

February 20, 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 2288 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2288 is respectfully submitted to your committee.

HB 2288 would permit certain offenders who are required to register under the Kansas Offender Registration Act to file motions to terminate their registration requirements after ten years. Under current law, adult offenders are required to register for 15 years, 25 years or life, and juvenile offenders are required to register for five years or life. An offender convicted of a crime in which the victim was 14 years of age or older and the offender was 19 years of age or younger may file a motion to terminate the registration requirement after five years.

Courts would be required to hold hearings to determine whether the registration requirements may be terminated. If the motion is denied, an offender may not file a subsequent motion until at least five years after the date the original motion was denied. HB 2288 would not apply to offenders who have been convicted of sexually violent crimes; declared sexually violent predators; or convicted of any felony during the registration period.

The bill would also allow offenders who are subject to mandatory, lifetime periods of post-release supervision to petition the Prisoner Review Board to terminate supervision after five years. If the petition is denied, an offender may not file a subsequent petition until at least five years after the date the original petition was denied.

The Kansas Bureau of Investigation (KBI) states that all registered offenders who are near their end of registration date are subject to review by the agency's Offender Registration Unit. This review process may require three or more hours for each case. According to Bureau data, there are currently 12,489 offenders who would be eligible to file motions to terminate their registration requirement. If it is assumed that all offenders submit motions, 37,467 total hours would be needed to conduct offender reviews (12,489 offenders X 3 hours per case). This would require additional staff for the Unit at a cost of \$15.03 per hour for one position and a total cost

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of \$563,129 (37,467 total hours X \$15.03 per hour). The total number of positions needed was unknown to the agency. Division of the Budget analysis suggests that to review all the hearings in one year, 18.00 FTE positions would be required (37,467 total hours/2,080 hours per year). Reviewing the cases in less time would require more positions while a longer time period would require fewer positions.

KBI further states that HB 2288 would not fully comply with the federal Sex Offender Registration and Notification Act. Currently, Kansas is considered to be substantially compliant with federal law. If the state is determined to be out of compliance as a result of the bill's passage, KBI indicates that the state could lose \$343,000 in federal funding from the Byrne Justice Assistance Grant.

According to the Office of Judicial Administration, the offender registration termination hearings required under the bill has the potential for increasing the workload of the courts. The bill could also increase the number of appeals relating to offender registration and post-release supervision. This would increase the time spent by district court and appellate court judicial and non-judicial personnel in processing, researching, and hearing cases. However, it is not possible to predict the number of additional hearings or appeals 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.

The Department of Corrections indicates that any fiscal effect resulting from the additional Prisoner Review Board hearings could be absorbed within existing resources. The Kansas Sentencing Commission states that the bill would have no immediate impact on prison admissions or beds. Any fiscal effect associated with HB 2288 is not reflected in *The FY 2014 Governor's Budget Report*.

Sincerely,



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

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