

February 9, 2011

REVISED

The Honorable Pat Colloton, Chairperson  
House Committee on Corrections and Juvenile Justice  
Statehouse, Room 167-W  
Topeka, Kansas 66612

Dear Representative Colloton:

**SUBJECT:** Revised Fiscal Note for HB 2138 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following revised fiscal note concerning HB 2138 is respectfully submitted to your committee.

HB 2138 would expand the crimes of burglary and aggravated burglary by adding the intent to commit domestic battery, stalking, or a protective order violation to the list of offenses under the statute.

Under three different scenarios, the Kansas Sentencing Commission estimates that passage of HB 2138 would result in an increase of 18, 36, and 54 adult prison beds in FY 2012 and an increase of 36, 68, and 102 adult prison beds by FY 2021. Each scenario assumes 5.0, 10.0, and 15.0 percent increases, respectively, in convictions per year and that 29.0 percent of those convicted would be sent to prison. It was reported previously that the bill would result in an increase of three, six, and ten beds in FY 2012 and an increase of seven, 11, and 19 beds by FY 2021. It was also reported that the each scenario assumed 1.0, 2.0, and 3.0 percent increases, respectively, in convictions per year. The Sentencing Commission determined its original estimate was too low. Currently, the number of male inmates exceeds the available bed capacity of 8,259, and based upon the Kansas Sentencing Commission projections, it is estimated that at the end of FY 2011 and FY 2012, the number of male inmates will exceed available capacity by 235 beds and 394 beds, respectively. To address capacity issues, the Governor's recommended FY 2012 budget includes \$2.5 million for contract prison beds. If it is determined that facility construction is necessary, the Department of Corrections has identified two capacity expansion projects: two high medium security housing units at El Dorado Correctional Facility that would provide 512 beds with a construction cost of \$22,687,232 (\$44,311 per bed X 512) and operating costs of \$9,339,904 (\$18,242 per bed X 512); and one minimum security housing unit at Ellsworth Correctional Facility that would provide 100 beds with a construction cost of \$5,935,000 (\$59,350 per bed X 100) and operating costs of \$1,832,000 (\$18,320 per bed X 100).

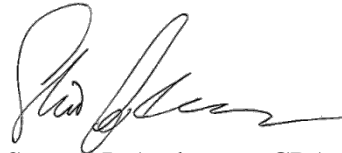
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HB 2138 has the potential for increasing litigation in the courts because of the crimes expanded by the bill. If it does, the Office of Judicial Administration indicates that there would be a fiscal effect on the operations of the court system. However, it is not possible to predict the number of additional court cases that would arise or how complex and time-consuming they would be. Therefore, a precise fiscal effect cannot be determined. In any case, the fiscal effect would most likely be accommodated within the existing schedule of court cases and would not require additional resources. Any fiscal effect associated with HB 2138 is not reflected in *The FY 2012 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", with a long horizontal flourish extending to the right.

Steven J. Anderson, CPA, MBA  
Director of the Budget

cc: Jeremy Barclay, Corrections  
Mary Rinehart, Judiciary  
Helen Pedigo, Sentencing Commission