

February 12, 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 80 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 80 is respectfully submitted to your committee.

SB 80 would add “ammunition” to the definition of “weapon” for purposes of identifying criminal possession of a weapon by a convicted felon. Under current law, criminal possession of a weapon by a convicted felon is a severity level eight, nonperson felony. The bill would change the severity level to a level six, nonperson felony.

The Office of Judicial Administration indicates that enactment of SB 80 would change the severity level for the crime of criminal possession of a weapon by a convicted felon and more offenders would be sentenced to prison instead of probation. This would result in few offenders being supervised by court service officers.

Further the Office states, enactment of SB 80 could result in decreased revenues to the Correctional Supervision Fund and the State General Fund. Currently, the assessed probation/correctional fee is \$60 for misdemeanors and \$120 for felonies. The fees are split with 41.67 percent to the State General Fund and 58.33 percent to the Correctional Supervision Fund. Enactment of the bill could result in decreased revenues because fewer offenders would be paying the supervision fee because of the change in severity level for this crime.

The Kansas Sentencing Commission estimates enactment of SB 80 would increase prison admissions by 9, 19, or 28 by FY 2020 and 15, 29, or 44 by FY 2029. The Commission further estimates that enactment of SB 80 would result in additional adult prison beds of 30, 39, or 49 by FY 2020 and 119, 144, or 167 by FY 2029. The Commission’s estimates are based on three difference scenarios. The Kansas Department of Corrections estimates it would require additional

expenditures of either \$54,360, \$70,668, or \$88,788 from the State General Fund in FY 2020 for an additional 30, 39, or 49 adult prison beds. Any fiscal effect associated with SB 80 is not reflected in *The FY 2020 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "L. L. Campbell". The signature is fluid and cursive, with a large initial "L" and a smaller "L" followed by "Campbell".

Larry L. Campbell  
Director of the Budget

cc: Janie Harris, Judiciary  
Scott Schultz, Sentencing Commission  
Linda Kelly, Corrections