KANSAS SENTENCING COMMISSION

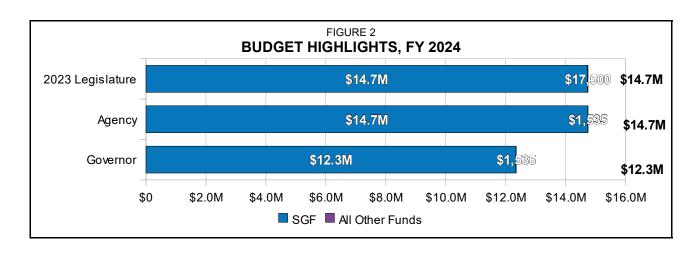
FY 2023 – FY 2025 BUDGET ANALYSIS

				FIGURE 1						
		BUDGET	O١	/ERVIEW, F	Y 2	2023 - FY 20	25			
						_				Covernor
		Actual		Agency		Governor		Agency		Governor
		FY 2023		FY 2024		FY 2024		FY 2025		FY 2025
Operating Expenditure	s:									
State General Fund	\$	9,878,241	\$	14,740,644	\$	12,345,143	\$	16,923,365	\$	12,219,003
Federal Funds		276,000		-		-		3,684		3,684
All Other Funds		2,735		1,535		1,535		64,195		40,585
Subtotal	\$	10,156,976	\$	14,742,179	\$	12,346,678	\$	16,991,244	\$	12,263,272
Capital Improvements:										
State General Fund	\$	_	\$	_	\$	_	\$	_	\$	_
Federal Funds	Ψ	_	Ψ	_	Ψ	_	Ψ	_	Ψ	_
All Other Funds		_		_		_		_		_
Subtotal	\$		\$	<u>-</u>	\$		\$	<u>-</u>	\$	
Subiolai	Φ		Φ		Φ	_	φ		φ	
TOTAL	\$	10,156,976	\$	14,742,179	\$	12,346,678	\$	16,991,244	\$	12,263,272
Percentage Change:										
State General Fund		38.7 %		49.2 %		25.0 %		14.8 %		(1.0) %
All Funds		41.9 %		45.1 %		21.6 %		15.3 %		(0.7) %
FTE Positions		15.0		15.0		15.0		15.0		15.0

The Kansas Sentencing Commission was created by the 1989 Legislature to develop a sentencing guideline model, or grid, based upon fairness and equity, and to provide a mechanism for linking justice and corrections policies. The Commission tracks and assesses sentencing impositions using statistical methodologies to develop prison population projections and legislative impacts to interested parties, including the Kansas Department of Corrections (KDOC), the Governor, and the Legislature. The Commission also administers the Substance Abuse Treatment Program created by the 2003 Legislature in SB 123, principally codified in KSA 21-6824.

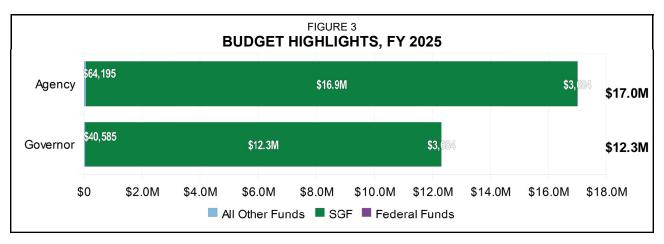
EXECUTIVE SUMMARY

The 2023 Legislature approved a budget of \$12.0 million, including \$12.0 million from the State General Fund (SGF), for the Kansas Sentencing Commission for FY 2024. One adjustment has been made subsequently to that amount, which changes the current year approved amount without any legislative action required. A total of \$2.7 million SGF reappropriated, including \$131,825 in the Administration program and \$2.6 million SGF in the Substance Abuse Treatment Program, in FY 2024.



The **agency** requests a revised estimate of \$14.7 million, including \$14.7 million SGF, in FY 2024. This is an all funds decrease of \$4,472, or less than 0.1 percent, and an SGF increase of \$11,493, or 0.1 percent, from the approved amount in FY 2024.

The **Governor** recommends a revised estimate of \$12.3 million, including \$12.3 million SGF, in FY 2024. This is a **decrease** of \$2.4 million, or 16.2 percent, all funds and \$2.4 million, or 16.3 percent, SGF from the agency's revised estimate in FY 2024. There was a correction to the agency's budget for \$2,627 and a lapse of \$2.4 million from the SB 123 Substance Abuse Treatment Program.

