

January 29, 2013

The Honorable Jeff King, Chairperson  
Senate Committee on Judiciary  
Statehouse, Room 341-E  
Topeka, Kansas 66612

Dear Senator King:

**SUBJECT:** Fiscal Note for SB 58 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 58 is respectfully submitted to your committee.

SB 58 would amend current law regarding the manufacture of any controlled substance or controlled substance analog as it relates to methamphetamine. The manufacture of non-methamphetamine substances would be a drug severity level 1 felony if an offender has had a prior conviction for unlawful manufacturing of a controlled substance, or a substantially similar offense from another jurisdiction and the substance was not methamphetamine.

The sentence for a second or subsequent conviction for unlawful manufacturing of a controlled substance or a substantially similar offense from another jurisdiction, if the controlled substance in any prior conviction was methamphetamine or an analog thereof, would be a presumptive term of imprisonment of two times the maximum duration of the presumptive term of imprisonment.

The Office of Judicial Administration states that passage of SB 58 should not increase the number of cases filed in district courts relating to drug offenses. However, any challenge to the bill's provisions could increase the time spent by district court and appellate court judicial and non-judicial personnel in processing, researching, and hearing those cases challenging the amended laws. However, it is not possible to predict the number of 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.

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The Kansas Sentencing Commission notes that the bill would have no effect on prison bed needs.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", with a long horizontal flourish extending to the right.

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

cc: Mary Rinehart, Judiciary  
Jeremy Barclay, Corrections  
Scott Schultz, Sentencing Commission