

February 6, 2023

The Honorable Stephen Owens, Chairperson  
House Committee on Corrections and Juvenile Justice  
300 SW 10th Avenue, Room 546-S  
Topeka, Kansas 66612

Dear Representative Owens:

**SUBJECT:** Fiscal Note for HB 2217 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2217 is respectfully submitted to your committee.

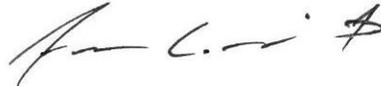
HB 2217 would amend the sentencing guidelines for nondrug felony crimes to include language that if a finding beyond a reasonable doubt is made that an offender committed a person felony because of such person's actual or perceived race, color, religion, ethnicity, national origin, or sexual orientation, the sentence for such offense would be presumptive imprisonment. The sentence would not be considered a departure from the sentencing grid and would not be subject to appeal. The bill would also allow the court to impose an option nonprison sentence.

The Sentencing Commission does not track whether a felony offense was committed against a person based on their actual or perceived race, color, religion, ethnicity, national origin, or sexual orientation and indicates enactment of the bill may have an effect on prison beds, but the effect cannot be determined.

The Office of Judicial Administration indicates enactment of the bill could extend the time length of some trials because it could result in additional litigation to review more facts regarding a case. This would increase time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. However, a precise fiscal effect cannot be determined because the amount of additional time cannot be estimated.

The Department of Corrections indicates enactment of the bill would not have a fiscal effect. Any fiscal effect associated with HB 2217 is not reflected in *The FY 2024 Governor's Budget Report*.

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: Randy Bowman, Department of Corrections  
Vicki Jacobsen, Judiciary  
Scott Schultz, Sentencing Commission