

January 27, 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 2052 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2052 is respectfully submitted to your committee.

HB 2052 would add adult diversions for felony violations relating to unlawful possession of controlled substances committed on or after July 1, 2015, to the list of cases used in determining the criminal history classification. Certain offenders who are placed on diversion for specified drug offenses would be subject to a non-prison sanction of commitment to a certified drug abuse treatment program. The offenders would receive treatment for up to 18 months and would be supervised by community corrections. The terms of the treatment would not exceed the term of diversion.

The Kansas Sentencing Commission states that HB 2052 would have an effect on prison admissions, prison bed space and agency journal entry workload. The bill would also increase the number of SB 123 drug treatment offenders, which would affect the budget of the Commission. However, the agency indicates that the effects on bed space and the fiscal effect on the Commission cannot be determined at this time.

In the event the bill adds to the number of adult prison beds needed, there would be a fiscal effect for the Department of Corrections. 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.

Based on a contract rate of \$40 per day, it may cost the Department of Corrections additional funds to house any additional inmates in contract beds until additional capacity can be constructed. Construction costs would depend upon the security level of the beds to be

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January 27, 2015

Page 2—HB 2052

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. The precise fiscal effect on the community corrections program in the Department of Corrections cannot be determined because the number of offenders who would be placed on diversion and supervised by community correctional services is unknown.

The Office of Judicial Administration indicates that the bill would have no fiscal effect on the Judicial Branch. Similarly, the Kansas Association of Counties states that there would be no fiscal effect on local governments should the bill be enacted. Any fiscal effect associated with HB 2052 is not reflected in *The FY 2016 Governor's Budget Report*.

Sincerely,

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

Shawn Sullivan,
Director of the Budget

cc: Jeremy Barclay, DOC
Scott Schultz, Sentencing Commission
Melissa Wangemann, KAC
Mary Rinehart, Judiciary