

February 24, 2025

The Honorable Kellie Warren, Chairperson  
Senate Committee on Judiciary  
300 SW 10th Avenue, Room 346-S  
Topeka, Kansas 66612

Dear Senator Warren:

**SUBJECT:** Fiscal Note for SB 239 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 239 is respectfully submitted to your committee.

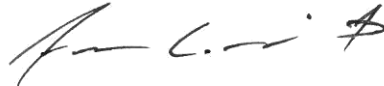
SB 239 would revise the Kansas Sentencing Guidelines for nondrug and drug crimes. The bill would create a special sentencing rule to add 100 months to a sentence for the crime of distribution of a controlled substance causing great bodily harm that causes the death of a person less than 18 years of age. The bill would also add 100 months to a sentence for the crime of cultivation or distribution of a controlled substance when the substance is fentanyl, and the distribution causes the death of a person less than 18 years of age. For both crimes, the sentence would not be considered a departure and would not be subject to appeal.

The Kansas Sentencing Commission states that based on 10-year prison projections, SB 239 could increase prison beds by four beds in FY 2035. As a result of the long sentences imposed under current law, the bill's effect would only occur in the final two years of the 10-year forecasting period. The Department of Corrections indicates that enactment of the bill would increase its marginal cost for additional housing by \$2,165 beginning in FY 2027. Marginal cost represents the cost to add one inmate to the population. Under the bill, inmates would stay longer in prison.

The Office of Judicial Administration would have a negligible fiscal effect on agency operations. Any fiscal effect associated with SB 239 is not reflected in *The FY 2026 Governor's Budget Report*.

The Kansas Association of Counties indicates enactment of SB 239 could have a fiscal effect on counties if there were an increase in charges or prosecution which would lead to additional court proceedings. The Association is unable to estimate a precise fiscal effect on counties.

Sincerely,

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

Adam C. Proffitt  
Director of the Budget

cc: Scott Schultz, Kansas Sentencing Commission  
Jennifer King, Department of Corrections  
Jay Hall, Kansas Association of Counties  
Trisha Morrow, Judiciary