

February 8, 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 2146 by House Committee on Corrections and Juvenile Justice

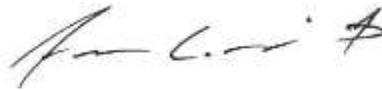
In accordance with KSA 75-3715a, the following fiscal note concerning HB 2146 is respectfully submitted to your committee.

HB 2146 would change the sentencing grid to increase the number of grid boxes that are presumptive probation. The bill would include mandatory certified drug treatment for certain grid boxes while others would qualify for certified drug treatment if (1) the person felonies in the offender's criminal history were severity level 8, 9 or 10 or nongrid offenses of the sentencing guidelines grid for nondrug crimes, and (2) the court finds and sets forth with particularity the reasons for finding that the safety of the members of the public will not be jeopardized by such placement in a drug abuse treatment program.

The Kansas Sentencing Commission estimates the enactment of HB 2146 would result in a decrease of 295 adult prison beds in FY 2022 and 452 prison beds in FY 2031. 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 reduction in beds would reduce expenditures by \$314,408 in FY 2022. The Commission estimates the bill would increase the number of probationers by 301 probationers in FY 2022 and 329 probationers in FY 2031. The Commission estimates the cost to the SB 123 Substance Abuse Treatment Program will be \$378,392 in FY 2022 and \$382,176 in FY 2023. The Commission reports this assessment is based on the average cost of treatment of \$3,143 per offender in FY 2019.

The Office of Judicial Administration (OJA) indicates that enactment of HB 2146 would increase expenditures by the Judicial Branch, as it would require court services officers to complete additional pre-sentence investigations and assessments and supervise more offenders. OJA indicates the bill could also increase revenues to the Judicial Branch from the collection of additional supervision fees. However, a fiscal effect on expenditures by and revenues to the Judicial Branch cannot be estimated. Any fiscal effect associated with HB 2146 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: Debbie Thomas, Judiciary
Randy Bowman, Corrections
Scott Schultz, Sentencing Commission