

April 13, 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 2350 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2350 is respectfully submitted to your committee.

HB 2350 would amend sentencing guidelines for nondrug crimes by expanding boxes 4-H, 4-I, 5-G, 5-H, 6-B, 6-C, 6-D, 6-E, 6-F, 7-B, 8-B, 9-B, or 10-B to those currently considered border boxes. By expanding them to border boxes, the court may impose a non-prison sentence with the presumption that the person would be sentenced to probation instead of prison.

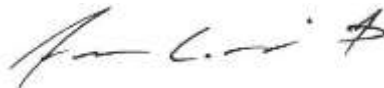
Estimated State Fiscal Effect				
	FY 2021 SGF	FY 2021 All Funds	FY 2022 SGF	FY 2022 All Funds
Revenue	--	--	--	--
Expenditure	--	--	(\$493,298)	(\$493,298)
FTE Pos.	--	--	--	(8.50)

The Kansas Sentencing Commission estimates that enactment of HB 2350 would result in a decrease of 171 adult prison beds and an increase of 216 probationers by the end of FY 2022. By the end of FY 2031, 251 fewer beds would be needed, and the number of probationers would increase by 236. 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 indicates that enactment of the bill could allow it to suspend operations at one housing unit. The agency would reduce operational capacity by 171 beds, which would be sufficient to close one unit and eliminate salaries and wages for 8.50 FTE positions for total reduced facility expenditures of \$1,052,274. Of this amount, \$492,411 would be for reduced salaries and wages expenditures and \$559,863 would be for reduced expenditures for food, healthcare, and supplies. The Department further states that in FY 2020, the average per day per person cost for probation supervision in Kansas was \$7.09. Assuming the number of probationers increases by 216 in FY 2022, the bill would increase expenditures by \$558,976 in FY 2022 for probation through local Community Corrections agencies (216 probationers x \$7.09 x 365 days). Therefore, enactment of the bill would result in net decreased expenditures totaling \$493,298 ($1,052,274 - \$558,976 = \$493,298$). The Department states the projected reduction in prison population would provide an opportunity to improve the ability to socially distance residents to help mitigate the spread of the Coronavirus among residents in the facility, staff working at the facility and residents released into the community. In addition, the Department notes that the effect on the prison population after the court system fully resumes is currently unknown and closing a unit would be preferred over closing a facility.

The Office of Judicial Administration indicates that enactment of the bill could increase the time spent by court services officers in writing presentence investigation reports, but a fiscal effect cannot be determined. Any fiscal effect associated with HB 2350 is not reflected in *The FY 2022 Governor's Budget Report*.

Sincerely,



Adam Proffitt
Director of the Budget

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