

February 10, 2021

The Honorable Russell Jennings, Chairperson
House Committee on Corrections and Juvenile Justice
Statehouse, Room 151B-S
Topeka, Kansas 66612

Dear Representative Jennings:

SUBJECT: Fiscal Note for HB 2147 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2147 is respectfully submitted to your committee.

HB 2147 would allow an offender early discharge from prison if serving a sentence for a severity level 2 through level 5 drug crime. An offender would be allowed to apply to the Prisoner Review Board, which may grant early release, probation, or assignment to community correctional services if the offender has successfully served 50.0 percent of the prison part of the original sentence. The Prisoner Review Board would be required to review each case and could approve the application and grant release. The Board could not approve the application unless it determines the offender does not represent a future risk to public safety. The bill would also specify what the Board must consider when reviewing an application.

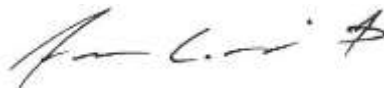
If the offender is released, the Board could establish conditions related to the release. The bill would make the Board's decision final and not subject to review. If a released offender fails to comply with a condition of release, probation, or assignment to a community correctional services program, or if the Board concludes that the offender presents a threat or risk to public safety, the release would be subject to revocation. The bill would give the district court in which the offender was sentenced jurisdiction over the offender for future proceedings. The bill would also add a provision that the court may revoke probation, assignment to community corrections, suspension of sentence, or a nonprison sanction if the offender is on probation or assignment to community correctional services after having been release from custody.

The Kansas Sentencing Commission estimates that enactment of HB 2147 would result in a decrease of 59 adult prison beds in FY 2022. By the end of FY 2031, 209 fewer prison beds would be needed. The current estimated available bed capacity is 9,420 for males and 948 for

females. Based upon the Commission's most recent ten-year projection contained in its *FY 2020 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population for available male capacity will be under capacity by 1,287 inmates in FY 2021 and 1,241 inmates in FY 2022. The Department of Corrections estimates the bill would result in an increase of 450 hearings each year for the Prisoner Review Board to review applications. The Department also notes that the bill could increase the number of offenders being supervised by local community corrections programs if they are released from incarceration as a result of the bill. The Department indicates that the enactment of the bill could require additional resources because local community corrections programs are funded by grants administered by the Department. Any additional resources would offset potential savings generated by the reduction in inmate population. However, a fiscal effect cannot be determined.

The Office of Judicial Administration indicates that enactment of the bill would require district courts to hold additional court hearings. This would increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. However, a fiscal effect cannot be determined because the number of additional hearings cannot be estimated. Any fiscal effect associated with HB 2147 is not reflected in *The FY 2022 Governor's Budget Report*.

Sincerely,



Adam Proffitt
Director of the Budget

cc: Scott Schultz, Sentencing Commission
Debbie Thomas, Judiciary
Randy Bowman, Corrections