

February 25, 2019

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

Dear Senator Wilborn:

SUBJECT: Fiscal Note for SB 103 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 103 is respectfully submitted to your committee.

SB 103 would provide that if the trier of fact makes a finding beyond a reasonable doubt that an offender's crime was a hate crime and the offense is classified as a severity level 2 through 10, the sentence for such offense must be one severity level above the appropriate level for the offense. In addition, the sentence imposed could not be considered a departure or subject to appeal. The bill would remove hate crime language from the nonexclusive list of aggravating departure factors.

The Kansas Sentencing Commission indicates SB 103 would have an impact on prison admissions and beds, but a precise estimate cannot be determined. The Office of Judicial Administration (OJA) indicates the enactment of SB 103 could reduce expenditures from less offenders being supervised by court services officers which would also reduce revenues from probation or correctional supervision fees remitted to the State General Fund and the Correctional Supervision Fund. OJA indicates the fee is \$60 for misdemeanors and \$120 for felonies, and that 41.67 percent is credited to the State General Fund and 58.33 percent is credited to the Correctional Supervision Fund. However, a precise estimates of the fiscal effect on expenditures by or revenues to the Judicial Branch cannot be determined.

Sincerely,



Larry L. Campbell
Director of the Budget

cc: Janie Harris, Judiciary
Paul Weisgerber, KBI
Scott Schultz, Sentencing Commission