

January 27, 2015

The Honorable Gregory Smith, Chairperson
Senate Committee on Corrections and Juvenile Justice
Statehouse, Room 441-E
Topeka, Kansas 66612

Dear Senator Smith:

SUBJECT: Fiscal Note for SB 20 by Senate Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning SB 20 is respectfully submitted to your committee.

SB 20 would amend the crimes of burglary and aggravated burglary. The penalty for entering into a dwelling with the intent to commit a felony, theft or sexually motivated crime, would be increased from a severity level seven, person felony to a severity level six, person felony.

If the burglary is committed with the intent to steal a firearm, the penalty would be enhanced. For burglary of a dwelling with the intent to steal a firearm, the penalty would be increased to a severity level five. Burglary of a non-dwelling building or vehicle with the intent to steal a firearm would be a severity level five, nonperson felony.

Entering into a dwelling in which there is a human being, with the intent to commit a felony, theft or sexually motivated crime would be increased from a severity level five, person felony to a severity level four, person felony.

Based on three different scenarios, the Kansas Sentencing Commission estimates that passage of SB 20 would result in an increase of 89, 97 and 105 adult prison beds needed in FY 2016 and an increase of 184, 200 and 216 adult prison beds needed by FY 2017. By the end of the ten-year projection, it is estimated that additional adult beds of 231, 265 and 299 would be needed in FY 2025. As of January 12, 2015, the available bed capacity is 9,636. Based upon the Commission's most recent ten-year projection contained in its *FY 2015 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population will exceed available male capacity by 85 inmates in FY 2015, 109 inmates in FY 2016, and 162 inmates in FY 2017.

Based on a contract rate of \$40 per day, it may cost the Department of Corrections an additional \$1,299,400 to \$1,533,000 in FY 2016 and \$2,686,400 to \$3,153,600 in FY 2017 to

house these inmates in contract beds until additional capacity can be constructed. Construction costs would depend upon the security level of the beds to be constructed and when construction is actually undertaken. Absent the passage of any other legislation, increases in the female population and the minimum security male population can be absorbed within existing resources. Similarly, any further prison commitments that result in additional parolees could require additional staff and resources so that the parolees could be effectively supervised.

According to the Office of Judicial Administration, SB 20 would not increase the number of case filings related to burglary or aggravated burglary. It is possible that the provisions which elevate severity levels could increase the number of appeals filed. Appellate court judicial and non-judicial personnel would spend more time processing, researching, and hearing cases. Likewise, the additional appeals could increase the amount of appellate docket fees collected. However, it is not possible to predict the number of additional appeals that would arise or how complex and time-consuming they would be. Therefore, a precise fiscal effect cannot be determined.

The Board of Indigents' Defense Services indicates that the bill would increase the costs to defend clients of the Board as a result of the new severity levels for the crimes. However, the precise fiscal effect is unknown because the agency does not possess data upon which to make an estimate.

The Kansas Sentencing Commission further reports that the bill would not increase the journal entry workload of the agency. Any fiscal effect associated with SB 20 is not reflected in *The FY 2016 Governor's Budget Report*.

Sincerely,



Shawn Sullivan,
Director of the Budget

cc: Scott Schultz, Sentencing Commission
Mary Rinehart, Judiciary
Jeremy Barclay, DOC
Pat Scalia, BIDS