

STATE OF KANSAS



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GOVERNOR JEFF COLYER, M.D.
LARRY L. CAMPBELL, CHIEF BUDGET OFFICER

March 13, 2018

The Honorable Russell Jennings, Chairperson
House Committee on Corrections and Juvenile Justice
Statehouse, Room 151-S
Topeka, Kansas 66612

Dear Representative Jennings:

SUBJECT: Fiscal Note for HB 2724 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2724 is respectfully submitted to your committee.

HB 2724 would amend the crime of possession of a controlled substance to be a class A nonperson misdemeanor. The bill would also make it a class B nonperson misdemeanor to possess marijuana as designated by KSA 65-4105(d). References throughout the criminal code to felony possession of a controlled substance would be changed to reflect the penalty classification change. Municipal courts would no longer have jurisdiction to hear unlawful possession of controlled substances and possession of marijuana cases.

For defendants who are being sentenced for a conviction of possession of a controlled substance, the bill would require presentence reports to include a drug assessment. Under current law, courts may currently commit certain offenders to treatment in a drug abuse treatment program for up to 18 months. HB 2724 would limit this time to 12 months.

The Office of Judicial Administration indicates enactment of HB 2724 could increase the number of cases filed in district courts because it removes the jurisdiction of municipal courts to hear unlawful possession of controlled substances and possession of marijuana cases. This would increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. Since the bill changes the crime severity level penalties to misdemeanors, it could increase the amount of supervision of offenders required to be performed by court service officers. Enactment of the bill could result in the collection of docket fees and fines assessed in those cases filed under the provisions of the bill.

The Kansas Sentencing Commission estimates enactment of the bill would reduce 362 prison admissions in FY 2019 and 414 prison admissions by FY 2028. Also, the Commission

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estimates enactment of HB 2724 would save 350 prison beds in FY 2019 and 403 prison beds by FY 2028. The Commission estimates enactment of the bill would increase SB 123 treatment offenders by 81 in FY 2019, which would require additional expenditures of \$291,438 from the State General Fund based on the average cost of \$3,598 per treatment offender in FY 2017 (81 treatment offenders X \$3,598 average cost per offender).

Based on the Commission's estimate of 350 prison bed savings in FY 2019, the Department of Corrections estimates savings of \$8.8 million from the State General Fund, if HB 2724 were enacted. Any fiscal effect associated with HB 2724 is not reflected in *The FY 2019 Governor's Budget Report*.

Both the League of Kansas Municipalities and the Kansas Association of Counties estimate any fiscal effect upon local governments resulting from the enactment of HB 2724 would be negligible.

Sincerely,



Larry L. Campbell
Chief Budget Officer

cc: Ashley Michaelis, Judiciary
Linda Kelly, Corrections
Scott Schultz, Sentencing Commission