

January 20, 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 2459 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2459 is respectfully submitted to your committee.

Under current law, a violation for a criminal offender unlawfully tampering with electronic monitoring equipment is a severity level six, nonperson felony. HB 2459 would establish a tiered system of classification that is based upon the offender's underlying conviction. Unlawfully tampering with electronic monitoring equipment would be as follows:

1. A severity level six, nonperson felony for any nondrug severity level one through five felony or any drug severity level one or two felony;
2. A severity level eight, nonperson felony for any nondrug severity level six through eight felony or any drug severity level three felony;
3. A severity level ten, nonperson felony for any nondrug severity level nine or ten felony, any nongrid felony, or any drug severity level four or five felony; and
4. A class A nonperson misdemeanor for any misdemeanor or for court-ordered supervision for a civil case.

The Kansas Sentencing Commission estimates that enactment of HB 2459 would have an effect on adult prison beds in FY 2017; however, the Commission cannot determine what that effect would be at this time. The Department of Corrections estimates there could be savings resulting from the enactment of HB 2459; however, the Department cannot provide an accurate

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estimate of any savings at this time. Any fiscal effect associated with HB 2459 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: Adam Pfannenstiel, Corrections
Ashley Michaelis, Judiciary
Scott Schultz, Sentencing Commission
Pat Scalia, Indigents Defense Services