

February 6, 2014

The Honorable John Rubin, Chairperson  
House Committee on Corrections and Juvenile Justice  
Statehouse, Room 151-S  
Topeka, Kansas 66612

Dear Representative Rubin:

**SUBJECT:** Fiscal Note for HB 2493 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2493 is respectfully submitted to your committee.

HB 2493 would add sureties and employees of sureties to the crime of unlawful sexual relations. Violations of the provision would be a severity level five, person felony. Offenders who have been arrested for certain drug crimes or are criminal street gang members, as defined by law, would be prohibited from being released on personal recognizance.

Currently, individuals who have been convicted of person felonies within the past ten years may not act as sureties or surety agents. HB 2493 would remove the ten-year limitation and the requirement that the felony be classified as a person felony. Out-of-state sureties or surety agents who intend to apprehend offenders in Kansas must contract with sureties or surety agents who have been authorized by any court in this state. An out-of-state surety or surety agent must be accompanied by a Kansas surety or surety agent when apprehending offenders in Kansas.

The Kansas Sentencing Commission estimates that passage of HB 2493 would result in an increase of one to two adult prison beds needed in FY 2015 and an increase of two to five adult prison beds needed by FY 2024. As of January 13, 2014, the available bed capacity is 9,636. Based upon the Commission's most recent ten-year projection contained in its *FY 2014 Adult Inmate Prison Population Projections* report, by the end of FY 2014 and FY 2015 it is estimated that the number of inmates will be below available capacity by 103 beds and 196 beds, respectively. However, starting in FY 2017 it is expected that the adult correctional facilities will again be over capacity. While the bed space requirements of HB 2493 could be handled within existing capacity in the short term, the bill will add to capacity challenges occurring in the near future.

The Honorable John Rubin, Chairperson

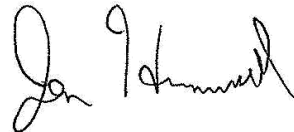
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Continued population increases eventually will require construction of new cell houses at the El Dorado Correctional Facility. This project would include building two new medium security housing units, which would provide a total of 512 beds. It is estimated that the new units would have a construction cost of approximately \$24.4 million and operating costs of approximately \$8.4 million (or about \$45.00 per inmate per day). If bonds are used to finance the construction of the units, bonding authority would be required in FY 2016 so that operations at the new cell houses could begin in FY 2017.

According to the Office of Judicial Administration, HB 2493 would have no fiscal effect on the Judicial Branch. The Kansas Sentencing Commission notes that the bill would add to the journal entry workload of the agency; however, additional resources would not be needed. The Board of Indigents Defense Services reports that the bill would not increase the agency's caseload. Any fiscal effect associated with HB 2493 is not reflected in *The FY 2015 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Hummell". The signature is fluid and cursive, with the first name "Jon" being more prominent than the last name "Hummell".

Jon Hummell,  
Interim Director of the Budget

cc: Mary Rinehart, Judiciary  
Scott Schultz, Sentencing Commission  
Jeremy Barclay, KDOC  
Pat Scalia, BIDS