

February 14, 2017

The Honorable Rick Wilborn, Chairperson
Senate Committee on Judiciary
Statehouse, Room 541-E
Topeka, Kansas 66612

Dear Senator Wilborn:

SUBJECT: Fiscal Note for SB 122 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 122 is respectfully submitted to your committee.

SB 122 would amend the Kansas Criminal Code to increase the penalties by special sentencing rule for discharging a firearm at a dwelling, building, structure or motor vehicle if the offender knew or should have reasonably known that a person was present. Under current law, the sentence would be presumptive imprisonment. SB 122 would add 60 months to this sentence to be served consecutively to any other sentence imposed. This sentence would not be subject to departure or appeal. If the trier of fact makes a finding that the offender knew or reasonably should have known that a person less than 14 years of age was present in the dwelling, building, structure, or motor vehicle, the additional sentence would be 120 months.

Estimated State Fiscal Effect				
	FY 2018 SGF	FY 2018 All Funds	FY 2019 SGF	FY 2019 All Funds
Revenue	--	--	--	--
Expenditure	\$13,724	\$13,724	\$27,448	\$27,448
FTE Pos.	--	--	--	--

The Kansas Sentencing Commission estimates that SB 122 would result in an increase of two adult prison beds needed in FY 2018 and an increase of four adult prison beds needed in FY 2019. By FY 2027, an additional 47 beds would be needed. As of January 17, 2017, the available bed capacity is 8,739 for males and 915 for females. Based upon the Commission's most recent ten-year projection contained in its FY 2017 Adult Inmate Prison Population

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Projections report, it is estimated that the year-end population will exceed available male capacity by 139 inmates in FY 2017, 101 inmates in FY 2018, and 164 inmates in FY 2019. The Department of Corrections intends to manage the projected shortfall by housing inmates in contract beds.

Based on a contract rate of \$40 per day, it may cost the Department an additional \$13,724 in FY 2018 and \$27,448 in FY 2019 for contract jail beds. Absent the passage of any other legislation, increases in the female 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 will be effectively supervised. The Office of Judicial Administration indicates the mandated imprisonment in SB 122 could increase costs for the courts from additional appeals, but cannot provide an estimate of these costs. Any fiscal effect associated with SB 122 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: Ashley Michaelis, Judiciary
Scott Schultz, Sentencing Commission
Linda Kelly, Corrections