

February 20, 2024

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 483 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 483 is respectfully submitted to your committee.

SB 483 would create the crime of interference with a security camera in a correctional institution. The crime would be defined as intentionally covering a security camera without the permission of the Secretary of Corrections, warden, sheriff, or keeper of the institution. The penalty for this offense would be a class A nonperson misdemeanor. Removing, damaging, or rendering inoperable the security camera without permission would be classified as aggravated interference with a security camera in a correctional institution, carrying the penalty of a severity level 9, nonperson felony. Any kind of interference with a security camera in a correctional institution that occurs during a riot would also be classified as aggravated interference, carrying the penalty of a severity level 6, nonperson felony.

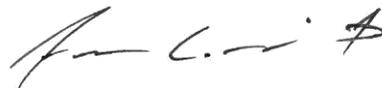
The Board of Indigents Defense Services indicates that the bill would increase agency expenditures on legal counsel and support staff by unknown amounts. The Board estimates that on average, a severity level 9, nonperson felony case requires 35 hours of direct work by an attorney to provide constitutionally adequate representation. Based on the rates of \$83.36 per hour for public defenders and \$120 per hour for assigned counsel, each new severity level 9, nonperson felony case brought to the agency would result in State General Fund expenditures of \$2,918 to \$4,200. The Board indicates that on average, a severity level 6, nonperson felony case requires 57 hours of defense attorney work. Therefore, each new severity level 6, nonperson felony case brought to the agency would result in State General Fund expenditures of \$4,752 to \$6,840. The Board indicates that it typically does not handle misdemeanor cases unless they are attached to higher level felony charges, so the creation of a new misdemeanor offense would have no fiscal effect on agency operations.

The Judiciary indicates that the bill has the potential to increase the number of cases filed in district courts. This may increase agency operating expenditures due to the additional time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. However, the Judiciary is unable to calculate an exact estimate of this effect. The bill has the potential to increase the collection of docket fees, fines, and supervision fees, which are deposited in the State General Fund; however, the amount of additional collections is unknown.

The Sentencing Commission indicates that the bill has the potential to increase the number of prison beds by an unknown amount. The current estimated available bed capacity is 9,668 for males and 932 for females. Based upon the Commission's most recent ten-year projection contained in its *FY 2024 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population will total 8,556 male and 828 female inmates in FY 2024 and 8,847 male and 870 female inmates in FY 2025.

The Department of Corrections indicates that the bill has the potential to increase agency operating expenditures depending on its effect on prison beds. Any fiscal effect associated with SB 483 is not reflected in *The FY 2025 Governor's Budget Report*.

Sincerely,

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

Adam C. Proffitt
Director of the Budget

cc: Trisha Morrow, Judiciary
Jennifer King, Department of Corrections
Heather Cessna, Board of Indigents Defense Services
Scott Schultz, Kansas Sentencing Commission