

April 7, 2025

The Honorable Mike Thompson, Chairperson  
Senate Committee on Federal and State Affairs  
300 SW 10th Avenue, Room 144-S  
Topeka, Kansas 66612

Dear Senator Thompson:

**SUBJECT:** Fiscal Note for SB 255 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 255 is respectfully submitted to your committee.

SB 255 would enact the Second Look Act. The bill would authorize certain inmates in custody of the Secretary of Corrections to petition the original sentencing court for a resentencing hearing.

The bill would establish eligibility criteria for inmates to file a verified petition for resentencing based on factors including age at the time of offense and time served. Inmates less than 25 years of age or 50 years or older at the time of offense could petition after ten years from sentencing. Inmates between 25 and 50 years of age at the time of offense could petition after 15 years. Veterans whose status was not considered at sentencing and inmates who completed required rehabilitative programming could petition after ten years. Petitions could also be filed when new legislative enactments would have reduced sentences if made retroactive.

The bill would establish petition requirements, hearing procedures, and victim notification requirements. Courts finding good cause could impose a new sentence that reduces the total length, releases the inmate to post release supervision, or discharges the inmate from the remainder of the sentence. The provisions would not apply to mandatory minimum terms of imprisonment. If a petition is denied, the inmate would not be allowed to file another petition for five years unless a shorter time period is authorized by the court. The bill would take effect on July 1, 2025.

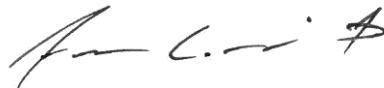
The Judiciary indicates that SB 255 would increase the number of hearings conducted in district courts. This would increase agency operating expenditures due to the additional time spent

by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. However, the Judiciary is unable to calculate a precise estimate of this effect.

The Kansas Sentencing Commission estimates that enactment of the bill would result in a decrease of 368, 522, or 736 beds needed by the end of FY 2026 depending on the scenario. The scenarios project 368 fewer inmates if 10.0 percent of those who apply for resentencing are released by the Department of Corrections, 522 fewer inmates if 15.0 percent are released, and 736 fewer inmates if 20.0 percent are released. By the end of FY 2035, 399, 498, or 797 fewer beds would be needed, depending on the scenario. The current estimated available bed capacity is 9,738 for males and 932 for females. Based upon the Commission's most recent ten-year projection contained in its *FY 2025 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population will total 8,954 male and 921 female inmates in FY 2025 and 9,220 male and 961 female inmates in FY 2026.

The Department of Corrections estimates that the marginal cost of housing a resident is \$4,245.15 in FY 2026 and \$4,330.05 in FY 2027, assuming 2.0 percent annual inflation. Given these amounts and the potential scenarios estimated by the Sentencing Commission, enactment of the bill would reduce State General Fund expenditures by \$1.6 million to \$3.1 million in FY 2026 and by similar amounts in each subsequent fiscal year. Any fiscal effect associated with SB 255 is not reflected in *The FY 2026 Governor's Budget Report*.

Sincerely,



Adam C. Proffitt  
Director of the Budget

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