

SESSION OF 2004

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2649

As Amended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2649 provides that it is unlawful for any person to use any controlled substance.

A first offense will be punishable as a class A non-person misdemeanor. A second offense, with a prior conviction, is punishable as a drug severity level four felony.

Background

Representative Kathe Decker appeared in favor of the bill. Others who expressed support for the measure included conferees from the Kansas Highway Patrol, the Butler County Attorney, and the Kansas Bureau of Investigation. Several citizens who had loved ones involved in a vehicular accident in which drugs or alcohol were a factor spoke in favor of the bill. Written materials in support of the measure were received on behalf of the Forensic Science Laboratories in Wichita and Addiction Specialist, Inc., of Wichita.

The fiscal note indicates that the bill could increase the size of the prison population; however, the extent of the increase is not known. The Kansas Sentencing Commission cannot estimate the number of offenders with the information that is currently available. The state correctional system is near capacity. Therefore, if this legislation or the cumulative effect of similar legislation causes an increase in the prison population, additional space could be required. Although a precise fiscal effect cannot be determined, the Department of Corrections indicates it would consider constructing 128-cell living units at the El Dorado Correctional Facility for medium or maximum custody inmates,

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

constructing a cell house at Hutchinson Correctional Facility for medium custody inmates, or leasing additional space from facilities in Groesbeck, Texas. If the bill does not require an expansion of existing space, the additional costs would be approximately \$2,000 per capita for basic support, including food service, and adjustments might have to be made in the health service contract. In addition, the fiscal effect could involve additional resources to cover field supervision caseloads beyond the level that can be supervised by existing staff.