

February 28, 2023

The Honorable Stephen Owens, Chairperson  
House Committee on Corrections and Juvenile Justice  
300 SW 10th Avenue, Room 546-S  
Topeka, Kansas 66612

Dear Representative Owens:

**SUBJECT:** Fiscal Note for HB 2363 by Representative V. Miller, et al.

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2363 is respectfully submitted to your committee.

HB 2363 would require that, on and after July 1, 2023, any person serving a sentence for a crime involving a controlled substance when the only substance involved was marijuana must be discharged from their sentence for that offense. Any person currently in the custody of the Department of Corrections serving a term of probation, assignment to a community correctional services program, suspension of sentence, non-prison sanction, parole or post-release supervision, serving a sentence in a county jail, or on supervision by a municipality would be released from custody or supervision. The bill would require the court to order the expungement of all associated conviction, arrest records, and any biological samples maintained by the Kansas Bureau of Investigation (KBI).

The Kansas Sentencing Commission estimates that enactment of HB 2363 would result in a decrease of 73 adult prison beds needed by the end of FY 2024. By the end of FY 2033, 78 fewer beds would be needed. The current estimated available bed capacity is 9,428 for males and 936 for females. Based upon the Commission's most recent ten-year projection contained in its *FY 2023 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population will total 7,933 male and 764 female inmates in FY 2023 and 8,043 male and 740 female inmates in FY 2024.

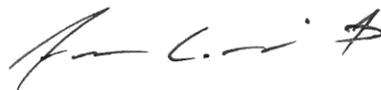
The Department of Corrections estimates enactment of the bill would result in a decrease of 72 residents from adult correctional facilities, 94 individuals from parole and post-release supervision, 42 individuals from adult community corrections supervision, and 36 individuals from juvenile community corrections supervision. The Department notes there are currently no

youth incarcerated at the Kansas Juvenile Correctional Complex that would qualify for discharge and expungement under the bill. The Department states that the release of these individuals from supervision or custody would provide some caseload relief at juvenile and adult community corrections agencies, parole, and in the correctional facilities, but enactment of the bill would not reduce current expenditures.

The Office of Judicial Administration indicates enactment of the bill could increase expenditures on the Judicial Branch. The Office states that the workload of district court clerks would be increased if they would be required to keep track of expungements because there is not a current automated process or system for clerks to track cases in this way. If an automated process could be created, the Office indicates the bill would require additional programming costs to update the centralized case management system. However, the creation of a manual process to track expungement cases would be more likely. The Office states it cannot provide a precise fiscal effect until the courts have had an opportunity to operate under the provisions of the bill.

The KBI indicates enactment of the bill would have no fiscal effect. Any fiscal effect associated with HB 2363 is not reflected in *The FY 2024 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: Scott Schultz, Sentencing Commission  
Randy Bowman, Department of Corrections  
Vicki Jacobsen, Judiciary  
Paul Weisgerber, Kansas Bureau of Investigation