

February 13, 2012

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

Dear Representative Colloton:

SUBJECT: Fiscal Note for HB 2567 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2567 is respectfully submitted to your committee.

Under HB 2567, for the purposes of defining the crime of aggravated endangering a child, the term “child” would also mean an unborn child. The crime of aggravated endangering a child would be amended to include causing or permitting a child to be in an environment where any person knows or reasonably should know any person injected, ingested, inhaled, or otherwise introduced any methamphetamine or methamphetamine analog into the human body or where any person is in possession of any methamphetamine.

Analysis by the Kansas Sentencing Commission of various scenarios suggests that passage of HB 2567 would result in an increase of one to three adult prison beds in FY 2013 and a similar increase of adult prison beds by FY 2022. Currently, the number of male inmates exceeds the available bed capacity of 8,369, and based upon the Kansas Sentencing Commission projections, it is estimated that at the end of FY 2012 and FY 2013, the number of male inmates will exceed available capacity by 335 beds and 453 beds, respectively. To address capacity issues, the Governor’s budget includes \$3,896,150 to renovate and operate existing facilities in Labette County and an additional \$1.5 million to contract for prison beds (\$2.5 million was added last year for contract beds). If it is determined that additional facility construction is essential in the near-term, the Department of Corrections has identified a capacity expansion project at El Dorado Correctional Facility that includes building two new medium security housing units, which would provide a total of 512 beds. It is estimated that the new units would have a construction cost of \$22,320,329 and operating costs of \$8,184,231 (or \$43.79 per inmate per day).

Any near-term or long-term capacity needed beyond the options outlined above would require additional contract or construction costs. The actual construction costs would depend

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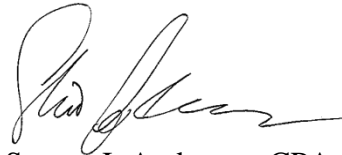
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upon the security level of the beds to be constructed and when construction is actually undertaken, while the actual operating costs would depend upon the base salary amounts, fringe benefit rates, per meal costs, per capita health care costs, and other cost factors applicable at the time the additional capacity is occupied. Likewise, any further prison commitments that result in additional parolees could require additional staff and resources so that the additional parolees can be effectively supervised.

The bill also has the potential for increasing litigation in the courts as a result of additional case filings that may occur relating to aggravated endangerment of a child. If it does, the Office of Judicial Administration indicates that there would be a fiscal effect on the operations of the court system. The additional filings would require more time spent by court personnel to process, research, and hear cases. Also, more revenue could be generated from docket fees and criminal penalties. 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. Any fiscal effect associated with HB 2567 is not reflected in *The FY 2013 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: Scott Schultz, Sentencing Commission
Mary Rinehart, Judiciary
Jeremy Barclay, DOC