

March 10, 2015

The Honorable John Barker, Chairperson
House Committee on Judiciary
Statehouse, Room 149-S
Topeka, Kansas 66612

Dear Representative Barker:

SUBJECT: Fiscal Note for HB 2158 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2158 is respectfully submitted to your committee.

Under HB 2158, the severity level for murder in the second degree for intentionally killing a human being would be increased from a severity level 1, person felon to an off-grid person felony. Offenders who are convicted of murder in the second degree for intentionally killing a human being on or after July 1, 2015 would be sentenced to imprisonment for life and would not be eligible for probation or suspension, modification or reduction of sentence. Offenders would be eligible for parole after serving 25 years imprisonment, without deduction of any good time credits, unless the defendant's criminal history requires the sentence range to exceed 300 months. In this case, the offender would be required to serve a mandatory minimum equal to the sentence pursuant to the sentencing range.

The bill would also increase the severity level for murder in the second degree for killing a human being unintentionally but recklessly under circumstances manifesting extreme indifference to the value of human life from a severity level two, person felony to a severity level one, person felony.

The Kansas Sentencing Commission indicates that passage of HB 2158 would result in no additional adult prison beds needed in FY 2016 and FY 2017. However, by FY 2025, it is estimated that 38 additional adult prison beds would be 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 population in FY 2025 will exceed available male capacity by over 700 inmates.

The Board of Indigents' Defense Services states that no additional training or staff would be required to implement the bill, if passed. Similarly, the Office of Judicial Administration

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reports that HB 2158 would have no fiscal effect on the Judicial Branch because the bill would not add to the number of cases filed under existing law.

The Office of the Attorney General estimates that increased penalties for criminal offenses may lead to additional litigation actions during prosecution. However, it is expected that expenditures from intensified litigation would not be large and could be absorbed within existing agency resources. Any fiscal effect associated with HB 2158 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 horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

cc: Mary Rinehart, Judiciary
Pat Scalia, Indigents Defense Services
Scott Schultz, Sentencing Commission
Jeremy Barclay, Corrections
Willie Prescott, Attorney General's Office