

February 11, 2014

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

Dear Senator King:

SUBJECT: Fiscal Note for SB 334 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 334 is respectfully submitted to your committee.

SB 334 would amend the crime of interference with law enforcement by eliminating the act of falsely reporting to law enforcement officers or agencies that a crime has been committed knowing that the officer or agency will act on the information.

The crimes of battery against a law enforcement officer and aggravated battery against law enforcement officers would be expanded to include judges and attorneys while they are performing their duties.

The Kansas Sentencing Commission estimates that passage of SB 334 would result in an increase of two to four adult prison beds needed in FY 2015 and an increase of six to ten adult prison beds needed by FY 2024. As of January 13, 2014, the available bed capacity is 9,636. Based upon the Commission's most recent ten-year projection contained in its *FY 2014 Adult Inmate Prison Population Projections* report, by the end of FY 2014 and FY 2015 it is estimated that the number of inmates will be below available capacity by 103 beds and 196 beds, respectively. However, starting in FY 2017 it is expected that the adult correctional facilities will again be over capacity. While the bed space requirements of SB 334 could be handled within existing capacity in the short term, the bill will add to capacity challenges occurring in the near future.

Continued population increases eventually will require construction of new cell houses at the El Dorado Correctional Facility. This 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 \$24.4 million and operating costs of approximately \$8.4 million (or about \$45.00 per inmate per day). If bonds are used to finance

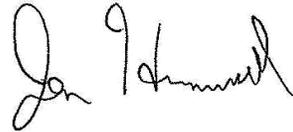
the construction of the units, bonding authority would be required in FY 2016 so that operations at the new cell houses could begin in FY 2017.

The Office of Judicial Administration states that the bill could result in additional motions and more requests for jury trials, which would increase the time spent by district and appellate court judicial and non-judicial personnel to process, research, and hear cases. However, it is not possible to predict how complex and time-consuming they would be. Therefore, a precise fiscal effect cannot be determined.

In the event that the crimes do occur and the offenders are indigent, there would be a fiscal effect for the Board of Indigents Defense Services. However, the absence of caseload data relating to the crimes in the bill prevents the Board from estimating a specific effect.

The Kansas Sentencing Commission notes that the bill would add to the journal entry workload of the agency; however, additional resources would not be needed. Any fiscal effect associated with SB 334 is not reflected in *The FY 2015 Governor's Budget Report*.

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 than the last name "Hummell".

Jon Hummell,
Interim Director of the Budget

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