

March 5, 2014

REVISED

The Honorable Lance Kinzer, Chairperson
House Committee on Judiciary
Statehouse, Room 165-W
Topeka, Kansas 66612

Dear Representative Kinzer:

SUBJECT: Revised Fiscal Note for HB 2712 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following revised fiscal note concerning HB 2712 is respectfully submitted to your committee.

HB 2712 would require offenders convicted of domestic battery to undergo domestic violence offender assessments as a condition of probation, suspension of sentence or parole, or any other type of release unless otherwise ordered by the courts or the Department of Corrections. Under current law, assessments are conducted at the court's discretion.

When determining the sentence to be imposed on domestic battery offenders within the limits for first, second, third, or subsequent offenses, courts must consider current or prior protective orders issued against the offender.

| Estimated State Fiscal Effect | | | | |
|-------------------------------|----------------|----------------------|----------------|----------------------|
| | FY 2014 SGF | FY 2014 All Funds | FY 2015 SGF | FY 2015 All Funds |
| Revenue | -- | -- | -- | -- |
| Expenditure | -- | -- | \$102,846 | \$102,846 |
| FTE Pos. | -- | -- | -- | 2.00 |

It was previously reported HB 2712 would have no fiscal effect on the state. The Office of Judicial Administration (OJA) now indicates that court services officers would be required to provide presentence investigation reports for misdemeanor domestic battery cases for the purposes of providing the information required by the bill at sentencing hearings. Currently, presentence investigation reports are required only in felony cases. For felony cases, additional time would be required to research and verify information relating to protective orders. For both misdemeanor and felony domestic battery cases, additional time would be needed to search for information, contact other states to obtain information, and write reports.

The Honorable Lance Kinzer, Chairperson

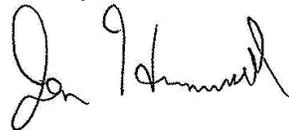
March 5, 2014

Page 2—HB 2712 Revised

It is estimated that an average of four hours would be needed to research and write the presentence investigation reports in misdemeanor cases. Approximately three additional hours would be needed to provide the additional information in felony cases. The Office notes that in FY 2013 a total of 997 persons were charged with misdemeanor domestic battery and a total of 41 persons were charged with felony domestic battery. Using these numbers, a total of 4,275 additional court services officer hours would be incurred, which would require 2.00 additional Court Services Officer FTE positions and salaries and wages expenditures of \$102,846 from the State General Fund for FY 2015.

The Kansas Association of Counties estimates that the bill would increase the number of assessments provided, which would add to local government expenditures. Also, to the extent that consideration of prior protective orders results in higher sentences based on first, second, third, or subsequent offenses, HB 2712 could result in increases to county jail time. However, a precise fiscal effect cannot be determined because the Association is unable to predict the number of additional assessments needed or increases to jail populations.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Hummell". The signature is fluid and cursive, with the first name "Jon" being more prominent.

Jon Hummell,
Interim Director of the Budget

cc: Mary Rinehart, Judiciary
Scott Schultz, Sentencing Commission
Pat Scalia, BIDS
Jeremy Barclay, KDOC