

January 31, 2017

The Honorable Blaine Finch, Chairperson
House Committee on Judiciary
Statehouse, Room 519-N
Topeka, Kansas 66612

Dear Representative Finch:

SUBJECT: Fiscal Note for HB 2063 by House Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2063 is respectfully submitted to your committee.

HB 2063 would allow an eligible defendant to request a diversion by filling out a form created by the Kansas Sentencing Commission. If the request is rejected, the district attorney would be required to explain in writing why the defendant's diversion is not in the interests of justice or to the benefit of the defendant and the community. The district attorney would be required to forward a copy of each diversion application to the Commission within 30 days after a decision has been made. The Sentencing Commission would be required to annually report to the Kansas Legislature regarding requests for diversion including information such as the demographics of applicants, charged offenses and application outcomes, and the stated reasons for denials. The bill would take effect beginning January 1, 2018, and after its publication in the statute book.

Estimated State Fiscal Effect				
	FY 2018 SGF	FY 2018 All Funds	FY 2019 SGF	FY 2019 All Funds
Revenue	--	--	--	--
Expenditure	\$90,320	\$90,320	\$99,888	\$99,888
FTE Pos.	--	2.00	--	2.00

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The Kansas Sentencing Commission indicates the enactment of HB 2063 would increase its journal entry workload and require the implementation of a diversion reporting process at a cost of \$90,320 from the State General Fund for 2.00 FTE positions in FY 2018 and \$99,888 in FY 2019 and each subsequent year. The Office of Judicial Administration indicates that any fiscal effect resulting from the passage of HB 2063 would be negligible. Any fiscal effect associated with HB 2063 is not reflected in *The FY 2018 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

cc: Scott Schultz, Sentencing Commission