

February 8, 2022

The Honorable Kellie Warren, Chairperson
Senate Committee on Judiciary
Statehouse, Room 346-S
Topeka, Kansas 66612

Dear Senator Warren:

SUBJECT: Fiscal Note for SB 413 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 413 is respectfully submitted to your committee.

SB 413 would allow for staggered sentencing for domestic battery violations. The bill would allow the statutorily required 90 days of imprisonment for a second and third offense to be divided into three 30-day segments. The first 30-day segment could be served in a work release program only after such person has served 48 consecutive hours of imprisonment. The bill would also authorize the court to place an offender under a house arrest program to serve the first 30-day segment as well as authorize electronic monitoring of the offender. The bill would require a court to set a review hearing for such offenders 90 to 120 days after the initial sentencing and again 180 to 240 days after initial sentencing. At each such hearing, the court would consider the offender's compliance with prior court orders, along with any other factors deemed relevant by the court, in deciding whether to modify the sentence by ordering a stay of the next following segment of incarceration that the court initially ordered.

The Sentencing Commission indicates that because felony domestic battery is a non-grid offense, sentences are served in county jails as opposed to state prisons. Therefore, enactment of the bill would have no impact on prison admissions. As such, the Department of Corrections also indicates the bill would have no fiscal effect.

The Office of Judicial Administration indicates that the bill would require district courts to hold more review hearings for offenders which would increase time spent by judicial and nonjudicial personnel in processing, researching, and hearing cases. If court services officers

would be required to attend hearings and monitor offender compliance, there would also be more supervision of offenders required to be performed. However, a fiscal effect cannot be estimated. Any fiscal effect associated with SB 413 is not reflected in *The FY 2023 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: Vicki Jacobsen, Judiciary
Scott Schultz, Sentencing Commission
Randy Bowman, Corrections