

February 5, 2020

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

Dear Representative Jennings:

SUBJECT: Fiscal Note for HB 2485 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2485 is respectfully submitted to your committee.

Under current law, the following crimes are considered a class A nonperson misdemeanor if the value is less than \$1,000 and a severity level 9, nonperson felony if the value is at least \$1,000 but less than \$25,000. HB 2485 would increase the felony threshold of the following crimes to \$1,500:

1. Theft of property lost, mislaid, or delivered by mistake;
2. Giving a worthless check;
3. Counterfeiting;
4. Criminal use of a financial card;
5. Impairing a security interest;
6. Medicaid fraud;
7. Official misconduct;
8. Presenting or permitting a false claim;
9. Misuse of public funds; and
10. Criminal desecration.

Current law also considers criminal damage to property to be a class B nonperson misdemeanor if the damage is less than \$1,000 and a severity level 9, nonperson felony if the damage is at least \$1,000 but less than \$25,000. HB 2485 would increase the felony threshold of criminal damage to property to \$1,500.

The Office of Judicial Administration indicates that enactment of HB 2485 could require court services officers to supervise additional cases. However, the Office does not anticipate the need to hire additional court services officers to handle any additional workload. The Office also indicates that the bill would result in decreased revenues to the Correctional Supervision Fund and the State General Fund. Currently, the assessed probation and correction supervision fee is \$60 for misdemeanors and \$120 for felonies, which are split 41.67 percent to the State General Fund and 58.33 percent to the Correctional Supervision Fund. However, a fiscal effect cannot be determined because the number of additional cases that court services officers would have to supervise and the additional supervision fees that would be collected are unknown.

The Kansas Sentencing Commission estimates that enactment of HB 2485 would result in a decrease of two adult prison beds and four prison admissions needed each year over the next ten years. The Commission also notes the bill would reduce its workload by four journal entries each year for the next ten years. The current estimated available bed capacity is 9,916. Based upon the Commission's most recent ten-year projection contained in its *FY 2020 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population for available capacity will be over capacity by 258 inmates in FY 2020 and 524 inmates in FY 2021. The Department would house any additional inmates over the capacity limit in contract jail beds. Based on the Commission's projections, the Department of Corrections indicates that a reduction in the prison population is beneficial toward avoiding future costs but is not sufficient to reduce current prison expenditures. The Department also notes that any person who is convicted and not sent to prison would still be supervised in the community, which could require an increase in community supervision resources in the future. Any fiscal effect associated with HB 2485 is not reflected in *The FY 2021 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink that reads "L. Campbell". The signature is fluid and cursive, with the first name "L." and the last name "Campbell" clearly visible.

Larry L. Campbell
Director of the budget

cc: Mary Rinehart, Judiciary
Scott Schultz, Sentencing Commission