

February 12, 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 2218 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2218 is respectfully submitted to your committee.

HB 2218 would amend the crimes of burglary and aggravated burglary by stating that the statute would not apply to any premises that are open to the public at the time the crime was committed.

The Kansas Sentencing Commission estimates that passage of HB 2218 would result in a decrease of 9 to 13 adult prison beds needed in FY 2016 and decrease of 18 to 32 adult prison beds needed in FY 2017. By FY 2025, the bill would result in a decrease of 36 to 60 adult prison beds. 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. The Department of Corrections intends to manage the prison bed shortfall by housing inmates in contract beds until additional capacity can be constructed. HB 2218 would reduce those contract costs. Based on a contract rate of \$40 per day, contract costs could be reduced by \$131,400 to \$189,800 in FY 2016 and by \$282,800 to \$467,200 in FY 2017.

The Board of Indigents Defense indicates that the bill could result in reduced public defender expenditures of \$71,025 to \$81,600 in FY 2016 and \$72,000 to \$83,000, all from the State General Fund.

The Office of Judicial Administration notes that the bill would have no fiscal effect on the Judicial Branch. Any fiscal effect associated with HB 2218 is not reflected in *The FY 2016 Governor's Budget Report*.

Sincerely,



Shawn Sullivan,  
Director of the Budget

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