

February 13, 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 2260 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2260 is respectfully submitted to your committee.

Under current law, a court is permitted to revoke an offender's probation, assignment to a community services program, or suspension of sentence/sanction without first imposing intermediate sanctions if the court finds the safety of the public will be jeopardized or that the welfare of the offender will not be served by the lesser sanction.

HB 2260 would expand the justification to include a provision where the offender's probation, assignment to a community correctional services program, or suspension of sentence/sanction was originally granted as a result of a dispositional departure granted by a sentencing court under the applicable sentencing guidelines.

According to the Office of Judicial Administration, enactment of HB 2260 could have a fiscal effect on the Judicial Branch because the bill's provisions expand the justification to revoke an offender's probation. It is possible that court service officers would be required to supervise fewer offenders under these provisions. However, it is not possible to predict the number of additional revocations, therefore, a fiscal effect cannot be determined.

The Kansas Sentencing Commission estimates that HB 2260 would reduce adult prison admissions by 47 in both FY 2018 and FY 2019. The Commission estimates the bill would increase adult prison beds by 13 in FY 2018 and 16 FY 2019. By FY 2027, an additional 52 beds would be needed. As of January 17, 2017, the available bed capacity is 8,739 for males and 915 for females. Based upon the Commission's most recent ten-year projection contained in its *FY 2017 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population will exceed available male capacity by 139 inmates in FY 2017, 101 inmates in FY 2018, and 164 inmates in FY 2019. The Department of Corrections intends to manage the projected shortfall by housing inmates in contract beds.

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Based on a contract rate of \$40 per day, it may cost the Department an additional \$89,206 in FY 2018 and \$109,792 in FY 2019 for contract jail beds. Absent the passage of any other legislation, increases in the female population can be absorbed within existing resources. Likewise, any further prison commitments that result in additional parolees could require additional staff and resources so that the parolees will be effectively supervised. With an estimated reduction of 47 prison admissions in both FY 2018 and FY 2019, the Department indicates it would avoid costs of \$322,514 in both fiscal years. Any fiscal effect associated with HB 2260 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: Linda Kelly, Corrections
Scott Schultz, Sentencing Commission
Ashley Michaelis, Judiciary