

February 16, 2011

The Honorable Pat Colloton, Chairperson
House Committee on Corrections and Juvenile Justice
Statehouse, Room 167-W
Topeka, Kansas 66612

Dear Representative Colloton:

SUBJECT: Fiscal Note for HB 2249 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2249 is respectfully submitted to your committee.

HB 2249 would add substituted cathinones, or “bath salts,” to the list of schedule I controlled substances, which would make it illegal to sell or possess the drugs.

The Kansas Sentencing Commission estimates that passage of HB 2249 would result in an increase of one to four adult prison beds in FY 2012 and an increase of two to nine adult prison beds by FY 2020. Currently, the number of male inmates exceeds the available bed capacity of 8,259, and based upon the Kansas Sentencing Commission projections, it is estimated that at the end of FY 2011 and FY 2012, the number of male inmates will exceed available capacity by 235 beds and 394 beds, respectively. To address capacity issues, the Governor’s recommended FY 2012 budget includes \$2.5 million for contract prison beds. If it is determined that facility construction is necessary, the Department of Corrections has identified two capacity expansion projects: two high medium security housing units at El Dorado Correctional Facility that would provide 512 beds with a construction cost of \$22,687,232 (\$44,311 per bed X 512) and operating costs of \$9,339,904 (\$18,242 per bed X 512); and one minimum security housing unit at Ellsworth Correctional Facility that would provide 100 beds with a construction cost of \$5,935,000 (\$59,350 per bed X 100) and operating costs of \$1,832,000 (\$18,320 per bed X 100).

The Kansas Bureau of Investigation indicates that each forensic laboratory would need substitute cathinone standards in order to provide chemical analysis for law enforcement and court cases involving the controlled substance. The Bureau estimates approximately \$6,000 from the State General Fund would be needed in FY 2012 for 15 standards (15 standards X \$400 per unit).

HB 2249 has the potential for increasing litigation in the courts because of the new drug crime created by the bill. If it does, the Office of Judicial Administration indicates that there

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would be a fiscal effect on the operations of the court system. However, it is not possible to predict the number of additional court cases that would arise or how complex and time-consuming they would be. Therefore, a precise fiscal effect cannot be determined. In any case, the fiscal effect would most likely be accommodated within the existing schedule of court cases and would not require additional resources. Any fiscal effect associated with HB 2249 is not reflected in *The FY 2012 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Helen Pedigo, Sentencing Commission
Debra Billingsley, Pharmacy
Jeremy Barclay, Corrections
Linda Durand, KBI
Pat Scalia, Indigents Defense
Mary Rinehart, Judiciary