

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 2139 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2139 is respectfully submitted to your committee.

Under current law, the sentencing guideline grid has an underlying prison sentence of 16 through 18 months for grid blocks 5-F, 14 through 16 months for 5-G, 12 through 14 months for 5-H, and 10 through 12 months for 5-I. HB 2139 would amend the underlying prison sentence for these grid blocks to be 11 through 13 months. The bill would also make the following changes to the underlying sentences in the sentencing guideline grid:

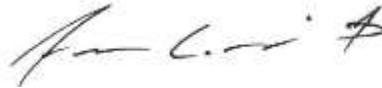
1. 5-A would change from 37 through 42 months to 19 through 23 months;
2. 5-B would change from 32 through 36 months to 18 through 20 months;
3. 5-C would change from 28 through 32 months to 17 through 19 months;
4. 5-D would change from 23 through 26 months to 15 through 17 months; and
5. 5-E would change from 18 through 22 months to 13 through 15 months.

The Kansas Sentencing Commission estimates that enactment of HB 2139 would result in a decrease of 80 adult prison beds in FY 2022. By the end of FY 2031, 118 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 indicates that the reduction in prison population would not be sufficient to reduce current prison expenditures. The Department notes that the reduction would be beneficial towards avoiding future prison costs and would improve the ability to socially distance inmates to help mitigate the spread of the coronavirus in the facility, staff working at the facility, and inmates released into the community.

The Office of Judicial Administration indicates that enactment of the bill could require more supervision of offenders by court services officers, which could be handled within existing resources. Any fiscal effect associated with HB 2139 is not reflected in *The FY 2022 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt
Director of the Budget

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