

January 30, 2014

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 2495 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2495 is respectfully submitted to your committee.

HB 2495 would make several amendments and clarifications to statutory changes concerning probation and post-release supervision enacted by 2013 HB 2170. If an offender violates the conditions of release or assignment and the original crime of conviction was a misdemeanor, courts may continue or modify the probation, assignment, suspension, or non-prison sanction and impose confinement in a county jail not to exceed 60 days. If an offender is serving multiple probation terms concurrently, any confinement periods imposed would be imposed concurrently. Courts may also revoke the probation, assignment, suspension, or non-prison sanction.

For offenders who violate the conditions of release or assignment and the original crime of conviction was a felony, courts may continue or modify the release conditions of the probation, assignment, suspension, or non-prison sanction and issue an intermediate sanction of confinement in a county jail to be imposed as a two-day or three-day consecutive period. The total of all sanctions imposed must not exceed 18 total days during the term of supervision. Supervision violators who have been subject to a 120-day or 180-day prison sanction would not have their terms reduced by prior confinement credits. However, the imposed sanction must not be longer than the amount of time remaining on an offender's underlying sentence. If an offender is serving multiple probation terms concurrently, any confinement periods likewise would be imposed concurrently. Courts may also impose confinement in jail for up to 60 days for violations of release conditions, which would be separate and distinct from other sanctions.

The Honorable John Rubin, Chairperson

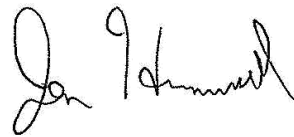
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The sanctions for offenders who violate the conditions of release or assignment and the original crime of conviction was a felony would apply for any violation occurring on and after July 1, 2013, regardless of the date of conviction for the original crime.

The Office of Judicial Administration reports that passage of HB 2495 would have no fiscal effect on the Judicial Branch. The Kansas Sentencing Commission states that the bill would have no effect on prison admissions, prison bed space, or the workload of the agency.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Hummell". The signature is written in a cursive style with a large initial "J" and "H".

Jon Hummell,
Interim Director of the Budget

cc: Mary Rinehart, Judiciary
Scott Schultz, Sentencing Commission
Jeremy Barclay, Corrections
Melissa Wangemann, Association of Counties