

February 17, 2019

The Honorable Rick Wilborn, Chairperson
Senate Committee on Judiciary
Statehouse, Room 541-E
Topeka, Kansas 66612

Dear Senator Wilborn:

SUBJECT: Fiscal Note for SB 108 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 108 is respectfully submitted to your committee.

SB 108 would create a severity level three, person felony for involuntary manslaughter if the victim is under the age of six years. The bill would also create a severity level three, person felony for abuse of a child if the victim is under the age of six years. Under current law, both crimes are a severity level five, person felony.

The bill would add a provision that a parent would be found unfit to care for a child if the parent had previously convicted of involuntary manslaughter or abuse of a child and the victim was under the age of six years.

The Office of Judicial Administration estimates enactment of SB 108 would have a negligible fiscal effect on Judicial Branch operations.

The Kansas Sentencing Commission estimates that enactment of SB 108 would result in an increase of either two, five, or ten adult prison beds needed by the end of FY 2020. By the end of FY 2029, an additional six, 18, or 35 beds would be needed. The Commission's estimates are based on three scenarios. The current estimated available bed capacity is 9,056 for males and 915 for females. Based upon the Commission's most recent ten-year projection contained in its *FY 2019 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population for available male capacity will be over capacity by 264 inmates in FY 2019 and 581 inmates in FY 2020. The Department of Corrections indicates it would require additional State

General Fund expenditures of either \$3,624 for an additional two beds; \$9,060 for an additional five beds; or \$18,120 for an additional ten beds in FY 2020 resulting from the enactment of SB 108. Any fiscal effect associated with SB 108 is not reflected in *The FY 2020 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink that reads "L. L. Campbell". The signature is written in a cursive style with a large, sweeping initial "L".

Larry L. Campbell
Director of the Budget

cc: Janie Harris, Judiciary
Pat Scalia, Indigents Defense Services
Scott Schultz, Sentencing Commission
Linda Kelly, Corrections
Jackie Aubert, Children & Families