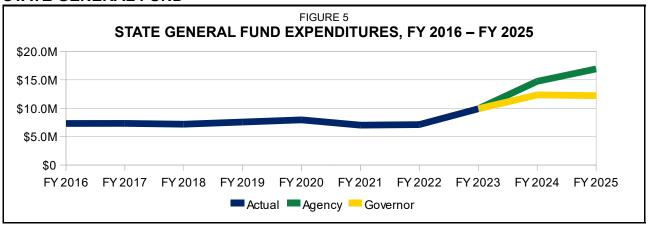


The **agency** requests \$17.0 million all funds, including \$16.9 million SGF. This is an increase of \$2.2 million, or 15.3 percent, above the FY 2024 revised request. The increase is due to the three enhancement requests of \$2.3 million SGF. Minus the enhancements, the FY 2025 request is \$78,198 SGF below the FY 2024 revised request.

The **Governor** recommends \$12.3 million, including \$12.2 million SGF. This is an all funds decrease of \$4.7 million, or 27.8 percent, and an SGF decrease of \$4.7 million, or 27.8 percent, below the agency's request for FY 2024. The reductions are mainly due to corrections in the agency's budget request and a lapse of the SB 123 Substance Abuse Treatment Program for FY 2025.

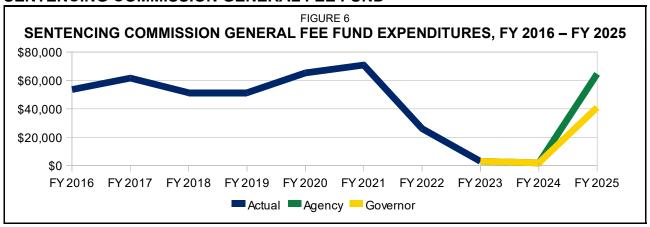
EXPENDITURE	S A	ND FINA	N	CING						
				FIGURE	4					
BUDGET S	UM	MARY BY C	;AT	TEGORY OF	E	(PENDITURI	Ξ, F	FY 2023 – FY	2 (025
		Actual FY 2023		Agency FY 2024		Governor FY 2024		Agency FY 2025		Governor FY 2025
Category of Expendit	ure									
Salaries and Wages	\$	1,050,300	\$	1,269,395	\$	1,269,395	\$	1,269,145	\$	1,269,145
Contractual Services		887,541		772,152		769,525		833,944		735,561
Commodities		12,395		17,371		17,371		14,379		14,379
Capital Outlay		59,839		56,080		56,080		9,880		9,880
Debt Service Interest				-		-		-		
Subtotal	\$	2,010,075	\$	2,114,998	\$	2,112,371	\$	2,127,348	\$	2,028,965
Aid to Local Units				-		-		-		-
Other Assistance		8,146,901		12,627,181	_	10,234,307		14,863,896		10,234,307
Subtotal-Operating	\$	10,156,976	\$	14,742,179	\$	12,346,678	\$	16,991,244	\$	12,263,272
Capital Improvements		-		-		-		-		-
Debt Service Principal		<u>-</u>		-	_	-	_	-	_	
TOTAL	\$	10,156,976	\$	14,742,179	\$	12,346,678	\$	16,991,244	\$	12,263,272
Financing:										
State General Fund	\$	9,878,241	\$	14,740,644	\$	12,345,143	\$	16,923,365	\$	12,219,003
Federal Funds	~	276,000	7	-	7	-	7	3,684	7	3,684
All Other Funds		2,735		1,535		1,535		64,195		40,585
TOTAL	\$	10,156,976	\$	14,742,179	\$	12,346,678	\$	16,991,244	\$	12,263,272
FTE Positions		15.0		15.0		15.0		15.0		15.0

