

January 19, 2016

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 2458 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2458 is respectfully submitted to your committee.

Special sentencing rule 26 exists within current law for offenders convicted of a third or subsequent drug possession offense. The provisions (1) require an offender to participate in an intensive substance abuse treatment program of at least four months duration, subject to the availability of treatment resources; (2) modify the offender's original sentence upon successful completion of the program; and (3) preclude certain offenders from participating based on prior participation or refusal to participate.

HB 2458 would amend current law by repealing the presumptive prison sentence of special sentencing rule 26 in its entirety.

The Kansas Sentencing Commission estimates that passage of HB 2458 would result in a decrease of 28 adult prison beds needed in FY 2017 and a total decrease of 368 adult prison beds needed over ten years. However, the Commission indicates the bill could increase the number of offenders sentenced to the SB 123 Drug Treatment Program by 115 persons, which would increase the Commission's programming costs by \$446,283 in FY 2017 (\$3,880.72 per SB 123 treatment offender in FY 2015 x 115 offenders = \$446,282.80).

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Based on a reduction of 368 prison beds, the Department of Corrections estimates it may avoid costs totaling \$2,525,216 over the ten-year period. The Office of Judicial Administration indicates any costs associated with the enactment of this bill on the Judicial Branch would be negligible. Any fiscal effect associated with HB 2458 is not reflected in *The FY 2017 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: Ashley Michaelis, Judiciary
Scott Schultz, Sentencing Commission
Pat Scalia, Indigents Defense Services
Adam Pfannenstiel, Corrections