

January 26, 2015

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 2017 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2017 is respectfully submitted to your committee.

HB 2017 would add the act of strangulation to the crime of aggravated battery. The penalty for strangulation would be a severity level six, person felony. The provisions would not apply to legitimate medical procedures performed by physicians or licensed medical professionals or restraints performed by law enforcement officers that are in accordance with acceptable law enforcement practices.

According to the Office of Judicial Administration, HB 2017 could create more trials in the district courts and more appeals in appellate courts which could cause judicial and non-judicial staff to spend more time processing, researching, and hearing cases. The bill could also result in the collection of docket fees from those cases filed under the provisions of HB 2017. 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 2017 is not reflected in *The FY 2016 Governor's Budget Report*.

A request was sent to the Kansas Sentencing Commission for a bed impact statement for HB 2017; however, a response had not been received at the time this note was prepared. A similar bill was introduced during the 2014 Legislative Session (2014 HB 2477). If that bill is used as a guide, it is likely that HB 2017 would result in increases of adult prison beds needed. As of January 12, 2015, the available bed capacity is 9,636. Based upon the Commission's most recent ten-year projection contained in its *FY 2015 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population will exceed available male capacity by 85 inmates in FY 2015, 109 inmates in FY 2016, and 162 inmates in FY 2017. A revised fiscal note

will be submitted with precise bed impact figures once a response is received from the Commission.

In the event the bill does increase bed needs, the Department of Corrections would incur additional costs to house these inmates in contract beds until additional capacity can be constructed. Construction costs would depend upon the security level of the beds to be constructed and when construction is actually undertaken. Absent the passage of any other legislation, increases in the female population and the minimum security male population can be absorbed within existing resources. Likewise, any further prison commitments that result in additional parolees could require additional staff and resources so that the parolees could be effectively supervised.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

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