STATE GENERAL FUND

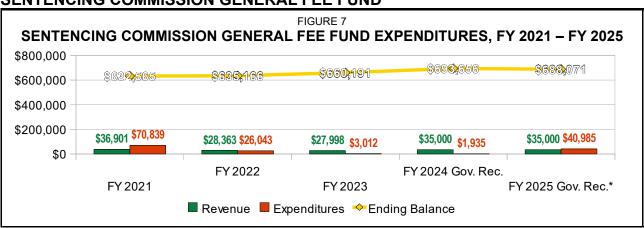


For the Kansas Sentencing Commission, SGF expenditures have averaged \$9.2 million annually since FY 2016. These expenditures are primarily utilized for the 2003 SB 123 Drug Treatment Program, which average \$7.8 million annually, and operating expenditures in the Administration program, which average \$1.4 million annually. Salaries and wages typically compose 65.0 percent of the SGF expenditures in the Administration program. The increase in expenditures in FY 2024 includes \$2.7 million in reappropriations primarily from FY 2023 from the Drug Treatment Program, which the agency anticipates expending in FY 2024. The reduction of SGF for FY 2025 is due to an adjustment by the Governor's recommendation to reduce the 2003 SB 123 program funding due to a technical error.

SENTENCING COMMISSION GENERAL FEE FUND



SENTENCING COMMISSION GENERAL FEE FUND



^{*} For FY 2025, the lowest month ending balance for the Sentencing Commission General Fee Fund will occur in June, with a balance of \$221,000.

The Sentencing Commission General Fee Fund receives moneys from the sale of publications and fees associated with data requests. The Fund previously received moneys from offender reimbursement for the SB 123 Drug Treatment Program, but those funds are now treated as a reimbursement of expenditures from the SGF. Therefore, this fund is no longer a viable funding source to offset SB 123 Drug Treatment Program expenditures. Additionally, the Fund previously received an annual inter-fund transfer of approximately \$54,000 from KDOC to offset costs associated with administering substance abuse treatment to offenders in KDOC's Community Corrections program. The 2020 Legislature eliminated this inter-fund transfer and replaced it with a direct SGF appropriation beginning in FY 2021.

FY 2024 ANALYSIS					
	JRE 8				
SUMMARY OF BUDG	ET REQ	UES I, FY 202	4		
		SGF		All Funds	FTE_
Legislative Approved:					
Amount Approved by 2023 Legislature	\$	12,020,662	\$	12,038,162	15.0
1. SGF Reappropriation		2,708,489		2,708,489	
Subtotal-Legislative Approved	\$	14,729,151	\$	14,746,651	15.0
Agency Revised Estimate: Supplemental Requests:					
2. Pay Plan		8,866		8,866	
Subtotal-Supplemental Requests Only	\$	-	\$	-	
3. All Other Adjustments		2,627		(13,338)	
Subtotal–Agency Revised Estimate	\$	14,740,644	\$	14,742,179	15.0
Governor's Recommendation:					
4. Correction	\$	(2,627)	\$	(2,627)	
5. SB 123 Program Expansion		(2,392,874)		(2,392,874)	
TOTAL	\$	12,345,143	\$	12,346,678	15.0

LEGISLATIVE APPROVED

Subsequent to the 2023 Session, one adjustment was made to the \$12.0 million appropriated to the Kansas Sentencing Commission for FY 2024. This adjustment changes the current year approved amount without any legislative action required and includes the following:

1. **SGF REAPPROPRIATION.** A total of \$2.7 million SGF reappropriated, including \$131,825 in the Administration program and \$2.6 million SGF in the Substance Abuse Treatment Program in FY 2024.

AGENCY ESTIMATE

The **agency** requests a revised estimate of \$14.7 million, including \$14.7 million SGF, in FY 2024. This is a decrease of \$4,472, or less than 0.1 percent, all funds and an increase of \$11,493, or 0.1 percent, SGF from the approved amount in FY 2024.

The revised estimate includes \$8,866 SGF for the following supplemental request:

