

February 27, 2019

REVISED

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

Dear Senator Wilborn:

**SUBJECT:** Revised Fiscal Note for SB 88 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following revised fiscal note concerning SB 88 is respectfully submitted to your committee.

SB 88 would change the criminal penalty for violation of a protective order upon a second or subsequent conviction to a severity level seven, person felony. Under current law, a violation is a class A person misdemeanor.

The bill would change the criminal penalty for a violation of an extended protective order upon a second or subsequent conviction to a severity level four, person felony. Under current law, a violation is a severity level six, person felony.

The Office of Judicial Administration indicates that enactment of SB 88 would change the severity levels for second and subsequent convictions of violations of a protective order, which could result in more offenders being sentenced to prison. This could result in fewer offenders being supervised by court service officers.

Further the Office states, enactment of SB 88 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 levels for these crimes.

Since the original fiscal note was issued, the Kansas Sentencing Commission has provided additional information and estimates enactment of SB 88 would increase prison admissions by two each fiscal year through FY 2029. The Commission further estimates that enactment of SB 88 would result in two additional adult prison beds by FY 2020 and 11 by FY 2029. The Kansas Department of Corrections estimates it would require additional expenditures of \$3,624 from the State General Fund in FY 2020 for an additional two adult prison beds. Any fiscal effect associated with SB 88 is not reflected in *The FY 2020 Governor's Budget Report*.

Sincerely,

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

Larry L. Campbell  
Director of the Budget

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