

February 25, 2013

The Honorable John Rubin, Chairperson
House Committee on Corrections and Juvenile Justice
Statehouse, Room 151-S
Topeka, Kansas 66612

Dear Representative Rubin:

SUBJECT: Fiscal Note for HB 2298 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2298 is respectfully submitted to your committee.

HB 2298 would amend current law by expanding the crime of interference with law enforcement. It would be unlawful to falsely report to a law enforcement officer, law enforcement agency or state investigative agency that a crime has been committed or any information concerning a crime or suspected crime knowing that the information is false and intending that the officer or agency would act upon the information. The penalty for this offense would be a class A misdemeanor.

Falsely reporting any information concerning the death, disappearance or potential death or disappearance of a child under the age of 13 knowing that the information is false and intending that the officer or agency would act upon the information would be a severity level 8, nonperson felony.

The bill would also increase the penalty for the crime of giving false alarm to a severity level 10, nonperson felony in cases when a person uses any means, including, but not limited to, electronic devices or software, to alter, conceal or disguise the identity of the person transmitting the request for emergency services. Currently, giving false alarm is a class A nonperson misdemeanor. Offenders who are convicted of giving false alarm may also be prosecuted for interference with law enforcement.

The Kansas Sentencing Commission estimates that passage of HB 2298 would result in an increase of one to three adult prison beds needed each fiscal year during the FY 2014 – FY 2023 forecast period. As of January 14, 2013, the available bed capacity was 9,564. While the anticipated effect of the bill is small, based upon Kansas Sentencing Commission projections, it is estimated that by the end of FY 2014 and FY 2015 the number of inmates will exceed available capacity by 325 beds and 590 beds, respectively.

To address capacity issues, the Governor's budget includes additional funding of \$3.0 million (\$2.0 million in FY 2014 and another \$1.0 million in FY 2015) for community corrections treatment and supervision programs to reduce the number of probationers entering prison. It is expected that the added funds plus policy changes recommended by the Justice Reinvestment group will make 135 beds available in FY 2014 and up to 853 beds available in FY 2015. However, it is likely that continued projected population increases will also require construction of new cell houses at the El Dorado Correctional Facility. The project would include 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 approximately \$24.5 million and operating costs of approximately \$8.4 million (or about \$45.00 per inmate per day). Presumably, bonding authority would be required in FY 2015 for the constructions costs with operations at the new cell houses beginning in FY 2016.

The Office of Judicial Administration states that HB 2298 has the potential for increasing the number of cases filed in district courts and the number appeals relating to interference with law enforcement or giving false alarm. This would increase the time spent by district and appellate court judicial and non-judicial personnel in processing, researching, and hearing cases. Likewise, the additional cases could also result in the collection of added revenue from docket fees and 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. 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 2298 is not reflected in *The FY 2014 Governor's Budget Report*.

Sincerely,



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

cc: Pat Scalia, Indigents Defense
Jeremy Barclay, Corrections
Mary Rinehart, Judiciary
Scott Schultz, Sentencing Commission