

February 3, 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 12 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 12 is respectfully submitted to your committee.

SB 12 would expand the crimes battery against a law enforcement officer and aggravated battery against law enforcement officers to include judges, attorneys, and court services officers while they are performing their duties. The bill would also expand the definition of mental health employee as it is used within the statutes on battery and aggravated battery by including any contracted employee working for the Kansas Department for Aging and Disability Services at a state hospital or institution.

The Kansas Sentencing Commission estimates that passage of SB 12 would result in an increase of three to five adult prison beds needed in FY 2016 and an increase of five to seven adult prison beds needed by FY 2017. An additional eight to 11 beds may be needed by the end of FY 2025. As of January 12, 2015, the available bed capacity is 9,636. Based upon the Commission's most recent ten-year projection contained in its *FY 2015 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population will exceed available male capacity by 85 inmates in FY 2015, 109 inmates in FY 2016, and 162 inmates in FY 2017.

Based on a contract rate of \$40 per day, it may cost the Department of Corrections an additional \$43,800 to \$73,000 in FY 2016 and \$73,000 to \$102,200 in FY 2017 to house these inmates in contract beds until additional capacity can be constructed. Construction costs would depend upon the security level of the beds to be constructed and when construction is actually undertaken. Absent the passage of any other legislation, increases in the female population and the minimum security male population can be absorbed within existing resources. Likewise, any further prison commitments that result in additional parolees could require additional staff and resources so that the parolees could be effectively supervised.

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It is possible that the changes in the bill would increase the number of cases in the district courts and appellate courts causing judicial and non-judicial staff to spend more time processing, researching, and hearing cases. Any increases to the number of cases would also result in the collection of additional docket fee revenue. However, it is not possible to predict the number of additional court cases that would arise or how complex and time-consuming they would be. Therefore, a precise fiscal effect cannot be determined.

The Kansas Sentencing Commission notes that the bill would add to the journal entry workload of the agency; however, additional resources would not be needed. Any fiscal effect associated with SB 12 is not reflected in *The FY 2016 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: Mary Rinehart, Judiciary  
Scott Schultz, Sentencing Commission  
Jeremy Barclay, Corrections