

March 3, 2014

The Honorable Jeff King, Chairperson
Senate Committee on Judiciary
Statehouse, Room 341-E
Topeka, Kansas 66612

Dear Senator King:

SUBJECT: Fiscal Note for SB 415 by Senate Committee on Ways and Means

In accordance with KSA 75-3715a, the following fiscal note concerning SB 415 is respectfully submitted to your committee.

SB 415 would increase the penalty for burglary when entering into or remaining within a dwelling with the intent to commit a felony, theft, or sexually motivated crime from a severity level seven, person felony to a severity level six, person felony.

The crime of aggravated burglary would be expanded to include entering into or remaining within a dwelling in which there is a human being with the intent to commit a felony, theft, or sexually motivated crime. Aggravated burglary in this case would be a severity level four, person felony. Entering into or remaining within a building, manufactured home, mobile home, tent, or other structure that is not a dwelling but in which there is a human being with the intent to commit a felony, theft, or sexually motivated crime would be a severity level five, person felony.

The Kansas Sentencing Commission estimates that passage of SB 415 would result in an increase of 64, 71, or 77 adult prison beds needed in FY 2015 and an increase of 235, 262, or 289 adult prison beds needed by FY 2024 based on three different scenarios that reflect increasing percentages of offenders who may be convicted under the new penalties. 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 SB 415 could be handled within existing capacity in the short term, the bill will add to capacity challenges occurring in the near future.

The Honorable Jeff King, Chairperson

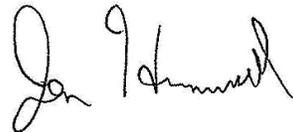
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Continued population increases eventually will require construction of new cell houses at the El Dorado Correctional Facility. This project would include building two new medium security housing units, which would provide a total of 512 beds. It is 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.

According to the Office of Judicial Administration, the bill is not likely to increase the number of case filings related to burglary or aggravated burglary. However, it is possible that the elevated penalties could increase the number of appeals filed which would require additional time spent by appellate court judicial and non-judicial personnel to process, research, and hear cases. Likewise, the additional appeals could also result in the collection of added revenue from docket fees. However, it is not possible to predict the number of additional appeals 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 SB 415 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 fluid and cursive, with the first name "Jon" being particularly prominent.

Jon Hummell,
Interim Director of the Budget

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