

February 1, 2018

The Honorable Rick Wilborn, Chairperson
Senate Committee on Judiciary
Statehouse, Room 541-E
Topeka, Kansas 66612

Dear Senator Wilborn:

SUBJECT: Fiscal Note for SB 321 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 321 is respectfully submitted to your committee.

SB 321 would modify the penalties for involuntary manslaughter and aggravated battery, if committed against a public safety sector employee, as defined by the bill. The bill would make involuntary manslaughter against a public safety sector employee, in certain instances described in the bill, a severity level two, person felony.

Under the bill, knowingly or recklessly causing great bodily harm to a public safety sector employee would be a severity level three, person felony. Driving under the influence, which results in great bodily harm or disfigurement to a public safety sector employee, would also be a severity level three, person felony.

The bill would also mandate that knowingly causing bodily harm to or physical contact with a public safety sector employee with a deadly weapon or in a way that great bodily harm, disfigurement, or death could be inflicted would be a severity level four, person felony. Driving under the influence, which results in bodily harm when great bodily harm, disfigurement, or death could have resulted would be a severity level four, person felony.

The Office of Judicial Administration indicates enactment of SB 321 would have a negligible fiscal effect upon the Judicial Branch.

The Kansas Sentencing Commission estimates that enactment of SB 321 would result in no additional adult prison beds needed in FY 2019. By FY 2028, an additional 14, 31, or 43 beds would be needed. The estimates vary depending on how many individuals would be convicted of involuntary manslaughter or aggravated battery against a public safety sector employee. As of

The Honorable Rick Wilborn, Chairperson

February 1, 2018

Page 2—SB 321

January 12, 2018, the available bed capacity is 9,575 for males and 915 for females. Based upon the Commission's most recent ten-year projection contained in its *FY 2018 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population for males will be under capacity by 363 inmates in FY 2018 and 187 inmates in FY 2019. The Department would house any additional male inmates over the capacity limit in contract jail beds. Based on the Commission's projections, the Department would not need to absorb any additional prison beds in FY 2019, resulting from the enactment of SB 321; however, the Department could require additional expenditures if an increase in prison beds exceeds the capacity limit in future fiscal years. Any fiscal effect associated with SB 321 is not reflected in *The FY 2019 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

cc: Ashley Michaelis, Judiciary
Linda Kelly, Corrections
Scott Schultz, Sentencing Commission
Willie Prescott, Office of the Attorney General
Chardae Caine, League of Municipalities
Melissa Wangemann, Association of Counties