

January 23, 2017

The Honorable Russell Jennings, Chairperson
House Committee on Corrections and Juvenile Justice
Statehouse, Room 151-S
Topeka, Kansas 66612

Dear Representative Jennings:

SUBJECT: Fiscal Note for HB 2092 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2092 is respectfully submitted to your committee.

Under current law, for certain property crimes, if the loss is less than \$1,000, the crime is classified as a misdemeanor and if the loss amount is \$1,000 or higher, the crime is classified as a felony. HB 2092 would increase the loss amount from \$1,000 to \$1,500 for the crime to be classified as a felony.

According to the Office of Judicial Administration, in FY 2016, there were 16 felony convictions in which the restitution was between \$1,000 and \$1,500. Under the provisions of HB 2092, those cases would have been misdemeanor convictions and would have been additional cases supervised by court service officers. The Office states HB 2092 would result in additional offenders being supervised by court services; however, any additional expenditures could be absorbed within existing resources.

HB 2092 would result in decreased revenues to the Correctional Supervision Fund and the State General Fund. Currently, the correctional supervision fees are \$60 for misdemeanors and \$120 for felonies. These fees are split with 41.67 percent being deposited into the State General Fund and 58.33 percent being deposited into the Correctional Supervision Fund. The Office states the bill would move certain crimes with a value of \$1,000, but less than \$1,500 from a felony to a misdemeanor. The Office estimates that correctional supervision fee revenues would decrease by approximately \$960 (16 convictions x \$60 fee reduction). This would result in a decrease of \$400 to the State General Fund (\$960 x 41.67 percent) and \$560 (\$960 x 58.33 percent) to the Correctional Supervision Fund.

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The Kansas Sentencing Commission estimates a reduction of up to three prison beds each year during the ten-year forecasting period if HB 2092 is passed. Based on the Commission's estimate, the Department of Corrections estimates expenditures could be reduced by up to \$20,586 each year. The Attorney General states the agency prosecutes certain crimes specified in the bill and there could be a fiscal effect; however, the agency is not able to estimate an amount. Any fiscal effect associated with HB 2092 is not reflected in *The FY 2018 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
Brianna Landon, Corrections
Ashley Michaelis, Judiciary
Pat Scalia, Indigents Defense Services
Willie Prescott, Attorney General's Office