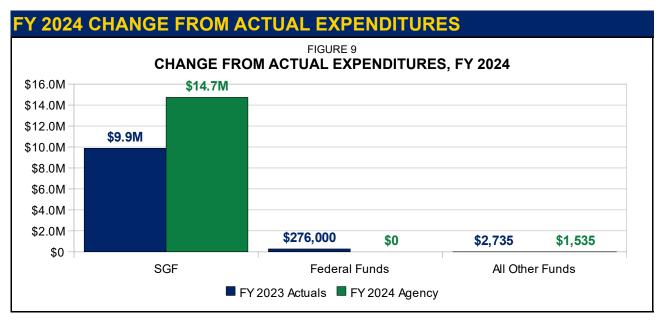
- 2. **PAY PLAN SHORTFALL.** The revised estimate includes \$8,866 SGF in FY 2024 to account for a shortfall in appropriations for the Legislative Pay Plan in 2023 SB 25. The 2023 Legislature appropriated \$120.0 million, including \$46.0 million SGF, across all state agencies to provide salary adjustments for FY 2024 based on the Department of Administration Market Survey. This total amount was short by approximately \$11.8 million, including \$11.4 million SGF, statewide in FY 2024. To account for this, the State Finance Council prorated agency distribution of the available appropriations by approximately 20.0 percent. For the Kansas Sentencing Commission, a supplemental appropriation of \$8,866 SGF in FY 2024 is required to achieve the intended effect of the Legislative Pay Plan in 2023 SB 25.
- 3. **ALL OTHER ADJUSTMENTS.** There are increases in contractual services (\$288,609) and capital outlay (\$24,830), with offsetting decreases in salaries and wages (\$131,326) and other assistance (\$183,790). Contractual services are increased for the multi-year contracts with Carelon Behavioral Health and Domo, Inc. The decrease in salaries and wages is due to two open positions (research analyst and data entry specialist). The decrease in other assistance is due to not expending the entire amount reappropriated for the Substance Abuse Treatment Program.

GOVERNOR'S RECOMMENDATION

The **Governor** recommends a revised estimate of \$12.3 million, including \$12.3 million SGF, in FY 2024. This is a decrease of \$2.4 million, or 16.2 percent, all funds and \$2.4 million, or 16.3 percent, SGF from the agency's revised estimate in FY 2024. There was a correction to the agency's budget for \$2,627 and a lapse of \$2.4 million from the SB 123 Substance Abuse Treatment Program.

The **Governor's** recommendation includes the following adjustments:

- 4. **CORRECTION.** A double counting error was made in the agency's revised estimate of \$2,627 SGF in FY 2024.
- 5. **SB 123 PROGRAM EXPANSION.** The Governor lapsed a portion of the reappropriated SB 123 funds in the amount of \$2.4 million SGF in FY 2024.



The **agency** estimates revised expenditures of \$14.7 million, including \$14.7 million SGF, in FY 2024. This is an increase of \$4.6 million, or 45.1 percent, all funds and \$4.9 million, or 49.2 percent, above the 2023 actual expenditures. The primary increase is due to the reappropriation of \$2.7 million and increased appropriation of \$1.8 million for the Substance Abuse Treatment Program from FY 2023 to FY 2024.

FY 2025 ANALYSIS													
FIGURE 10 SUMMARY OF BUDGET REQUEST, FY 2025													
SOMIMART OF BODGE	- I NEQ	SGF	3	All Funds	FTE								
Agency Request:		_											
Request without Major Changes	\$	14,596,102	\$	14,663,981	15.0								
Enhancement Requests:													
1. Domo Maintenance Fee	\$	15,000	\$	15,000									
2. SB 123 Program Expansion		2,236,715		2,236,715									
3. Carelon Maintenance Fee		75,548		75,548									
Subtotal–Enhancement Requests Only	\$	2,327,263	\$	2,327,263									
Subtotal–Agency Request	\$	16,923,365	\$	16,991,244	15.0								
Governor's Recommendation:													
4. Corrections to agency Administration program	\$	(164,773)	\$	(188,383)									
5. SB 123 Program Adjustment		(2,392,874)		(2,392,874)									
6. SB 123 Program Expansion		(2,236,715)		(2,236,715)									
7. Domo Maintenance Fee		(1,000)		(1,000)									
8. Carelon Maintenance Contract		91,000		91,000									
TOTAL	\$	12,219,003	\$	12,263,272	15.0								

AGENCY REQUEST

The **agency** requests \$17.0 million all funds, including \$16.9 million SGF. This is an increase of \$2.2 million, or 15.3 percent, above the FY 2024 revised request. The increase is due to the three enhancement requests of \$2.3 million SGF. Minus the enhancements, the FY 2025 request is \$78,198 SGF below the FY 2024 revised request.

