

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 2090 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2090 is respectfully submitted to your committee.

HB 2090 would eliminate provisions for drug crimes that apply to a third or subsequent felony conviction for possession of a controlled substance. These provisions prescribe a presumptive term of imprisonment and require that the defendant participate in a substance abuse treatment program of at least four months. Upon successful completion of the program, the court could modify the sentence by imposing a less severe penalty than the original sentence. Some defendants are not eligible to receive sentence modifications because of prior participation in a substance abuse treatment program or a refusal to participate.

According to the Office of Judicial Administration, more offenders could be eligible to be supervised by court services officers under the bill's provisions. 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 Kansas Sentencing Commission estimates a reduction of 27 prison beds in FY 2018 and 41 prison beds by FY 2027 if HB 2090 is passed. The Commission states the bill could increase SB 123 programming costs by \$578,811 from the State General Fund in FY 2018. Based on the Commission's estimate, the Department of Corrections estimates expenditures

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could be reduced by \$185,274 in FY 2018. Any fiscal effect associated with HB 2090 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: Scott Schultz, Sentencing Commission  
Brianna Landon, Corrections  
Ashley Michaelis, Judiciary  
Pat Scalia, Indigents Defense Services