

January 28, 2014

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 2477 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2477 is respectfully submitted to your committee.

HB 2477 would add the act of strangulation to the crime of aggravated battery. The penalty for strangulation would be a severity level six, person felony; however, strangulation by use of a dangerous instrument or deadly weapon would be a severity level five, person felony. The provisions would not apply to legitimate medical procedures performed by physicians or licensed medical professionals.

The Office of Judicial Administration indicates that HB 2477 has the potential to increase the number of cases relating to aggravated battery filed in district courts and the number of appeals filed in appellate courts. This would increase the time spent by district and appellate court judicial and non-judicial personnel to process, research, and hear cases. Likewise, the additional cases could also result in the collection of added revenue from docket fees. However, it is not possible to predict the number of additional court cases or appeals that would arise or how complex and time-consuming they would be. Therefore, a precise fiscal effect cannot be determined.

The Kansas Sentencing Commission estimates that passage of the bill would result in an increase of one to three adult prison beds needed in FY 2015 and an increase of three to eleven adult prison beds needed by FY 2024. As of January 13, 2014, the available bed capacity is 9,636. Based upon the Commission's most recent ten-year projection contained in its *FY 2014 Adult Inmate Prison Population Projections* report, by the end of FY 2014 and FY 2015 it is estimated that the number of inmates will be below available capacity by 103 beds and 196 beds, respectively. However, starting in FY 2017 it is expected that the adult correctional facilities will again be over capacity. While the bed space requirements of HB 2477 could be handled within existing capacity in the short term, the bill will add to capacity challenges occurring in the near future.

The Honorable John Rubin, Chairperson

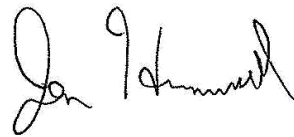
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Continued population increases eventually will require construction of new cell houses at the El Dorado Correctional Facility. This project would include building two new medium security housing units, which would provide a total of 512 beds. It is estimated that the new units would have a construction cost of approximately \$24.4 million and operating costs of approximately \$8.4 million (or about \$45.00 per inmate per day). If bonds are used to finance the construction of the units, bonding authority would be required in FY 2016 so that operations at the new cell houses could begin in FY 2017.

The Kansas Sentencing Commission notes that the bill would add to the journal entry workload of the agency; however, additional resources would not be needed. The Board of Indigents Defense Services reports that HB 2477 would not increase the agency's caseload. Any fiscal effect associated with HB 2477 is not reflected in *The FY 2015 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Hummell". The signature is written in a cursive style with a large initial "J".

Jon Hummell,  
Interim Director of the Budget

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