

January 31, 2017

The Honorable Russell Jennings, Chairperson
House Committee on Corrections and Juvenile Justice
Statehouse, Room 151-S
Topeka, Kansas 66612

Dear Representative Jennings:

SUBJECT: Fiscal Note for HB 2088 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2088 is respectfully submitted to your committee.

Currently, the 2003 SB 123 Substance Abuse Treatment Program authorizes court ordered placement in a Certified Drug Abuse Treatment Program for offenders whose offenses are classified as a severity level 5 of the sentencing guidelines grid for drug crimes. HB 2088 would expand the program to court ordered placement of offenders whose offenses are classified as a severity level 4 of the sentencing guidelines grid for drug crimes. The court would be required to determine and set forth the reasons for finding that public safety would not be jeopardized by placing the offender in a Drug Abuse Treatment Program.

The Kansas Sentencing Commission estimates that HB 2088 would result in a decrease of 41 to 110 adult prison beds needed in FY 2018 and a decrease of a 71 to 195 adult prison beds needed in FY 2019. By FY 2027, 81 to 219 fewer beds would be needed. As of January 17, 2017, the available bed capacity is 8,739 for males and 915 for females. Based upon the Commission's most recent ten-year projection contained in its *FY 2017 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population will exceed available male capacity by 139 inmates in FY 2017, 101 inmates in FY 2018, and 164 inmates in FY 2019. The Department of Corrections intends to manage the projected shortfall by housing inmates in contract beds. Based on a contract rate of \$40 per day, HB 2088 would reduce the Department's costs for contract beds by a minimum of \$281,342 and up to \$754,820 in FY 2018, and a minimum of \$494,064 and up to \$1,338,090 in FY 2019.

The Kansas Sentencing Commission estimates HB 2088 would increase the number of offenders sentenced to the Substance Abuse Treatment Program by 299 to 445 persons in FY 2018, which will increase the cost to reimburse treatment providers by a minimum of \$1,015,302 and up to \$1,516,825 from the State General Fund. This estimate is expected to increase in FY 2019. The Office of Judicial Administration indicates HB 2088 would increase costs related to the additional staff time needed to determine and set forth the reasons for finding that public safety

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would not be jeopardized by placing the offender in a Drug Abuse Treatment Program. While it's expected that the additional costs could be absorbed by existing Court Services Officers, a precise estimate of expenditures by the Judicial Branch cannot be given. Any fiscal effect associated with HB 2088 is not reflected in *The FY 2018 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

cc: Ashley Michaelis, Judiciary
Brianna Landon, Corrections
Scott Schultz, Sentencing Commission