

March 1, 2022

The Honorable Kellie Warren, Chairperson
Senate Committee on Judiciary
Statehouse, Room 346-S
Topeka, Kansas 66612

Dear Senator Warren:

SUBJECT: Fiscal Note for SB 414 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 414 is respectfully submitted to your committee.

SB 414 would allow the courts to order staggered sentences for offenders with third and fourth driving under the influence convictions. Under current law, such convictions mandate 90 days imprisonment. The bill would allow the 90 days to be divided into three 30-day segments. The first segment would be satisfied by participating in a work release program only after the offender has served 48 consecutive hours of imprisonment if the work release program requires the offender to return to confinement at the end of each day in the work release program. If placed in a work release program, the offender would also be required to serve a minimum of 672 hours of confinement. Also, to satisfy the first 30-day segment, the bill would allow the courts to place an offender under a house arrest program only after the offender has served 48 consecutive hours of imprisonment. The offender would be monitored by an electronic monitoring device that verifies the offender's location and would be required to serve a minimum of 672 hours of house arrest. Offenders would also be required to participate in the multidisciplinary model of services for substance use disorders as ordered by the court.

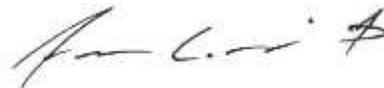
The bill would require the courts to set two review hearings, with the first between 90 to 120 days and a second hearing between 180 to 240 days, after the initial sentencing. At each hearing, the court would consider the offender's alcohol-monitoring results and multidisciplinary team recommendations, together with any other facts deemed relevant by the court in deciding whether to modify the sentence by ordering a stay of execution of the next segment. SB 414 would require offenders to serve any portion of a sentence that is stayed by the court if they violate any conditions set out by the court in the stay of execution.

SB 414 specifies that the bill's provisions would not affect any other sanction for the violation of probation, assignment to a community correctional services program, suspension of sentence, or nonprison sanction.

The Office of Judicial Administration states enactment of SB 414 could have a fiscal effect on Judicial Branch operations because the bill's provisions would require district courts to hold more review hearings for offenders, which could increase time spent by court employees and judges processing and deciding these cases. In addition, the Office states there would be more supervision of offenders required to be performed by court service officers. According to the Office, a fiscal effect cannot be estimated until the Judicial Branch has had an opportunity to operate under the bill's provisions. Any fiscal effect associated with SB 414 is not reflected in *The FY 2023 Governor's Budget Report*.

The Kansas Association of Counties states the bill's enactment could increase administrative costs incurred by county sheriffs overseeing the work release programs. The League of Kansas Municipalities states enactment of the bill would have a negligible fiscal effect on cities.

Sincerely,



Adam Proffitt
Director of the Budget

cc: Vicki Jacobsen, Judiciary
Scott Schultz, Sentencing Commission
Randy Bowman, Corrections
Paul Weisgerber, KBI
Wendi Stark, League of Municipalities
Jay Hall, Association of Counties
Lynn Robinson, Department of Revenue