

January 21, 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 2462 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2462 is respectfully submitted to your committee.

Under current law, the crime of theft of property or services valued at least \$1,000, but less than \$25,000, is classified as a severity level 9, nonperson felony. Theft of an amount less than \$1,000 is classified as a class A nonperson misdemeanor, with certain exceptions. HB 2462 would modify the statute so that thefts with a value of at least \$2,000, but less than \$25,000, would be classified as a severity level 9, nonperson felony. The bill would raise the maximum amount required for a theft to be classified as a class A nonperson misdemeanor, from \$1,000 to \$2,000.

In FY 2015, there were 220 felony theft convictions that would have been misdemeanor convictions under the provisions of HB 2462, thus requiring additional cases supervised by court services officers. Using this as a basis, the Office of Judicial Administration (OJA) estimates the enactment of this bill would increase its State General Fund expenditures by \$213,360 in FY 2017 to hire an additional 4.00 Court Services Officer FTE positions. Because the Correctional Supervision Fee is \$120 for felonies and \$60 for misdemeanors, OJA estimates it would collect \$60 less ($\$120 - \$60 = \60) per case for a total loss in revenues of \$13,200 ($220 \text{ cases} \times \$60 = \$13,200$). The fee is currently split with 41.67 percent remitted to the State General Fund and 58.33 percent remitted to the Correctional Supervision Fund. For that reason, OJA estimates the total loss would include \$5,500 ($\$13,200 \times 41.67\%$) to the State General Fund and \$7,700 ($\$13,200 \times 58.33\%$) to the Correctional Supervision Fund.

The Kansas Sentencing Commission estimates that passage of HB 2462 would result in a decrease of 32 adult prison beds needed in FY 2017, for a total decrease of 340 adult prison beds needed by FY 2026. The Department of Corrections estimates it could see a total cost avoidance

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of \$2.3 million as a result of the decrease in beds between FY 2017 and FY 2026. The Kansas Sentencing Commission indicates the bill would also decrease the number of journal entries required by 220. Any fiscal effect associated with HB 2462 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