI) would be required to notify the sheriff of the county where the employer or school is located of the registration information for the offender. A violent offender who is required to register because of a conviction of criminal restraint, a person felony when a deadly weapon was used, or attempted solicitation or conspiracy to commit either offense, may file a petition for relief from registration requirements if the offender has registered for five years after parole, discharge, or release.

The KBI currently has 6,251 registered violent offenders, with 4,226 that have been registering for five years and would be eligible to apply for relief from their registration. The KBI states it would take two administrative officers 66 weeks to review records for courts, end the registration once the court order is received, and notify the appropriate agencies. The total cost of the project would be \$135,609 from the State General Fund in FY 2024. Of this amount, \$127,609 would be for salaries and wages and \$8,000 would be for other operating costs.

The KBI indicates limiting the registration requirements only to the county of residence and eliminating the registration at the county of employment and attendance to school will take Kansas out of compliance with the federal Sex Offender Registration and Notification Act (SORNA). The KBI states that SORNA requires the crime of criminal restraint to have a 15-year

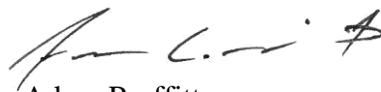
registration, with eligibility for removal after ten years of compliance. The crime of kidnapping of a minor requires a lifetime registration by SORNA, with eligibility for removal after 25 years of compliance. Allowing removal from the registry for these crimes after five years would bring Kansas out of compliance with SORNA. The KBI states that the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) in the Department of Justice requires each state to review state statutes to ensure they are in compliance with SORNA. The KBI must submit a copy of their review to the SMART Office to show the changes in laws during the last year. The SMART Office sends a letter to the KBI and the Governor notifying the state of compliance or noncompliance. Noncompliance would trigger a 10.0 percent reduction in the Edward Byrne Justice Assistance Grant, which would affect state and local law enforcement, victim advocacy groups, and other entities receiving such funds.

In addition, since the bill requires courts to verify if a person was compliant in registering for five years, the KBI notes that courts should be required to verify compliance with the KBI, which is not a current practice for drug crimes. The KBI states that it is the central repository for registered offenders and consolidated information from every registering agency can only be provided by the KBI. The KBI also states that it already notifies counties when a person reports they are residing, working, or attending school in different counties.

The Kansas Sentencing Commission estimates that enactment of HB 2213 could reduce the number of prison beds and admissions, but this effect cannot be determined at this time. 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 2023 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population will total 7,933 male and 764 female inmates in FY 2023 and 8,043 male and 740 female inmates in FY 2024. The Department of Corrections indicates that enactment of the bill would have no fiscal effect.

The Office of Judicial Administration indicates enactment of the bill would require courts to issue orders regarding petitions for relief from offender registration requirements. This would increase time spent by district court judicial and nonjudicial personnel to process and research petitions. The bill could also increase revenues from docket fees which would be deposited into the State General Fund. However, a fiscal effect cannot be estimated until the Judicial Branch has had an opportunity to operate under the provisions of the bill. The Office notes that the bill could reduce revenues from registration fees for local law enforcement agencies from fewer offenders having to register. Any fiscal effect associated with HB 2213 is not reflected in *The FY 2024 Governor's Budget Report*.

Sincerely,



Adam Proffitt
Director of the Budget

cc: Vicki Jacobsen, Judiciary
Scott Schultz, Sentencing Commission
Paul Weisgerber, Kansas Bureau of Investigation
Randy Bowman, Department of Corrections