The request includes \$2.3 million SGF for the following enhancement requests:

- 1. **DOMO MAINTENANCE FEE.** The agency currently has a contract with Domo, Inc. to create an electronic journal entry system that replaces the current hard copy documents the agency receives in its office. The initial startup costs were funded by a grant from the Council of State Governments Justice Center. Domo is building the system, and pilot studies have begun statewide. A multiyear maintenance agreement with further automation to research reporting in the Domo platform is anticipated. Subsequent annual vendor maintenance and licensing costs are estimated at \$15,000 for FY 2025.
- 2. **EXPANSION OF SB 123 PROGRAM.** Due to the expansion of the SB 123 program to nondrug felony offenders, the agency estimates the previous appropriation of \$1.8 million annually will be insufficient to operate the program. New eligible offenses, such as burglary and theft, make up 12.0 percent of all felonies committed in the state. This equates to an additional 1,782 sentences potentially eligible for this program. The agency is requesting an additional \$2.7 million SGF for this program for FY 2025.
- 3. **CARELON MAINTENANCE FEE.** The agency's contract with Carelon, the agency's bill payment vendor for the SB 123 and (Recovery from Addiction for Treatment) RAFT programs, will expire at the end of 2023. Inflation, expanded duties of the RAFT diversion program, and new SB 123 offenders as of July 2023 require an increase in a multiyear contract. The agency can cover the cost increase of \$8,643 in FY 2024 within existing funds. However, in FY 2025, there will be an additional \$75,548 SGF required for the new contract, which will be an ongoing expenditure for the life of the program.

Absent the enhancement requests, the FY 2025 request is \$78,198 SGF below the FY 2024 revised request.

GOVERNOR'S RECOMMENDATION

The **Governor** recommends \$12.3 million, including \$12.2 million SGF. This is an all funds decrease of \$4.7 million, or 27.8 percent, and an SGF decrease of \$4.7 million, or 27.8 percent, below the agency's request for FY 2024. The reductions are mainly due to corrections in the agency's budget request and a lapse of the SB 123 Substance Abuse Treatment Program for FY 2025.

The **Governor's** recommendation includes the following adjustments:

- 4. **CORRECTIONS.** The recommendation makes multiple corrections to the Administration program budget submission, for a total of \$164,773.
- 5. **SB 123 ADJUSTMENT.** The recommendation adjusts the amount of funding for the SB 123 Substance Abuse Treatment Program for FY 2025.
- 6. **SB 123 PROGRAM EXPANSION ENHANCEMENT.** The Governor does not recommend the enhancement to expand the SB 123 Substance Abuse Treatment Program for FY 2025.
- 7. **DOMO MAINTENANCE FEE.** The Governor does recommend the Domo maintenance fee increase for the contract; however, the agency stated the requested amount was \$14,000 instead of \$15,000 SGF for FY 2025.
- 8. **CARELON MAINTENANCE CONTRACT.** The Governor recommends the enhancement request for the Carelon maintenance contract; however, the agency requests an additional \$91,000 SGF to cover the cost increases for FY 2025.

ENHANCEMENT REQU	ENHANCEMENT REQUESTS														
	FIGURE 11														
ENHANCEMENT REQUESTS FY 2025															
	Agency Governor														
Request		SGF		All Funds	FTE_		SGF		All Funds	<u>FTE</u>					
FY 2025 Enhancements:															
1. Domo Maintenance Fee	\$	15,000	\$	15,000	-	\$	14,000	\$	14,000	-					
2. SB 123 Program Expansion		2,236,715		2,236,715	-		-		-	-					
3. Carelon Maintenance Fee		75,548		75,548	-		166,548		166,548	-					
TOTAL	\$	2,327,263	\$	2,327,263		\$	180,548	\$	180,548						

1. DOMO MAINTENANCE FEE. The agency currently has a contract with Domo, Inc. to create an electronic journal entry system that replaces the current hard copy documents the agency receives in its office. The initial startup costs were funded by a grant from the Council of State Governments Justice Center. Domo is building the system, and pilot studies statewide have begun. A multiyear maintenance agreement with further automation to research reporting in the Domo platform is anticipated. Subsequent annual vendor maintenance and licensing costs are estimated at \$15,000 for FY 2025.

The Governor recommends adoption of this request; however, the request was reduced to \$14,000 SGF.

