

SESSION OF 2009

**SUPPLEMENTAL NOTE ON SENATE
SUBSTITUTE FOR HOUSE BILL NO. 2097**

As Recommended by Senate Committee on
Judiciary

Brief*

Senate Sub. for HB 2097 would amend current law to extend the standard probation term for a drug felony sentenced pursuant to KSA 21-4729, commonly referred to as 2003 SB 123, from 12 months to 18 months. Additionally, the bill would delay the implementation of a statewide offender risk assessment analytical tool for community correctional service programs to July 1, 2011.

The bill would be in effect upon the publication in the *Kansas Register*.

Background

The proponents of the bill's provision on extending the probation term on 2003 SB 123 crimes (formerly SB 281, as introduced), who testified in the Senate Committee on Judiciary were Helen Pedigo, Kansas Sentencing Commission; and Tom Stanton, Kansas County and District Attorneys Association. There was no opponent of this provision of the bill who testified in the Senate Committee.

The proponent of the bill's provision on delaying the implementation of the standardized risk assessment tool (formerly SB 283, as introduced), who testified in the Senate Committee on Judiciary was Mark Gleeson, Office of Judicial Administration. There was no opponent of this provision of the bill who testified in the Senate Committee.

*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 Senate Committee amended the bill to:

- Strike the original contents of HB 2097 regarding alternate juror selection (provisions were inserted into HB 2233);
- Add provisions from SB 281 as modified by the Senate Committee to clarify the extension of the probation term applies for a drug felony sentenced pursuant to KSA 21-4729; and
- Add provisions from SB 283, as introduced, to delay the implementation of a statewide offender risk assessment analytical tool for community correctional service programs to July 1, 2011.

The fiscal note from the Division of Budget states on the provision of extending the probation term on 2003 SB 123 crimes, as introduced, using historical data, the Department of Corrections estimates that 387 offenders could receive an additional six months of probation under the bill. The monthly community corrections supervision cost is approximately \$210 per offender. As a result, the Department estimates that enactment of the bill would require an additional \$487,620 from the State General Fund for FY 2010 (387 offenders X \$210 for each offender per month X six months). Extending the probation term would also increase the number of caseloads for community corrections program staff.

According to the Sentencing Commission, the provision extending the probation term of 2003 SB 123 crimes could slightly increase the probability that offenders on probation would be revoked to prison; however, the precise number is unknown, because there are no existing data for the extended probation. Any fiscal effect resulting from this bill has not been included in *The FY 2010 Governor's Budget Report*.

Finally, the fiscal note states the enactment of the provision of the bill delaying the implementation of the standardized risk assessment tool, as introduced, would have no fiscal effect. This provision affects those offenders who are sentenced to community supervision; enactment of this provision would not result in additional prison admissions.