

February 12, 2015

The Honorable Gregory Smith, Chairperson
Senate Committee on Corrections and Juvenile Justice
Statehouse, Room 441-E
Topeka, Kansas 66612

Dear Senator Smith:

SUBJECT: Fiscal Note for SB 111 by Senate Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning SB 111 is respectfully submitted to your committee.

Under current law, as a condition of probation, suspension of sentence, or assignment to a community correctional services program, offenders can be required to pay a one-time correctional supervision fee of \$60 for a misdemeanor conviction and \$120 for a felony conviction. SB 111 would change the fees to \$25 per month for misdemeanor convictions and \$50 per month for felony convictions. The bill would specify that the fee would apply while under the supervision of a court services officer. Offenders under community corrections supervision would no longer pay the fee.

SB 111 would also permit revenue in the Correctional Supervision Fund to be used for the retention and recruitment of court services officers by maintaining pay and benefits at or within 2.5 percent of market pay and benefits of others performing the same or similar duties in Kansas or other surrounding jurisdictions as determined by the court.

Estimated State Fiscal Effect				
	FY 2015 SGF	FY 2015 All Funds	FY 2016 SGF	FY 2016 All Funds
Revenue	--	--	\$672,403	\$1,613,640
Expenditure	--	--	\$109,441	\$109,441
FTE Pos.	--	--	--	3.00

The Office of Judicial Administration estimates that SB 111 would require additional expenditures of \$109,441 from the State General Fund for the salary and wages of 3.00 Trial Court Clerk II FTE positions for FY 2016. The Office indicates that changing to a monthly supervision fee would result in additional time spent by clerks of district courts accepting payments from offenders, entering the amounts paid for each case, and remitting funds to the State Treasurer. The current case management system does not have the ability to add monthly recurring fees. As a result, this function would have to be performed manually by the clerks.

The estimate assumes that it would take an additional 30 minutes per felony or misdemeanor case to process the fees. In FY 2013, there were a total of 13,439 cases (2,591 felony probationers and 10,848 misdemeanor probationers). The total amount of additional hours that would be required would be 6,719 hours (0.5 hours X 13,439 cases = 6,719 hours). If the additional hours needed is divided by the number of work hours per year (2,080 hours), the result is approximately 3.00 positions. The total cost for FY 2017 would be \$122,469.

The Office indicates that the bill could increase revenues by \$672,403 from the State General Fund and \$1,613,640 from all funds in FY 2016. While many variables and factors exist that would affect the amount that would be received, it is estimated that \$976,320 could be generated from misdemeanor case revenue and \$1,243,680 from felony case revenue. On average, offenders convicted of misdemeanors spend about six months on probation while offenders convicted of felonies are on probation for about 12 months. The revenue increase for misdemeanors per probationer would be \$90 (\$25 per month fee X 6 months = \$150; \$150 - \$60 current one-time fee = \$90). If the \$90 revenue increase per probationer is multiplied by the number of probationers from FY 2013 (10,848 offenders), the result would be \$976,320. The revenue increase for felonies per probationer would be \$480 (\$50 per month fee X 12 months = \$600; \$600 - \$120 current one-time fee = \$480). If the \$480 revenue increase per probationer is multiplied by the number of probationers from FY 2013 (2,591 offenders), the result would be \$1,243,680. Altogether, the total revenue for all cases would be \$2,220,000 (\$976,320 + \$1,243,680).

However, the felony revenue increase must be reduced to account for supervision fees that would no longer be received by offenders under community corrections. The Office indicates that in FY 2013 there were 5,053 offenders who would have paid the \$120 fee under current law. This would equate to revenue of \$606,360. If this figure is subtracted from the total monthly fee revenue estimate of 2,220,000, the result would be \$1,613,640. Of this amount, \$672,403 would be remitted to the State General Fund and \$941,236 to the Correctional Supervision Fund. It is not known how much would be spent from the fund for court services officer pay and benefits.

The Department of Corrections notes that a small amount of revenue could be lost from SB 111. There are some offenders who have dual supervision with court services and parole. The Department charges \$30 per month for parole supervision fees. This Department fee would be in addition to the new monthly fees under the bill. The agency indicates that fee collections may decline if dual supervision offenders have to pay more per month. The Department estimates the loss in revenue to be approximately \$9,000 annually. Any fiscal effect associated with SB 111 is not reflected in *The FY 2016 Governor's Budget Report*.

Sincerely,



Shawn Sullivan,
Director of the Budget