

March 7, 2022

The Honorable Kellie Warren
Statehouse, Room 419-E
Topeka, Kansas 66612

Dear Senator Warren:

SUBJECT: Fiscal Note for HB 2377, as Amended

In accordance with your request, the following fiscal note concerning HB 2377, as amended, is respectfully submitted.

HB 2377, as amended by the Senate Committee on Judiciary, would amend provisions regarding reinstatement of driver's licenses for certain persons with ignition interlock devices, reinstatement of driver's licenses after a lifetime disqualification, and penalties for certain alcohol or drug-related driving offenses. The bill would outline a process for a person who is restricted to driving a vehicle with an ignition interlock device or who has a lifetime disqualification to submit a request to the Division of Vehicles for reinstatement. The bill would describe conditions the Division must use in its determination and would create an appeals process for individuals denied reinstatement. The bill would allow a person to complete the interlock device program only if they have not had more than three standard violations and no serious violations in the 90 consecutive days prior to the application for reinstatement. The bill would exclude individuals convicted of certain crimes that have resulted in lifetime disqualifications from being eligible for reinstatement. The bill would also amend the penalties for third and fourth time driving under the influence felony convictions. City attorneys would be prohibited from entering into a diversion agreement in lieu of further criminal proceedings for certain violations if the defendant was a commercial driver's license holder at the time the violation was committed or at any subsequent time prior to being considered for diversion. The bill would make adjustments to the ignition interlock devices (IID) program sliding cost scale and would reduce the number of standard violations allowed for completion of the IID program from three to one. The bill would also add language regarding required conditions and minimum sentences for certain on-grid felonies and would amend sentencing statutes to reflect sentencing changes made in DUI statutes. The bill would also require the Secretary of Revenue to create rules and regulations regarding the provisions of the bill prior to March 1, 2022.

The Department of Transportation states that enactment of the bill, as amended by the Senate Committee, would not affect current federal transportation obligations and would require all DUI offenders to receive an ignition interlock device, which would make the state eligible for an estimated \$250,000 in funding from the National Highway Traffic Safety Administration to support behavioral traffic safety programs beginning in FY 2023.

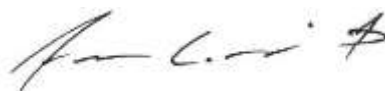
The Kansas Sentencing Commission estimates that enactment of HB 2377, in any form, would result in an increase of 193 adult prison beds needed by the end of FY 2023. By the end of FY 2032, an additional 345 beds would be needed. The current estimated available bed capacity is 9,420 for males and 948 for females. Based upon the Commission's most recent ten-year projection contained in its *FY 2022 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population will total 7,782 male and 756 female inmates in FY 2022 and 7,736 male and 730 female inmates in FY 2023.

Since the original fiscal effect statement was issued, the Department of Corrections has provided updated information on the fiscal effect of this bill. The Department estimates enactment of the bill, in any form, would increase expenditures related to staffing, medical, utility, food service, clothing, incentive pay, and other housing expenses at a rate of \$49.53 per day per inmate. As a result, enactment of the bill would increase expenditures by \$3,489,141 from the State General Fund in FY 2023 ($\$49.53 \text{ per day} \times 193 \text{ inmates} \times 365 \text{ days}$).

The Office of Judicial Administration indicates that enactment of the bill, in any form, would have a minimal fiscal effect that could be handled within existing resources.

The Department of Revenue indicates that it would require a total of \$9,979 from the State General Fund in FY 2023 to implement HB 2377, in any form, and to modify the Driver Solutions IT system. The required programming for this bill by itself would be performed by existing staff of the Department of Revenue. In addition, if the combined effect of implementing this bill and other enacted legislation exceeds the Department's programming resources, or if the time for implementing the changes is too short, additional expenditures for outside contract programmer services beyond the Department's current budget may be required. The Department also indicates that the bill would reduce revenues because it would eliminate a \$40 application fee. In calendar year 2020 the fee generated \$3,480 ($\$40 \times 87 \text{ applications}$) to the Division of Vehicles Operating Fund. Any fiscal effect associated with HB 2377, in any form, is not reflected in *The FY 2023 Governor's Budget Report*.

Sincerely,



Adam Proffitt
Director of the Budget