

January 18, 2021

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 2028 by Joint Committee on Corrections and Juvenile Justice Oversight

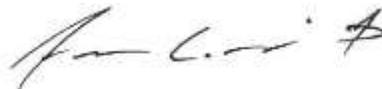
In accordance with KSA 75-3715a, the following fiscal note concerning HB 2028 is respectfully submitted to your committee.

HB 2028, as introduced, would increase the lower monetary threshold for the crimes of (1) theft of property lost, mislaid or delivered by mistake, (2) criminal damage to property, (3) giving a worthless check, (4) counterfeiting, (5) criminal use of a financial card, (6) impairing a security interest (7) Medicaid fraud, (8) official misconduct, (9) presenting or permitting a false claim, (10) misuse of public funds, and (11) criminal desecration from \$1,000 to \$1,500 for a severity level nine, nonperson felony. The bill would also increase the monetary threshold for the crimes of (1) theft of property lost, mislaid or delivered by mistake, (2) giving a worthless check, (3) counterfeiting, (4) impairing a security interest (5) Medicaid fraud, (6) official misconduct, (7) presenting or permitting a false claim, (8) misuse of public funds, and (9) criminal desecration from \$1,000 to \$1,500 for a class A nonperson misdemeanor. The bill would increase the threshold for the crimes of criminal damage to property and criminal use of a financial card and from \$1,000 to \$1,500 for a class B nonperson misdemeanor.

The Office of Judicial Administration indicates that enactment of HB 2028, as introduced, would increase cases supervised by court services officers. However, the Office does not anticipate the need to hire additional personnel. The Office also indicates that the enactment of the bill would result in decreased revenues to the Correctional Supervision Fund and the State General Fund. The Office indicates the higher monetary thresholds in the bill could increase the number of misdemeanor cases in the courts, which have lower probation and correctional supervision fees compared to felonies. Currently, the assessed fees are \$120 for felonies and \$60 for misdemeanors. However, the fiscal effect is unknown because the additional number and type of cases cannot be estimated.

The Kansas Sentencing Commission estimates that enactment of HB 2028, as introduced, would result in a decrease of two adult prison beds each year over a ten-year forecasting period. The current estimated available bed capacity is 9,420 for males and 948 for females. 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 male capacity will be under capacity by 1,287 inmates in FY 2021 and 1,241 inmates in FY 2022. The Department of Corrections indicates that the reduction in prison population would not be sufficient to reduce current prison expenditures. The Department notes that the reduction would be beneficial towards avoiding future prison costs and would improve the ability to socially distance inmates to help mitigate the spread of the coronavirus in the facility, staff working at the facility, and inmates released into the community. Any fiscal effect associated with HB 2028, as introduced, is not reflected in *The FY 2022 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt
Director of the Budget

cc: Scott Schultz, Sentencing Commission
Randy Bowman, Corrections
Debbie Thomas, Judiciary