

February 11, 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 2191 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2191 is respectfully submitted to your committee.

Under current law, the crime of riot is a class A, person misdemeanor and the crime of incitement to riot is a severity level 8, person felony. HB 2191 would make the crime of riot a severity level 8, person felony and the crime of incitement to riot a severity level 6, person felony if the riot occurs in a correctional facility.

The Kansas Sentencing Commission estimates that enactment of HB 2191 would result in an increase of zero to two adult prison beds in FY 2022, depending on the scenario. By the end of FY 2031, an additional one to three adult prison beds would be needed, depending on the scenario. 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 an increase in prison population will have a detrimental effect on its ability to provide for social distancing among its offender population. The increase could contribute to the spread of the Coronavirus among residents in the facility, staff working at the facility, and offenders released into the community. However, the Department indicates the bill would have no fiscal effect.

The Office of Judicial Administration indicates that enactment of the bill would have a negligible fiscal effect that could be absorbed within existing resources. Any fiscal effect associated with HB 2191 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  
Scott Schultz, Sentencing Commission  
Debbie Thomas, Judiciary