

January 24, 2022

The Honorable Stephen Owens, Chairperson
House Committee on Corrections and Juvenile Justice
Statehouse, Room 546-S
Topeka, Kansas 66612

Dear Representative Owens:

SUBJECT: Fiscal Note for HB 2465 by Representative Coleman

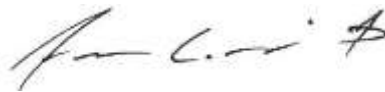
In accordance with KSA 75-3715a, the following fiscal note concerning HB 2465 is respectfully submitted to your committee.

Under current law, the cultivation, distribution, possession with the intent to distribute, and unlawful possession of psilocyn or psilocybin is a drug severity level one through five felony depending on the quantity and if the offender has a prior conviction. HB 2465 would decriminalize the cultivation of psilocyn or psilocybin and would reduce criminal penalties for distribution or possession with the intent to distribute psilocyn or psilocybin. The bill would make distribution or possession with intent to distribute a class B nonperson misdemeanor if the quantity of psilocyn or psilocybin is 100 grams or more, a class A nonperson misdemeanor if the quantity of psilocyn or psilocybin is 100 grams or more on a second or subsequent conviction, and a civil penalty with a fine not to exceed \$250 if the quantity of psilocyn or psilocybin is less than 100 grams. In addition, the bill would reduce criminal penalties for unlawful possession of psilocyn or psilocybin. Possession of over 100 grams would be a class C nonperson misdemeanor, possession of over 50 grams but less than 100 grams would result in a civil penalty in an amount not to exceed \$250. Possession of psilocyn or psilocybin would not be a violation if the amount is less than 50 grams.

The Kansas Sentencing Commission estimates that enactment of HB 2465 could have an effect on prison admissions and bed space, but any effect would be minimal. The current estimated available bed capacity is 9,428 for males and 936 for females. Based upon the Commission's most recent ten-year projection contained in its *FY 2022 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population will be 7,782 male and 756 female inmates in FY 2022 and 7,736 male and 730 female inmates in FY 2023. The Department of Corrections indicates enactment of the bill would have no fiscal effect.

The Office of Judicial Administration indicates that enactment of the bill would decriminalize actions that could be charged as crimes under current law, which could result in fewer criminal cases being filed. The Office states that some crimes could be reduced from felonies to misdemeanors, which could result in more supervision of offenders by court services officers. In addition, the bill could result in the collection of additional supervision fees in those cases filed under the provisions of the bill. However, a fiscal effect cannot be estimated. Any fiscal effect associated with HB 2465 is not reflected in *The FY 2023 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
Vicki Jacobsen, Judiciary