

January 22, 2013

The Honorable Jeff King, Chairperson
Senate Committee on Judiciary
Statehouse, Room 341-E
Topeka, Kansas 66612

Dear Senator King:

SUBJECT: Fiscal Note for SB 19 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 19 is respectfully submitted to your committee.

SB 19 would amend current law by expanding the crime of mistreatment of a dependent adult to include misappropriation of a dependent adult's financial resources. Financial resources would include monies held in a personal or joint account.

The bill would also add the definition of "undue influence." Undue influence would mean the use of influence by an individual who has authority over a dependent adult in order to take unfair advantage of the adult. Undue influence would include, but not be limited to, the improper use of a power of attorney, durable power of attorney, guardianship, conservatorship, trust or other fiduciary authority.

The Department of Children and Families (DCF) indicates that passage of SB 19 could increase the number of adults served in the Adult Protective Services Program. However, the extent of the increase cannot be estimated. DCF assumes that any additional costs arising from the bill could be absorbed within existing resources.

The Kansas Sentencing Commission estimates that passage of the bill would result in an increase of one to two adult prison beds in each year of the of the ten-year forecast period. As of January 14, 2013, the available bed capacity is 9,564. While the expected impact of the bill is small, 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

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Reinvestment group will make 135 beds available in FY 2014 and 853 beds available in FY 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.

According to the Office of Judicial Administration, SB 19 has the potential for increasing the number of cases filed in district and appellate courts. This would increase the time spent by district court and appellate court judicial and non-judicial personnel in processing, researching, and hearing cases. Likewise, the additional cases could also result in the collection of added revenue from docket fees. 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 SB 19 is not reflected in *The FY 2014 Governor's Budget Report*.

Sincerely,



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

cc: Scott Schultz, Sentencing Commission
Mary Rinehart, Judiciary
Jeremy Barclay, KDOC
Dave Halferty, KDADS
Jackie Aubert, DCF