

March 10, 2021

The Honorable Kellie Warren, Chairperson
Senate Committee on Judiciary
Statehouse, Room 441B-E
Topeka, Kansas 66612

Dear Senator Warren:

SUBJECT: Fiscal Note for SB 231 by Senate Committee on Judiciary

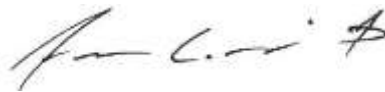
In accordance with KSA 75-3715a, the following fiscal note concerning SB 231 is respectfully submitted to your committee.

SB 231 would make changes to the sentencing guidelines relating to hate crimes. The bill specifies that if the trier of fact makes a finding beyond a reasonable doubt that an offender committed a nondrug felony offense or any attempt or conspiracy to commit a nondrug felony offense that was motivated entirely or in part by the race, color, religion, ethnicity, national origin, gender identity, or sexual orientation of the victim or was motivated by the offender's belief or perception, entirely or in part, of the race, color, religion, ethnicity, national origin, gender identity, or sexual orientation of the victim, regardless of whether the offender's belief or perception was correct, the offense would be classified in severity levels two through ten, the sentence for the offense would be one severity level above the appropriate level for the offense. The sentence imposed would not be considered a departure and would not be subject to appeal.

The Office of Judicial Administration states enactment of SB 231 would increase the severity level of penalties related to hate crimes, which could result in fewer offenders being supervised by court service officers. According to the Office, a fiscal effect cannot be estimated until the Judicial Branch has had an opportunity to operate under the bill's provisions. The Office further states enactment of the bill could decrease revenues to the Correctional Supervision Fund and the State General Fund. Currently, the assessed probation/correctional supervision fee is \$60 for misdemeanors and \$120 for felonies. The fees are split with 41.67 percent to the State General Fund and 58.33 percent to the Correctional Supervision Fund. Enactment of SB 231 could result in decreased revenues because fewer offenders would be paying the supervision fee because of the change in severity levels.

The Kansas Sentencing Commission states enactment of the bill would have an effect on prison admissions and beds; however, the Commission cannot estimate what that effect would be. The Department of Corrections states the bill's enactment would not have a fiscal effect on Department operations. Any fiscal effect associated with SB 231 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: Debbie Thomas, Judiciary
Scott Schultz, Sentencing Commission
Randy Bowman, Corrections
Ruth Glover, Human Rights Commission