January 20, 2016

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 2459 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2459 is respectfully submitted to your committee.

Under current law, a violation for a criminal offender unlawfully tampering with electronic monitoring equipment is a severity level six, nonperson felony. HB 2459 would establish a tiered system of classification that is based upon the offender’s underlying conviction. Unlawfully tampering with electronic monitoring equipment would be as follows:

1. A severity level six, nonperson felony for any nondrug severity level one through five felony or any drug severity level one or two felony;

2. A severity level eight, nonperson felony for any nondrug severity level six through eight felony or any drug severity level three felony;

3. A severity level ten, nonperson felony for any nondrug severity level nine or ten felony, any nongrid felony, or any drug severity level four or five felony; and

4. A class A nonperson misdemeanor for any misdemeanor or for court-ordered supervision for a civil case.

The Kansas Sentencing Commission estimates that enactment of HB 2459 would have an effect on adult prison beds in FY 2017; however, the Commission cannot determine what that effect would be at this time. The Department of Corrections estimates there could be savings resulting from the enactment of HB 2459; however, the Department cannot provide an accurate
estimate of any savings at this time. Any fiscal effect associated with HB 2459 is not reflected in The FY 2017 Governor’s Budget Report.

Sincerely,

Shawn Sullivan,
Director of the Budget

cc:  Adam Pfannenstiel, Corrections
     Ashley Michaelis, Judiciary
     Scott Schultz, Sentencing Commission
     Pat Scalia, Indigents Defense Services