

SESSION OF 2015

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2049

As Recommended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2049 would amend the penalties for possession of marihuana so that a first offense would be a class B nonperson misdemeanor, a second offense would be a class A nonperson misdemeanor, and a third or subsequent offense would be a drug severity level 5 felony. Under current law, a first offense is a class A nonperson misdemeanor and any subsequent offense is a drug severity level 5 felony.

The bill also makes technical amendments to statutory references.

Background

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of the Kansas Sentencing Commission.

In the House Committee, the executive director of the Kansas Sentencing Commission and a representative of the Kansas Association of Criminal Defense Lawyers testified in support of the bill. The Kiowa County Attorney submitted written neutral testimony with a proposed amendment. No other testimony was presented.

According to the fiscal note prepared by the Division of the Budget, the Kansas Sentencing Commission estimates the bill would reduce adult prison bed needs by 46 beds in FY

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

2016 and by 75 beds by FY 2017. The Sentencing Commission also estimates the bill could help avoid 2003 SB 123 drug treatment programming costs by \$788,986 in FY 2016, and the Commission's journal entry workload would be reduced by 448 entries in FY 2016.

As of January 12, 2015, available prison bed capacity is 9,636. Based upon the Sentencing Commission's most recent 10-year projection, 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. The bill could create contract bed savings of \$671,600 in FY 2016 and \$1,095,000 in FY 2017.

The Office of Judicial Administration estimates 367 misdemeanor offenders could be added to court services officer caseloads, requiring an additional 6.0 FTE court services officer positions at an annual cost of \$356,586. The amount needed for these positions in FY 2016 would be \$237,670 due to the time needed to hire and train the officers.

The bill also could have a fiscal effect on Judicial Branch revenues, due to the lower correctional supervision fee paid by misdemeanor offenders. However, the precise fiscal effect on these revenues is difficult to determine.

Any fiscal effect associated with the bill is not reflected in *The FY 2016 Governor's Budget Report*.