

February 23, 2021

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

Dear Representative Jennings:

**SUBJECT:** Fiscal Note for HB 2318 by House Committee on Corrections and Juvenile Justice

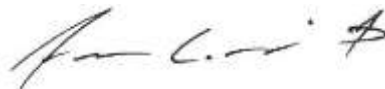
In accordance with KSA 75-3715a, the following fiscal note concerning HB 2318 is respectfully submitted to your committee.

HB 2318 would modify the definition of “persistent sex offender” to clarify the number of previous certain convictions needed to qualify as a persistent sex offender. The bill would also amend which offenders convicted of sexually violent crimes would be subject to mandatory lifetime post-release supervision. The bill would allow the early discharge for certain offenders subject to lifetime supervision. The bill would allow the prisoner review board to provide early discharge upon petition and payment of restitution by the offender. The bill would also define who must be served with notice of such a petition, the level of proof needed, and that offenders would be prohibited from filing subsequent petitions for five years from the date of a denial.

The Kansas Sentencing Commission estimates that enactment of HB 2318 would result in a decrease of 11 adult prison beds by the end of FY 2022. By the end of FY 2023, 17 fewer beds would be needed. The current estimated available bed capacity is 9,420 for males and 948 for females. Based upon the Commission’s most recent ten-year projection contained in its *FY 2020 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population for available male capacity will be under capacity by 1,287 inmates in FY 2021 and 1,241 inmates in FY 2022. The Department of Corrections indicates that the reduction in prison population would not be sufficient to reduce current prison expenditures. The Department notes that the reduction would be beneficial towards avoiding future prison costs and would improve the ability to socially distance inmates to help mitigate the spread of the coronavirus in the facility, staff working at the facility, and inmates released into the community.

The Office of Judicial Administration indicates that enactment of the bill would have a negligible fiscal effect that could be absorbed within existing resources. Any fiscal effect associated with HB 2318 is not reflected in *The FY 2022 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt  
Director of the Budget

cc: Randy Bowman, Corrections  
Scott Schultz, Sentencing Commission  
Debbie Thomas, Judiciary