

February 19, 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 2686 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2686 is respectfully submitted to your committee.

HB 2686 would require the Secretary of Corrections to release all persons serving a term of imprisonment for unlawful possession of a controlled substance when the substance involved is marijuana or tetrahydrocannabinols. The bill would also require the judicial branch to discharge all persons on probation or assignment to a community correctional services program for such violations. The Secretary would be required to make calculation and sentence adjustments for inmates and Community Corrections by July 1, 2020.

| Estimated State Fiscal Effect | | | | |
|-------------------------------|----------------|----------------------|----------------|----------------------|
| | FY 2020 SGF | FY 2020 All Funds | FY 2021 SGF | FY 2021 All Funds |
| Revenue | -- | -- | -- | -- |
| Expenditure | -- | -- | -- | (\$166,590) |
| FTE Pos. | -- | -- | -- | -- |

The Office of Judicial Administration indicates that enactment of the bill would require court services officers to recalculate sentences for offenders in such cases, which would result in an increased workload. The Office also indicates that the bill could reduce the probation fees that are deposited into the Correctional Supervision Fund. However, a fiscal effect cannot be estimated.

The Kansas Sentencing Commission estimates that enactment of HB 2686 would result in a decrease of 42 adult prison beds needed by the end of FY 2021. By the end of FY 2030, 28 fewer beds would be needed. The Commission also estimates a decrease of 20 prison admissions by the end of FY 2021 and 22 by the end of FY 2030. 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 Commission states that enactment of the bill would reduce the journal entry workload of the Commission by 172 in FY 2021 and 188 in FY 2030. Furthermore, the bill would reduce SB 123 offenders by 53 in FY 2021 and 58 in FY 2030 and reduce SB 123 costs by \$166,590 in FY 2021 and \$182,185 in FY 2030. The cost reduction is based on an average cost of \$3,143 per SB 123 treatment offender in FY 2019.

Based on the Commission's projections, the Department of Corrections indicates that a reduction in the prison population is beneficial toward avoiding future costs but is not sufficient to reduce current prison expenditures. The Department also notes that any person who is convicted and not sent to prison would still be supervised in the community, which could require an increase in community supervision resources in the future. Any fiscal effect associated with HB 2686 is not reflected in *The FY 2021 Governor's Budget Report*.

Sincerely,

A handwritten signature in cursive script that reads "L. L. Campbell". The signature is written in black ink and is positioned above the printed name and title.

Larry L. Campbell
Director of the budget

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