

February 25, 2013

The Honorable John Rubin, Chairperson
House Committee on Corrections and Juvenile Justice
Statehouse, Room 151-S
Topeka, Kansas 66612

Dear Representative Rubin:

SUBJECT: Fiscal Note for HB 2278 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2278 is respectfully submitted to your committee.

HB 2278 would amend existing law by expanding the crimes of theft, burglary and criminal deprivation as they relate to firearms. Theft of a firearm which has a value of less than \$25,000 would be classified as a severity level 9, person felony. Under current law, theft of property that has a value of at least \$1,000 but less than \$25,000 is a severity level 9, nonperson felony. It would also be a severity level 9, nonperson felony for theft of property that has a value of less than \$1,000 from three separate mercantile establishments with a 72-hour period. Currently, theft in this case would be a felony regardless of the value of the property.

Criminal deprivation of property that is a firearm would be a severity level 9, person felony. The bill would increase the penalty for burglary to a severity level 5, person felony when there is the intent to commit the theft of a firearm.

The Kansas Sentencing Commission estimates that passage of HB 2278 would result in an increase of two to eight adult prison beds needed in FY 2014, an increase of three to 13 adult prison beds needed in FY 2015, and an increase of five to 22 adult prison beds needed by FY 2023. As of January 14, 2013, the available bed capacity was 9,564. Based upon the Kansas Sentencing Commission projections, it is estimated that by the end of FY 2014 and FY 2015 the number of inmates will exceed available capacity by 325 beds and 590 beds, respectively.

To address capacity issues, the Governor's budget includes additional funding of \$3.0 million (\$2.0 million in FY 2014 and another \$1.0 million in FY 2015) for community corrections treatment and supervision programs to reduce the number of probationers entering prison. It is expected that the added funds plus policy changes recommended by the Justice Reinvestment group will make 135 beds available in FY 2014 and 853 beds available in FY

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2015. However, it is likely that continued projected population increases will also require construction of new cell houses at the El Dorado Correctional Facility. The project would include building two new medium security housing units, which would provide a total of 512 beds. It is estimated that the new units would have a construction cost of approximately \$24.5 million and operating costs of approximately \$8.4 million (or about \$45.00 per inmate per day). Presumably, bonding authority would be required in FY 2015 for the constructions costs with operations at the new cell houses beginning in FY 2016.

The Office of Judicial Administration indicates that HB 2278 has the potential for increasing the complexity of cases filed in district courts and the number of appeals in appellate courts. This would increase the time spent by district and appellate court judicial and non-judicial personnel in processing, researching, and hearing cases. 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 2278 is not reflected in *The FY 2014 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", written in a cursive style.

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

cc: Jeremy Barclay, Corrections
Scott Schultz, Sentencing Commission
Mary Rinehart, Judiciary
Pat Scalia, Indigents Defense