

Landon State Office Building
900 SW Jackson Street, Room 504
Topeka, Kansas 66612



Steven J. Anderson, CPA, MBA, Director

Division of the Budget

phone: 785-296-2436
fax: 785-296-0231
steve.anderson@budget.ks.gov

Sam Brownback, Governor

January 28, 2011

The Honorable Tim Owens, Chairperson
Senate Committee on Judiciary
Statehouse, Room 559-S
Topeka, Kansas 66612

Dear Senator Owens:

SUBJECT: Fiscal Note for SB 37 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 37 is respectfully submitted to your committee.

SB 37 would permit offenders confined in city or county jails to be employed by public or charitable organizations. Offenders would be eligible to receive a credit on any fines and costs imposed by the courts that are equal to \$5 for each full hour worked and may not work more than eight hours per day. Under current law, credits can be earned at a rate of \$5 per day. Offenders who are held in jail and waiting for trial may also be employed; however, if there are no fines or costs, the credit could be equal to an amount agreed to by the offender and the city or county but not less than \$5 per day. District courts may also order offenders to perform community service instead of paying any imposed fines. The offender would be eligible to receive a credit on the imposed fine that is equal to \$5 for each full hour spent in community service.

Under the bill, offenders could be assigned by courts to work release programs other than programs that are provided by the Department of Corrections. Courts would also be required to order offenders who have been convicted of domestic violence crimes to undergo domestic violence assessments and evaluations. Offenders must pay for all assessment costs unless the court orders otherwise.

According to the Office of Judicial Administration, passage of SB 37 could require additional court service officer supervision hours of domestic violence offenders and offenders who would be eligible to work to reduce imposed fines or costs. Also, district courts could experience revenue declines as a result of the community service credit, which would reduce fines paid to the courts. However, because the number of offenders who would need to be supervised or would be eligible for credits is unknown, a precise fiscal effect cannot be determined.

The Honorable Tim Owens, Chairperson

January 28, 2011

Page 2—Fisc_Note_Sb37

Municipalities could also see declines in revenue from reductions in collected fines. Under both current law and SB 37, offenders in city jails who participate in work programs would continue to owe any remaining balances of fines upon release. However, under SB 37 offenders could reduce or eliminate their total fines at a faster rate because of the provision that increases work credits from \$5 per day to \$5 per hour. However, because it is unknown how many cities or offenders would use the work program, the League of Kansas Municipalities indicates that a precise fiscal effect for cities cannot be estimated. Additionally, the Kansas Association of Counties suggests that counties could incur additional costs under the bill; however, the amount of those costs is difficult to predict. Any fiscal effect associated with SB 37 is not reflected in *The FY 2012 Governor's Budget Report*.

Sincerely,



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

cc: Melissa Wangemann, KS Association of Counties
Larry Baer, League of KS Municipalities
Jeremy Barclay, KDOC
Mary Rinehart, Judiciary