

February 8, 2021

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 2144 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2144 is respectfully submitted to your committee.

HB 2144 would require that if an offender raises a challenge to the offender's criminal history for the first time on appeal, the offender would have the burden of designating a record that shows prejudicial error. If the offender fails to provide the record, the appellate court would be required to dismiss the claim

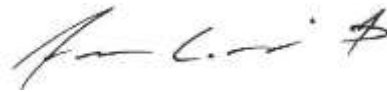
Estimated State Fiscal Effect				
	FY 2021 SGF	FY 2021 All Funds	FY 2022 SGF	FY 2022 All Funds
Revenue	--	--	--	--
Expenditure	--	--	\$982,462	\$982,462
FTE Pos.	--	--	--	13.00

The Board of Indigents' Defense Services estimates additional expenditures of \$982,462 from the State General Fund in FY 2022 for an additional 13.00 FTE positions if the bill is enacted. The Board states there would be an increased workload on appellate public defenders challenging criminal history scores for the first time on appeal, which would require the addition of 2.00 Legal Assistant FTE positions to assist with the challenges. Additionally, the Board states 11.00 Legal Assistant FTE positions would be needed for increased litigation and to assist with criminal history score challenges at the district court level.

The Office of Judicial Administration indicates enactment of the bill would have a negligible fiscal effect on the operations of the Judicial Branch. Any fiscal effect associated with HB 2144 is not reflected in *The FY 2022 Governor's Budget Report*.

The Kansas Association of Counties states the bill's enactment could have a fiscal effect on counties if offenders have to remain in custody for a longer period of time because of an error that does not rise to the level of prejudicial error.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt
Director of the Budget

cc: Debbie Thomas, Judiciary
Jay Hall, Association of Counties
Willie Prescott, Office of the Attorney General