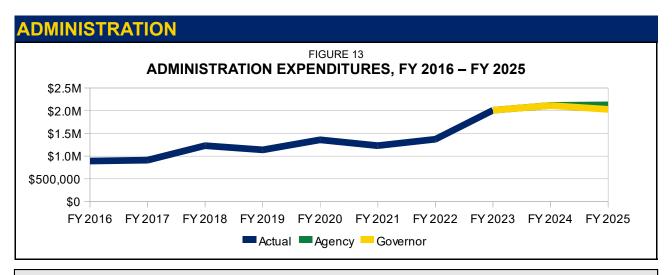
2. **EXPANSION OF SB 123 PROGRAM.** Due to the expansion of the SB 123 program to non-drug felony offenders, the agency estimates the previous appropriation of \$1.8 million annually will be insufficient to operate the program. New eligible offenses, such as burglary and theft, make up 12.0 percent of all felonies committed in the state. This equates to an additional 1,782 sentences potentially eligible for this program. The agency is requesting an additional \$2.2 million SGF for this program for FY 2025.

The Governor does not recommend adoption of this request.

3. **CARELON MAINTENANCE FEE.** The agency's contract with Carelon, the agency's bill payment vendor for the SB 123 and RAFT programs, will expire at the end of 2023. Inflation, expanded duties of the RAFT Program, and new SB 123 offenders as of July 2023 require an increase in a multiyear contract. The agency can cover the cost increase of \$8,643 in FY 2024 within existing funds. However, in FY 2025, there will be an additional \$75,548 SGF required for the new contract, which will be an ongoing expenditure for the life of the program.

The Governor recommends adoption of this request; however, the cost increase is a total of \$166,548 for FY 2025.

PROGRAM OVERVIEW	N							
EXPENDITURES A	NII	S ETE DOSI		GURE 12	OCDAM EV	· ၁	0023 – EV 20	025
EXPENDITURES A	V I V I		1 1		•	_		_
Programs		Actual FY 2023		Agency FY 2024	Governor FY 2024		Agency FY 2025	Governor FY 2025
Expenditures:								
Administration	\$	2,010,075	\$	2,114,998	\$ 2,113,388	\$	2,127,348	\$ 2,028,965
Substance Abuse Treatment	_	8,146,901			10,233,290	_	14,863,896	
TOTAL	\$	10,156,976	\$	14,742,179	\$12,346,678	\$	16,991,244	\$ 12,263,272
FTE Positions: TOTAL		15.0		15.0	15.0		15.0	15.0



STATUTORY BASIS: • KSA 74-9101 through 74-9106, KSA 21-6801 through 21-6825

PROGRAM GOALS: • Develop and maintain a monitoring system that allows for comprehensive evaluation of the sentencing guidelines.

- Forecast the state's adult and juvenile offender populations incarcerated in state institutions, and determine the impact of proposed legislation on the prison population.
- Assist in the process of educating and training judges, attorneys, court services
 officers, state parole officers, correctional officers, law enforcement officials,
 and other criminal justice groups in the understanding and application of
 sentencing guidelines. Serve as an information resource for the Legislature and
 various criminal justice agencies.

The Administration program develops prison population projections and maintains a statewide sentencing database. The Commission annually publishes the Desk Reference Manual, which contains sentencing grids and the required sentencing forms for felony offenders. Training and assistance is provided to judges, court services staff, and

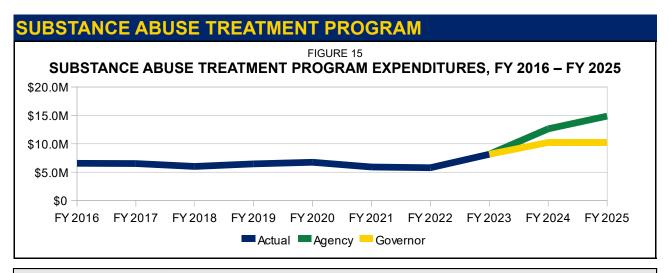
other criminal justice professionals regarding the implementation of legislative changes to sentencing policy. The agency is the State's federal-designated Statistical Analysis Center for criminal justice matters and provides data analysis to the Governor, Legislature, and the State's criminal justice agencies.

