

February 14, 2024

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 2740 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2740 is respectfully submitted to your committee.

HB 2740 would increase the penalty for domestic battery from an unclassified person felony to a severity level 7, person felony if the offender has been convicted for domestic battery three or more times in the last five years. The bill would also update the terms of probation for domestic battery by removing the mandatory fine of \$1,000 to \$7,500 and removing the option for an offender to serve their sentence in a work release program.

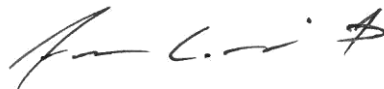
The Board of Indigents Defense Services indicates that the bill would increase agency expenditures on legal counsel and support staff by unknown amounts. The Board estimates that on average, an unclassified person felony case requires 35 hours of direct work by an attorney to provide constitutionally adequate representation, while a severity level 7, person felony case requires 57 hours of case work. Based on the rates of \$83.36 per hour for public defenders and \$120 per hour for assigned counsel, each severity level 7, person felony that would have previously been charged as an unclassified person felony would require the agency to perform 22 hours of additional case work and increase State General Fund expenditures by \$1,834 to \$2,640. The Board indicates that it may require 1.00 new FTE attorney position and possibly additional support staff depending on the amount of work required by the bill.

The Sentencing Commission estimates that the bill would result in an increase of 22 adult prison beds needed by the end of FY 2025. By the end of FY 2034, 28 additional beds would be needed. 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 Commission indicates that the bill would increase prison admissions by 176 in FY 2025 and by 194 in FY 2034.

The Department of Corrections indicates that the bill would increase State General Fund expenditures by \$84,181 in FY 2025 and \$85,865 in FY 2026. This estimate assumes a marginal inmate cost of \$3,826 in FY 2025 and \$3,903 in FY 2026. The Judiciary indicates that enactment of the bill would have no fiscal effect on its operations. Any fiscal effect associated with HB 2740 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: Heather Cessna, Board of Indigents Defense Services  
Jennifer King, Department of Corrections  
Trisha Morrow, Judiciary  
Scott Schultz, Kansas Sentencing Commission