

January 24, 2014

REVISED

The Honorable Jeff King, Chairperson
Senate Committee on Judiciary
Statehouse, Room 341-E
Topeka, Kansas 66612

Dear Senator King:

SUBJECT: Revised Fiscal Note for SB 255 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following revised fiscal note concerning SB 255 is respectfully submitted to your committee.

SB 255 would create a special sentencing rule for the crime of attempting to commit capital murder. Any defendant convicted of attempting to commit the crime of capital murder would be sentenced to life in prison and would not be eligible for probation, suspension, modification or reduction of sentence. The defendant would not be eligible for parole prior to serving 25 years imprisonment. The 25 years of imprisonment could not be reduced by the application of good time credits. No other sentence would be permitted. Attempt to commit capital murder would be an off-grid crime. The bill also would change the effective dates of certain provisions to September 6, 2013, and make citation changes relating to the bill enacted during the 2013 Special Session of the Legislature.

The Office of Judicial Administration indicates that SB 255 has the potential for increasing the number of cases relating to capital murder filed in district and appeals filed in 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.

Based on an internal review of case history, the Board of Indigents Services estimates the agency would incur additional, ongoing expenses of at least \$12,000 from the State General Fund beginning in FY 2015 and occurring every other year. The Board assumes it would have one case every two years; that all pre-trial, investigative, and expert work has been completed;

The Honorable Jeff King, Chairperson

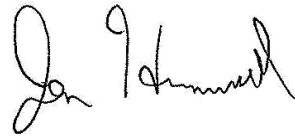
January 24, 2014

Page 2—SB 255 Revised

and plea agreements have been reached prior to a jury selection. The agency estimates one case would require 80 hours of work at a rate of \$150 per hour.

According to the Kansas Sentencing Commission, the bill would have no effect on prison admissions, prison beds, or the journal entry workload of the Commission. The original fiscal note did not contain information from the Office of Judicial Administration and the Board of Indigents Services. Any fiscal effect associated with SB 255 is not reflected in *The FY 2015 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Hummell". The signature is fluid and cursive, with the first name "Jon" being more prominent than the last name "Hummell".

Jon Hummell,
Interim Director of the Budget

cc: Mary Rinehart, Judiciary
Scott Schultz, Sentencing Commission
Jeremy Barclay, DOC
Pat Scalia, BIDS