

January 31, 2013

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

Dear Representative Rubin:

SUBJECT: Fiscal Note for HB 2080 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2080 is respectfully submitted to your committee.

HB 2080 would further define the crime of burglary and aggravated burglary, which would include entering with the intent to commit a specified offense or in violation of a protective order. "Specified offense" would be defined to include a felony, theft, or any crime that is committed for the purposes of sexual gratification; domestic battery; or stalking.

The Kansas Sentencing Commission estimates that HB 2080 would have an impact on prison admissions and bed needs because many of the current criminal trespass convictions would be elevated to felony classifications under the bill. However, the Commission does not have a precise effect available at this time. The agency notes that 1,236 convictions for burglary and aggravated burglary were received in FY 2012. Of that total, 71.0 percent were sentenced to probation and 29.0 percent were sentenced to prison. The Commission will submit a revised impact statement once the estimates are completed. Likewise, a revised fiscal note will also be sent once that information becomes available.

Using the FY 2012 conviction number of 1,236, the Board of Indigents' Defense estimates it would cost \$988,800 to defend the new felonies. This cost would be financed from the State General Fund. The Office of Judicial Administration estimates that the bill would not have a significant effect on the number of burglary cases filed and, as a result, would have no fiscal effect on the courts. None of the anticipated fiscal effect from this bill is included in *The FY 2014 Governor's Budget Report*.

Sincerely,



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

cc: Scott Schultz, Sentencing Commission
Jeremy Barclay, KDOC

Mary Rinehart, Judiciary