

STATE OF KANSAS



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GOVERNOR JEFF COLYER, M.D.
LARRY L. CAMPBELL, CHIEF BUDGET OFFICER

February 16, 2018

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

Dear Senator Wilborn:

SUBJECT: Fiscal Note for SB 382 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 382 is respectfully submitted to your committee.

SB 382 would allow courts to order staggered sentences for offenders with second and third domestic battery convictions within a five-year period. Under current law, such convictions mandate 90 days imprisonment. The bill would allow the 90 days to be divided into three 30-day segments. The first segment would be satisfied by participating in a work release program or being on house arrest. Both the work release option and the house arrest option would require an initial 48-hour imprisonment. If an offender is placed in a work release program, the offender would return to confinement at the end of each day and serve a minimum of 672 hours of confinement. If placed on a house arrest program, the offender would be monitored by an electronic monitoring device that verifies the offender's location and would be required to serve a minimum of 672 hours of house arrest.

The bill would require the courts to set two review hearings, with the first between 90 to 120 days and a second hearing between 180 to 240 days, after the initial sentencing. At each hearing, the court would consider the offender's compliance with prior court orders, together with any other facts deemed relevant by the court in deciding whether to modify the sentence by ordering a stay of execution of the next segment. SB 382 would require offenders to serve any portion of a sentence that is stayed by the court if they violate any conditions set out by the court in the stay of execution.

SB 382 specifies that the bill's provisions would not affect any other sanction for the violation of probation, assignment to a community correctional services program, suspension of sentence, or nonprison sanction.

The Honorable Rick Wilborn, Chairperson

February 16, 2018

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According to the Office of Judicial Administration, enactment of SB 382 would have a fiscal effect on the Judicial Branch. The bill's provisions would require district courts to hold more review hearings for offenders, which would increase the time spent by district court personnel processing, hearing, and researching cases. The Office states court service officers could have more hearings to attend and additional offenders to monitor.

The Kansas Sentencing Commission states that enactment of SB 382 would have no effect on prison admissions or bed space. Any fiscal effect associated with SB 382 is not reflected in *The FY 2019 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Campbell", written in a cursive style.

Larry L. Campbell
Chief Budget Officer

cc: Scott Schultz, Sentencing Commission
Ashley Michaelis, Judiciary
Linda Kelly, Corrections