

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 2461 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2461 is respectfully submitted to your committee.

Under current law, an offender who is convicted of a felony violation may be placed in a certified drug abuse treatment program when the offense is classified as a severity level five on the sentencing guidelines grid for drug crimes, as long as the offender meets specified criminal history requirements. HB 2461 would extend the availability of this nonprison sanction to any individual whose offense is classified as a severity level four on the drug sentencing grid.

The Office of Judicial Administration states that any fiscal effect resulting from the enactment of HB 2461 upon the Judicial Branch would be negligible. The Kansas Department of Corrections estimates enactment of HB 2461 could include 135 additional offenders and that not all of the offenders would qualify for placement in a drug treatment program. The Department estimates that if 50.0 percent of offenders qualified and ended in community corrections, the provisions of the bill could be absorbed within existing resources.

The Kansas Sentencing Commission estimates that passage of HB 2461 would save 41, 68, or, 110 adult prison beds in FY 2017 and drug treatment offenders could increase by 307, 371, or 450 persons, depending on the following three scenarios described below:

1. The Commission estimates that if 30.0 percent of the drug severity level four offenders who are sentenced to prison and 70.0 percent who are sentenced to probation would be sentenced to drug treatment programs, 41 adult prison beds would be saved. Additional expenditures of \$1,191,381 would be needed from the State General Fund for offender drug treatment;

The Honorable John Rubin, Chairperson

January 20, 2016

Page 2—HB 2461

2. The Commission estimates that if 50.0 percent of the drug severity level four offenders who are sentenced to prison and 80.0 percent who are sentenced to probation would be sentenced to drug treatment programs, 68 adult prison beds would be saved. Additional expenditures of \$1,439,747 would be needed from the State General Fund for offender drug treatment; and
3. The Commission estimates that if 80.0 percent of the drug severity level four offenders who are sentenced to prison and 90.0 percent who are sentenced to probation would be sentenced to drug treatment programs, 110 adult prison beds would be saved. Additional expenditures of \$1,746,324 would be needed from the State General Fund for offender drug treatment.

Any fiscal effect associated with HB 2461 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: Scott Schultz, Sentencing Commission
Adam Pfannenstiel, Corrections
Ashley Michaelis, Judiciary
Pat Scalia, Indigents Defense Services