

SESSION OF 2006

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2754

As Amended by House Committee of the Whole

Brief*

HB 2754, as amended, would enact "Miki's law" which would require offenders convicted of certain felonies to be registered with the Kansas Bureau of Investigation (KBI). An offender who would be required to register pursuant to this bill, and who fails to register, would be guilty of a newly created crime which would be a severity level 5, person felony.

The bill would require an offender to register if the offender was convicted of a felony in which the offender used any deadly weapon in the commission, attempt, conspiracy or solicitation of the felony; or if the offender would be required to register under federal, military or another state's law. The offender would be required to register for ten years after being paroled, discharged, or released on the conviction that triggered registration. A second or subsequent conviction of a felony that would trigger registration pursuant to this bill, would require the offender to register for life.

Background

The bill was introduced by the House Committee on Federal and State Affairs. "Miki's law" is named for 19 year old Mikiala "Miki" Martinez who was found strangled and fatally shot after being abducted at gunpoint by two men in Great Bend, Kansas.

The proponent of the bill who testified at the hearing is Ms. Martinez's father. He brought a petition, signed by 3,000 individuals, supporting the passage of this bill. The opponent of the bill who testified at the hearing is a criminal defense attorney.

The House Committee of the Whole amended the bill to increase the criminal penalty for failure to register from a severity level 10, nonperson felony to a severity level 5 person felony.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The fiscal note from the Director of Budget, on the bill as introduced, indicates there would be a fiscal impact should this bill become law. The Kansas Sentencing Commission (KSC) opined that the passage of the bill would result in the need for 21 additional prison beds by the end of FY 2007 and 55 additional prison beds by FY 2016. If the bill contributes to an increase in inmate population sufficient to require additional facility capacity, one-time construction and equipment costs would be needed. In addition, annual costs to staff and operate the additional capacity would be required.

If the bill does not contribute to the need for capacity expansion, additional annual costs of approximately \$2,000 per inmate for basic support, including food service, would be needed. Additional expenditures for health care also would be incurred, if the increase in the inmate population required adjustments in the medical contract. Provisions of the health care contract provide that whenever the inmate count at a facility changes by more than a specified percentage, an adjustment in contract payments is made. The amount of any adjustment would depend on the specific facility involved.

According to the KBI, the current capacity of its Offender Registration Unit would not be able to absorb the additional responsibilities of registering new offenders with this legislation. In order to maintain the database required by the bill, the KBI would require 2.50 new positions: 0.5 FTE Application Developer II and 2 FTE Administrative Specialist. The cost of these positions would be \$102,043 during FY 2007. The positions would require \$28,885 for other operating expenditures, including postage, office supplies, computers, rent, and DISC fees. The total fiscal effect for the KBI is estimated at \$130,928 for the first year, all from the State General Fund. Any fiscal effect resulting from this bill has not been included in *The FY 2007 Governor's Budget Report*.

A fiscal note from the KSC on the bill as amended stated it would result in the need for 36 additional prison beds by the end of FY 2007 and 185 additional prison beds by FY 2016. The KSC noted that additional impact is likely, but unquantifiable, due to offenders convicted in other states who are in Kansas and fail to comply with the provisions of this bill.