

February 15, 2013

REVISED

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

Dear Representative Rubin:

SUBJECT: Revised Fiscal Note for HB 2043 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following revised fiscal note concerning HB 2043 is respectfully submitted to your committee.

HB 2043 would expand the crime of aggravated battery as it relates to driving under the influence. A person who causes great bodily harm to or disfigurement of another person while driving under the influence could be convicted of a severity level 5, person felony. Causing great bodily harm, disfigurement, or death while driving under the influence would be a severity level 8, person felony. In each case, there would be no requirement of a culpable mental state.

Since the original fiscal effect statement was issued, the Kansas Sentencing Commission has provided information on the effect of HB 2043. The Commission estimates that passage of the bill would result in an increase of one to three adult prison beds needed in FY 2014, an increase of two to six adult prison beds needed in FY 2015, and an increase of three to nine adult prison beds needed by FY 2023. As of January 14, 2013, the available bed capacity is 9,564. Based upon Kansas Sentencing Commission projections, it is estimated that by the end of FY 2014 and FY 2015 the number of inmates will exceed available capacity by 325 beds and 590 beds, respectively.

To address capacity issues, the Governor's budget includes additional funding of \$3.0 million (\$2.0 million in FY 2014 and another \$1.0 million in FY 2015) for community corrections treatment and supervision programs to reduce the number of probationers entering prison. It is expected that the added funds plus policy changes recommended by the Justice Reinvestment group will make 863 beds available in FY 2014 and up to 1,581 beds available in FY 2015. However, it is likely that continued projected population increases will also require construction of new cell houses at the El Dorado Correctional Facility. The project would include building two new medium security housing units, which would provide a total of 512 beds. It is estimated that the new units would have a construction cost of approximately \$24.5

The Honorable John Rubin, Chairperson

February 15, 2013

Page 2—HB 2043 Revised

million and operating costs of approximately \$8.4 million (or about \$45.00 per inmate per day). Presumably, bonding authority would be required in FY 2015 for the constructions costs with operations at the new cell houses beginning in FY 2016.

According to the Office of Judicial Administration, HB 2043 has the potential for increasing the number of cases relating to aggravated battery and driving under the influence filed in district and appellate courts. This would increase the time spent by district court and appellate court judicial and non-judicial personnel in processing, researching, and hearing cases. Likewise, the additional cases could also result in the collection of added revenue from docket fees. However, it is not possible to predict the number of additional court cases that would arise or how complex and time-consuming they would be. Therefore, a precise fiscal effect cannot be determined. In any case, the fiscal effect would most likely be accommodated within the existing schedule of court cases and would not require additional resources. Any fiscal effect associated with HB 2043 is not reflected in *The FY 2014 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", written in a cursive style.

Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Mary Rinehart, Judiciary
Jeremy Barclay, KDOC
Scott Schultz, Sentencing Commission