

January 27, 2011

The Honorable Pat Colloton, Chairperson
House Committee on Corrections and Juvenile Justice
Statehouse, Room 167-W
Topeka, Kansas 66612

Dear Representative Colloton:

SUBJECT: Fiscal Note for HB 2044 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2044 is respectfully submitted to your committee.

Current law requires the driver of any vehicle involved in an accident resulting in great bodily harm or death to any person or damage to any attended vehicle or property to remain at or immediately stop and return to the scene of the accident. Any person who violates this law would be guilty of a misdemeanor. Under HB 2044, a person who fails to stop after being involved in an accident which results in total property damage under \$1,000 would be guilty of a misdemeanor. If total property damage exceeds \$1,000, the person would be guilty of a class A misdemeanor. The driver would be required to comply with current statutory requirements regarding removal of the vehicle if it is obstructing traffic.

HB 2044 increases the severity level for persons who fail to stop or return to an accident which results in great bodily harm, from a severity level 10 to severity level 8, person felony. If the accident results in death, the severity level is increased from a severity level 9 to a severity level 5, person felony.

HB 2044 has the potential for increasing litigation in the courts because it expands the circumstances that constitute a violation of current law and increases the severity level of these crimes. If it does, the Office of Judicial Administration indicates that there would be a fiscal effect on the operations of the court system. However, it is not possible to predict the number of additional court cases that would arise or how complex and time-consuming they would be. Therefore, a precise fiscal effect cannot be determined. In any case, the fiscal effect would most likely be accommodated within the existing schedule of court cases and would not require additional resources.

The Honorable Pat Colloton, Chairperson

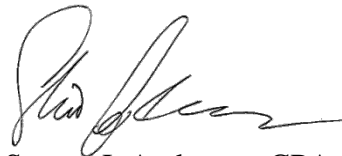
January 27, 2011

Page 2—Fisc_Note_Hb2044

The Kansas Sentencing Commission estimates that passage of HB 2044 would result in an increase of three adult prison beds in FY 2012 and an increase of 16 adult prison beds by FY 2021. Currently, the number of male inmates exceeds the available bed capacity of 8,259, and based upon the Kansas Sentencing Commission projections, it is estimated that at the end of FY 2011 and FY 2012, the number of male inmates will exceed available capacity by 235 beds and 394 beds, respectively. To address capacity issues, the Governor's recommended FY 2012 budget includes \$2.5 million for contract prison beds. If it is determined that facility construction is necessary, KDOC has identified two capacity expansion projects: two high medium security housing units at El Dorado Correctional Facility that would provide 512 beds with a construction cost of \$22,687,232 (\$44,311 per bed X 512) and operating costs of \$9,339,904 (\$18,242 per bed X 512); and one minimum security housing unit at Ellsworth Correctional Facility that would provide 100 beds with a construction cost of \$5,935,000 (\$59,350 per bed X 100) and operating costs of \$1,832,000 (\$18,320 per bed X 100).

Any capacity needed beyond the options outlined above could require additional contract or construction costs. The actual construction costs would depend upon the security level of the beds to be constructed and when construction is actually undertaken, while the actual operating costs would depend upon the base salary amounts, fringe benefit rates, per meal costs, per capita health care costs, and other cost factors applicable at the time the additional capacity is occupied. Likewise, any further prison commitments that result in additional parolees could require additional staff and resources so that the additional parolees can be effectively supervised. Any fiscal effect associated with HB 2044 is not reflected in *The FY 2012 Governor's Budget Report*.

Sincerely,



Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Steve Neske, Revenue
Brenda Harmon, Sentencing
Mary Rinehart, Judiciary