

February 6, 2019

The Honorable Russell Jennings, Chairperson
House Committee on Corrections and Juvenile Justice
Statehouse, Room 151-S
Topeka, Kansas 66612

Dear Representative Jennings:

SUBJECT: Fiscal Note for HB 2052 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2052 is respectfully submitted to your committee.

HB 2052 would provide that a defendant may be discharged early from probation, assignment to a community correctional services program, suspension of sentence or non-prison sanction, if the defendant is found to be in substantial compliance with the conditions of the supervision. The court would set a hearing at sentencing for the date when the defendant would have served 50.0 percent of the defendant's term of supervision to determine if a defendant has been in substantial compliance with the defendant's term of supervision.

Under the bill's provisions, a defendant would be awarded seven days earned discharge for each full calendar month of substantial compliance with the conditions of the defendant's supervision. The Kansas Sentencing Commission would adopt procedures and forms to standardize the process for calculating earned discharge credit.

The State of Kansas, its agents, or its employees would not be liable for damages caused by any negligent or wrongful act or omission in making the earned discharge calculations authorized by the bill.

The Office of Judicial Administration indicates enactment of HB 2052 would require the district courts to hold additional hearings for defendants who are on probation, assigned to a community correctional services program, have a suspended or non-prison sanction. These hearings would be set for the date when the defendant would have served 50.0 percent of their term of supervision. The Office estimates the Judicial Branch would need additional State General

Fund expenditures of either \$385,724 or \$498,504 in FY 2020 for additional hearings. The two estimates are based on the district courts holding 17,000 new hearings and whether each hearing is 10 minutes or 15 minutes per hearing.

The Kansas Sentencing Commission estimates enactment of HB 2052 would reduce 146, 219, or 292 prison admissions in FY 2020 and 167, 250, or 333 prison admissions by FY 2029. The Commission further estimates that enactment of the bill would reduce prison beds by 121, 182, or 242 in FY 2020 and 143, 214, or 285 by FY 2028. The Commission's estimates are based on three difference scenarios. The Department of Corrections indicates it would avoid costs of either \$219,252, \$329,784, or \$438,504 from the State General Fund in FY 2020 resulting from reducing either 121, 182, or 242 prison beds.

The Department of Corrections estimates it would need additional State General Fund expenditures of \$1.37 million in FY 2020 to serve the offenders who would be released if the bill is enacted. The Department estimates that 1,364 offenders would be reviewed for release. Of the above amount, \$1,140,000 would be for seven Department program providers, including additional contract staff; \$50,000 for housing, employment, medication assisted treatment, and other case management needs; and \$180,000 for additional master leased units that would provide temporary housing for the offenders. Any fiscal effect associated with HB 2052 is not reflected in *The FY 2020 Governor's Budget Report*.

The Kansas Association of Counties estimates there could be additional expenditures for counties, depending on how many additional hearings occur and if counties must pay for counsel for offenders.

Sincerely,

A handwritten signature in black ink that reads "L. L. Campbell". The signature is written in a cursive style with a large initial "L" and a smaller "L" for the second name.

Larry L. Campbell
Director of the budget

cc: Janie Harris, Judiciary
Scott Schultz, Sentencing Commission
Linda Kelly, Corrections