

February 16, 2024

The Honorable Beverly Gossage, Chairperson
Senate Committee on Public Health and Welfare
300 SW 10th Avenue, Room 142-S
Topeka, Kansas 66612

Dear Senator Gossage:

SUBJECT: Fiscal Note for SB 489 by Senate Committee on Public Health and Welfare

In accordance with KSA 75-3715a, the following fiscal note concerning SB 489 is respectfully submitted to your committee.

SB 489 would require the Department of Corrections to establish a women's correctional center nursery on the grounds of Topeka Correctional Facility by January 1, 2026, subject to appropriations. The Department would create the Nursery Program for Incarcerated Moms, which would allow eligible offenders to live with a child born to them while in custody for up to 36 months following the birth of the child. The Secretary of Corrections or a designee of the Secretary would be required to establish policies for operation of the nursery. The bill specifies that to be eligible for the Program, an offender would have to give birth to a child after sentencing or while in custody; have 36 months or less remaining on their sentence; meet other criteria established by the Secretary or the Secretary's designee; and have a child that meets the Secretary's established eligibility criteria. The bill also specifies that any offender with current or prior convictions of certain violent or dangerous crimes would be automatically disqualified from the Program.

Prior to placing an offender into the Program, the Secretary or designee would be responsible for determining that the offender meets all eligibility requirements and that the Program is an appropriate placement for the offender. The Secretary would also determine if the Program is in the best interests of the child, using information from the Department for Children and Families regarding any current or prior child in need of care case involving the offender.

To participate in the Program, eligible offenders would agree in writing to comply with all Department policies and procedures; have the child participate in the state children's health insurance program, if eligible; comply with any court decisions regarding legal custody, residency, and parenting time for the child; specify the individual with whom the child would be placed if the

offender’s participation in the program is revoked; and sign any release of information waivers required for the Secretary to gather necessary information from the Department for Children and Families.

The bill would establish criteria for the revocation of an offender’s participation in the Program, including noncompliance with Program or Department requirements; serious illness of the child; court-ordered change of residency for the child; or the offender’s release from Topeka Correctional Facility. Any support payments made through the Kansas Payment Center for a child participating in the Program would be forwarded to the Department of Corrections and be made available to the offender. The bill would also establish the Nursery Program for Incarcerated Moms Fund, which would be used by the Department of Corrections to operate and maintain the Program. The Program would not be subject to mandatory licensing, oversight, or regulation by the Department of Health and Environment or the Department for Children and Families. To enable the Program, the bill would reconcile existing statutory language that prohibits children from being kept in jail.

Estimated State Fiscal Effect			
	FY 2024	FY 2025	FY 2026
Expenditures			
State General Fund	--	\$2,709,840	\$1,072,429
Fee Fund(s)	--	--	--
Federal Fund	--	--	--
Total Expenditures	--	\$2,709,840	\$1,072,429
Revenues			
State General Fund	--	--	--
Fee Fund(s)	--	--	--
Federal Fund	--	--	--
Total Revenues	--	--	--
FTE Positions	--	--	19.90

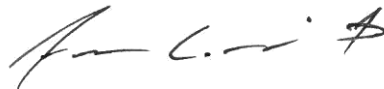
The Department of Corrections indicates that the bill would require the construction of a specialized housing unit for participating mothers and their children. This unit would consist of 5,000 square feet and include individual rooms, a kitchenette for preparing meals for the children, an eating area, a common space for activities, and an outdoor playground. Topeka Correctional Facility averaged four pregnant residents during FY 2023, and the proposed nursery unit would contain ten individual rooms to accommodate population growth. The Department estimates that the cost to design, construct, and furnish this unit would total \$2.7 million from the State General Fund in FY 2025. Construction would begin in FY 2025 and likely extend into FY 2026.

The Department of Corrections estimates that in FY 2026, the bill would result in State General Fund expenditures of \$1.1 million. This estimate includes six months of operating costs and assumes staff would be hired one month prior to opening to complete training and final

preparation of the nursery. Nursery staff would total 19.90 FTE positions, including 5.10 FTE correctional officer positions, 1.00 FTE program director position, 1.00 FTE counselor position, 6.80 FTE childcare worker positions, 2.00 FTE licensed practical nurse positions, and 4.00 FTE transport officer positions. These staffing levels would allow for the presence of one correctional officer per shift and for two childcare workers to be present during the weekday morning and evening shifts so that mothers could participate in programs and work opportunities. The FY 2026 estimate also includes \$100,000 for non-emergent contracted pediatrician services and \$99,602 of one-time expenditures to acquire and equip two vehicles that would be used to transport mothers and their children to off-site medical appointments.

The Department estimates that a full year of operating costs in FY 2027 would total \$1.7 million from the State General Fund. Based upon the Sentencing Commission's most recent ten-year projection contained in its *FY 2024 Adult Inmate Prison Population Projections* report, it is estimated that the female year-end population will total 828 residents in FY 2024 and 870 residents in FY 2025. By FY 2033, the female population is projected to reach 1,078. The Department of Corrections indicates that as the population of female residents increases, so will the number of qualified mothers, which may require expansion of the nursery and result in additional expenditures on nursery operations and staff. The Department for Children and Families and the Kansas Department of Health and Environment indicate that the bill would have no fiscal effect on agency operations. Any fiscal effect associated with SB 489 is not reflected in *The FY 2025 Governor's Budget Report*.

Sincerely,

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

Adam C. Proffitt
Director of the Budget

cc: Jennifer King, Department of Corrections
Kim Holter, Department for Children & Families