

February 20, 2023

The Honorable Kellie Warren, Chairperson
Senate Committee on Judiciary
300 SW 10th Avenue, Room 346-S
Topeka, Kansas 66612

Dear Senator Warren:

SUBJECT: Fiscal Note for SB 216 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 216 is respectfully submitted to your committee.

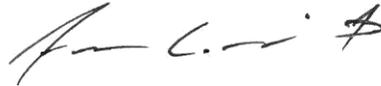
SB 216 would expand the crime of criminal use of weapons to include knowingly possessing or using any firearm during a felony violation of unlawful manufacturing of controlled substances or unlawful cultivation or distribution of controlled substances. The penalty for violations would be a level 7, nonperson felony. If the firearm is discharged during commission of the offense, it would be a severity level 6, person felony. The bill would make the sentence for violations presumptive imprisonment and would require the sentence to be served consecutively to any other term of imprisonment imposed. The sentence would not be considered a departure from the sentencing guidelines and would not be subject to appeal.

The Kansas Sentencing Commission estimates that enactment of SB 216 would not result in a need for additional adult prison beds by the end of FY 2024. However, by the end of FY 2033, nine additional beds would be needed. The current estimated available bed capacity is 9,428 for males and 936 for females. Based upon the Commission's most recent ten-year projection contained in its *FY 2023 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population will total 7,933 male and 764 female inmates in FY 2023 and 8,043 male and 740 female inmates in FY 2024. The Department of Corrections indicates enactment of the bill would not have a fiscal effect on current operations.

The Office of Judicial Administration indicates enactment of the bill could increase the number of cases filed in district courts because it creates a new crime. This could increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. The bill could also result in the collection of docket fees, which would be deposited

into the State General Fund. However, the Office states a precise fiscal effect cannot be determined until the Judicial Branch has had an opportunity to operate under the bill's provisions. Any fiscal effect associated with SB 216 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: Scott Schultz, Sentencing Commission
Randy Bowman, Department of Corrections
Vicki Jacobsen, Judiciary