	ADMINI	STRATION		FIGURE 14 NANCING,	FY	′ 2023 – FY	20)25		
Fund		Actual FY 2023		Agency FY 2024		Governor FY 2024		Agency FY 2025		Governor FY 2025
SGF Federal Funds All Other Funds TOTAL	\$ \$	1,731,340 276,000 2,735 2,010,075	\$ \$	2,113,463 - 1,535 2,114,998	\$ \$	2,111,853 - 1,535 2,113,388	\$ \$	2,059,469 3,684 64,195 2,127,348	\$ \$	1,984,696 3,684 40,585 2,028,965
Percent Change: SGF All Funds FTE Positions		29.9 % 46.6 % 15.0		22.1 % 5.2 % 15.0		(0.1) % (0.1) % 15.0		(2.6) % 0.6 % 15.0		(3.6) % (4.6) % 15.0

BUDGET ANALYSIS

The **agency** requests \$2.1 million, including \$2.1 million SGF, for the Administration program for FY 2025. This is an all funds increase of \$12,350, or 0.6 percent, and an SGF decrease of \$53,994, or 2.6 percent, from the FY 2024 revised estimate. The increase is attributed to increased expenditures of the General Fee Fund to pay for the existing Juvenile Justice Authority position and insurance premium payment increases. The SGF decrease is primarily due to a decrease in capital outlay for the replacement of computer hardware that took place in FY 2024.

The **Governor** recommends expenditures of \$2.0 million, including \$2.0 million SGF, for the Administration program for FY 2025. This is a decrease of \$98,383 SGF, or 4.6 percent, below the agency's request. The decrease is mainly due to corrections in the agency's budget.



STATUTORY BASIS: • KSA 21-6824 (2003 SB 123), and KSA 21-5705 through 21-5706
 PROGRAM GOALS: • Provide substance abuse treatment and supervision within Kansas communities for offenders with substance abuse addictions and improve local communities by reducing recidivism.
 • Provide a response and centralized system that brings cohesion to the management of the program and efficient payment policies.
 • Track financial records of payments through the system and provide analysis and estimates of funding needs.

The agency administers the SB 123 Substance Abuse Treatment Program, which was established by 2003 SB 123. The program is a nonprison sanction providing mandatory state-funded substance abuse treatment for certain offenders convicted of drug possession. The program is designed to divert low-level drug offenders out of the prison system. Subsequently, 2018 HB 2458 and 2019 SB 18 expanded the types of offenders eligible for treatment to include those convicted of cultivating and distributing a controlled substance. Offenders are placed under community supervision, and treatment is rendered by providers certified by KDOC. Treatment methods include residential, group outpatient, reintegration, and peer mentoring.

The agency is responsible for program administration and the payment of treatment providers. Payments are issued through an online treatment provider payment system, which allows the agency to collect data on the offender group to assess the program's effectiveness as an alternative to incarceration.

SUBSTANCE	FIGURE 16 SUBSTANCE ABUSE TREATMENT FINANCING, FY 2023 – FY 2025												
Fund	<u></u>	Actual FY 2023	Agency FY 2024		Governor FY 2024		Agency FY 2025	Governor FY 2025					
SGF Federal Funds All Other Funds TOTAL	\$ \$	8,146,901 - - - 8,146,901	\$ 12,627,181 - - \$ 12,627,181	\$ \$			14,863,896 - - 14,863,896	\$ 10,234,307 - - \$ 10,234,307					
Percent Change: SGF All Funds FTE Positions		40.8 % %	55.0 % 55.0 %		(19.0) % (19.0) %		17.7 % 17.7 % -	(31.1) % (31.1) %					

BUDGET ANALYSIS

The **agency** requests \$14.9 million, all SGF, for the 2003 Substance Abuse Treatment Program for FY 2025. This is an increase of \$2.2 million, or 17.7 percent, above the FY 2024 revised estimate. The increase is primarily attributable to anticipated increased expenditures due to the passage of 2023 Senate Sub. for HB 2010.

The **Governor** recommends \$10.2 million SGF for the 2003 Substance Abuse Treatment Program for FY 2025. This is a decrease of \$4.6 million SGF, or 31.2 percent, below the agency's request. The decrease is due to the Governor's recommendation not including the agency's enhancement request for the SB 123 program and a correction to the agency's budget submission for FY 2025.