

March 10, 2014

The Honorable Lance Kinzer, Chairperson
House Committee on Judiciary
Statehouse, Room 165-W
Topeka, Kansas 66612

Dear Representative Kinzer:

SUBJECT: Fiscal Note for HB 2710 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2710 is respectfully submitted to your committee.

HB 2710 would amend sentencing provisions for certain sex crimes, including aggravated human trafficking, rape, aggravated indecent liberties with a child, aggravated criminal sodomy, commercial exploitation of a child, or the attempt, conspiracy, or criminal solicitation of the aforementioned crimes. Offenders who are 18 years of age or older and who are convicted of the sex crimes after July 1, 2006 but prior to July 1, 2014, or on or after July 1, 2014, would be sentenced to a term of life imprisonment with a mandatory minimum term of not less than 25 years. This sentencing would apply unless the court finds that the offender is an aggravated habitual sex offender or the offender's criminal history allows for a presumptive imprisonment sentence according to the sentencing guidelines grid.

For offenders who are 18 years of age or older and commit certain sex crimes on or after July 1, 2014, courts must determine whether the offender would be required to serve an additional term of imprisonment of ten years in addition to the sentence of life with a mandatory minimum prison term of at least 25 years. A separate proceeding must be conducted before a jury to determine whether one or more aggravating circumstances, as specified in the bill, exist. If the jury, by unanimous vote, finds beyond a reasonable doubt that one or more aggravating circumstances exist, the offender would be required to serve an additional prison term of ten years. If the jury is unable to reach a unanimous decision, the sentence would revert to a term of life imprisonment with a mandatory minimum term of not less than 25 years.

Offenders who have prior convictions of the sex crimes would receive a sentence of life imprisonment with a mandatory minimum term of at least 40 years. Offenders sentenced to mandatory terms of 25 years, 35 years, or 40 years imprisonment would not be eligible for probation or suspension, modification, or reduction of sentence. Also, the offenders would not be eligible for parole prior to serving their mandatory prison terms and good time credits.

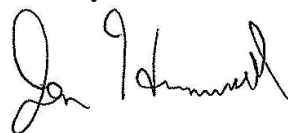
Estimated State Fiscal Effect				
	FY 2014 SGF	FY 2014 All Funds	FY 2015 SGF	FY 2015 All Funds
Revenue	--	--	--	--
Expenditure	--	--	\$36,779	\$36,779
FTE Pos.	--	--	--	--

According to the Kansas Sentencing Commission, HB 2710 would not require additional prison beds over the next ten years but would have a long term effect on bed needs beyond the Commission's ten-year forecasting period. The Commission reports that there were 85 offenders convicted of the crimes as defined the bill in FY 2013. The bill would not increase the workload of the agency.

The Office of Judicial Administration estimates that the separate proceedings would require \$24,254 from the State General Fund in FY 2015 for additional senior judge contract costs. This figure assumes a total of 53 additional judge days would be needed at a cost of \$458 per day. Using the Kansas Sentencing Commission's FY 2013 figure of 85 offenders, it is estimated that each proceeding would take a minimum of five hours of judge time or a total of 425 hours (85 cases X five hours). This would be equal to 53 judge days (425 hours/8 hours per day). The Office further indicates that additional time may be needed from judicial and non-judicial personnel to process, research, and hear cases. However, a precise fiscal effect on this additional workload cannot be determined.

The Board of Indigents Defense Services estimates that the bill would result in additional expenditures of \$12,525 from the State General Fund in FY 2015 for increased public defender work. The Board expects the bill to increase the amount of time needed for public defenders by five hours for each case, which would equal \$147.35 per case (\$29.47 per hour public defender cost X five hours). The total fiscal effect uses the Kansas Sentencing Commission's FY 2013 figure of 85 offenders (\$147.35 per case X 85 cases). Any fiscal effect associated with HB 2710 is not reflected in *The FY 2015 Governor's Budget Report*.

Sincerely,



Jon Hummell,
Interim Director of the Budget

cc: Mary Rinehart, Judiciary
Scott Schultz, Sentencing Commission
Pat Scalia, BIDS
Jeremy Barclay, KDOC