

February 10, 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 2295 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2295 is respectfully submitted to your committee.

HB 2295 would require a person who is 18 years of age or older who lives with an offender who is currently serving a term of probation, assignment to a community correctional services program, parole, post-release supervision, conditional release, or suspended sentence to report any instance the person knows or should have known when the offender is not at home during any time that the offender is required to be at home. The bill would allow the report to be made orally, by email, or by text message and would require certain information to be included in the report. Failure to make a report would be an unclassified misdemeanor punishable by a fine of not more than \$500 if the offender commits a new misdemeanor during the time they were required to be home and a class C nonperson misdemeanor if the offender commits a felony. The bill would also grant civil liability immunity for individuals making reports.

| Estimated State Fiscal Effect | | | | |
|-------------------------------|----------------|----------------------|----------------|----------------------|
| | FY 2023 SGF | FY 2023 All Funds | FY 2024 SGF | FY 2024 All Funds |
| Revenue | -- | -- | -- | -- |
| Expenditure | -- | -- | \$705,000 | \$705,000 |
| FTE Pos. | -- | -- | -- | 12.00 |

The Office of Judicial Administration indicates enactment of the bill would require court services officers to notify people living with an offender when they are supposed to be home and the process for reporting, to receive the reports, and to maintain the reports filed. The bill would also increase the number of cases filed in district courts because it creates a new crime associated with failure to make a required report. This would increase the time spent by district court judicial

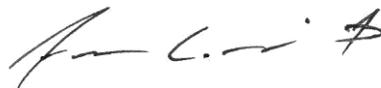
and nonjudicial personnel in processing, researching, and hearing cases. Since the crime carries a misdemeanor penalty, there could also be more supervision of offenders required by court services officers. The bill could also result in the collection of supervision fees, docket fees, and fines in cases filed under the provisions of the bill. However, a precise fiscal effect cannot be determined because the additional cases and workload cannot be estimated.

The Department of Corrections indicates enactment of the bill could affect access to housing for offenders. The Department indicates the most successful housing option for a person being released from a correctional facility is with family or friends who are able and willing to assist in the offender's transition back into a community. Should the bill reduce the willingness to provide housing for offenders, the financial burden for housing offenders could shift to the state. The Department informally polled parole officers who estimated approximately 25.0 to 50.0 percent of current family members or friends who are providing housing for an offender may decline to do so if the bill were enacted. However, the cost of providing housing for such offenders cannot be estimated at this time.

The Department of Corrections also estimates that enactment of the bill would add approximately four hours of work to each parole officer's duties per week. With 105 officers, an additional 21,840 hours of work would be required (105 officers x four hours x 52 weeks). The Department states the additional workload would require 12.00 Parole Officer FTE positions (21,840 additional hours / 2,080 paid hours per year = 10.50 FTE positions plus 1.50 FTE positions to keep up with tasks when staff are on paid leave). Starting pay and benefits for a new parole officer is currently \$58,750, resulting in a total of \$705,000 from the State General Fund in FY 2024 for 12.00 FTE positions. The Department notes that the bill would have a similar impact on the workloads and housing of probationers supervised by community corrections agencies. In FY 2022 community corrections agencies supervised an average of 7,689 probationers. As local decisions would determine how the provisions of the bill would be enforced by each of those county agencies, the Department is unable to estimate the fiscal effect of this bill on community corrections agencies budgets, but it is likely that costs would increase, and counties would request additional grant funding from the Department. However, a precise effect on community corrections agencies cannot be estimated.

The Sentencing Commission indicates enactment of the bill would not have a fiscal effect on the agency. Any fiscal effect associated with HB 2295 is not reflected in *The FY 2024 Governor's Budget Report*.

Sincerely,



Adam Proffitt
Director of the Budget

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