

February 4, 2020

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

Dear Representative Jennings:

SUBJECT: Fiscal Note for HB 2474 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2474 is respectfully submitted to your committee.

Under current law, aggravated violations of the Kansas Offender Registration Act are violations which continue for more than 180 consecutive days, with separate violations occurring every 30 days thereafter. HB 2474 would define aggravated violations of the Kansas Offender Registration Act as violations that continue for one year or more and are committed by a person with two or more prior convictions of such violations. The bill would also require an offender to be non-compliant for 90 days before an additional violation is imposed. The bill would require the first conviction to be a class B nonperson misdemeanor, instead of a severity level 6, nonperson felony under current law. The second conviction would be a class A nonperson misdemeanor, instead of a severity level 5, nonperson felony under current law. The bill would also modify the penalty for obstructing apprehension or prosecution of a person who is required to register under the Kansas Offender Registration Act to a severity level 8, nonperson felony from a severity level 5, person felony. The bill would allow a court to waive offender registration fees if the fee would impose hardship on the offender or the offender's family.

The Kansas Bureau of Investigation indicates that enactment of the bill would not have a fiscal effect on the agency, but that the bill could reduce registration fees collected by local sheriff's offices as the court would have the authority to waive such fees.

The Office of Judicial Administration indicates that enactment of the bill could increase the number of cases filed in district courts, which could increase the time spent by district court judicial and nonjudicial personnel in processing, researching and hearing cases. In addition, the

bill would increase the amount of supervision of offenders required to be performed by court services officers; however, the Office does not anticipate the need to hire additional personnel to handle the increased caseload. The Office also indicates the bill could result in the collection of additional docket fees, fines and supervision fees assessed in cases filed under the provisions of the bill. However, a fiscal effect cannot be determined because the additional cases that would be filed cannot be estimated.

The Kansas Sentencing Commission estimates that enactment of HB 2474 would result in a decrease of 75 adult prison beds needed by the end of FY 2021. By the end of FY 2030, 129 fewer beds would be needed. The Commission also estimates a decrease of 75 prison admissions in FY 2021 and 82 prison admissions by FY 2030. The bill would also reduce the Commission's workload by 187 journal entries each year. The current estimated available bed capacity is 9,916. Based upon the Commission's most recent ten-year projection contained in its *FY 2020 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population for available capacity will be over capacity by 258 inmates in FY 2020 and 524 inmates in FY 2021. The Department indicates that the projected reduction of prison beds would still result in a population that exceeds present capacity. Therefore, based on the Commission's projections, the Department of Corrections indicates that a reduction in the prison population is beneficial toward avoiding future costs for construction, operating expenses or contract beds but is not sufficient to reduce current prison expenditures. Any fiscal effect associated with HB 2474 is not reflected in *The FY 2021 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Campbell", written in a cursive style.

Larry L. Campbell
Director of the budget

cc: Mary Rinehart, Judiciary
Scott Schultz, Sentencing Commission
Paul Weisgerber, KBI
Randy Bowman, Corrections