

March 12, 2015

The Honorable John Barker, Chairperson  
House Committee on Judiciary  
Statehouse, Room 149-S  
Topeka, Kansas 66612

Dear Representative Barker:

**SUBJECT:** Fiscal Note for HB 2222 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2222 is respectfully submitted to your committee.

HB 2222 would amend the Kansas Offender Registration Act by expanding the definition of an offender to include any offender who, on or after July 1, 2015, is convicted or adjudicated of a municipal ordinance violation substantially similar to an offense requiring registration under the provisions. Municipal judges must perform any duties required by the court under the act.

According to the Kansas Sentencing Commission, HB 2222 would have an effect on prison admissions and prison bed space; however, the precise effect cannot be determined at this time. The Commission notes that the bill could have a substantial impact because municipal ordinances violators who commit offenses similar to state law would be required to register and could later be convicted of failure to register. The penalty for a first-time failure to register conviction is a severity level six, person felony.

As of January 12, 2015, the available bed capacity is 9,636. Based upon the Commission's most recent ten-year projection contained in its *FY 2015 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population will exceed available male capacity by 85 inmates in FY 2015, 109 inmates in FY 2016, and 162 inmates in FY 2017. The Department of Corrections intends to manage the original bed shortfall by housing inmates in contract beds until additional capacity can be constructed. HB 2222 would likely add to those contract bed costs.

The Kansas Bureau of Investigation (KBI) is the central repository for offender registration records in the State of Kansas. The KBI estimates that the bill would require additional expenditures of \$50,000 from the State General Fund in FY 2017. The funds would be used for the salary and benefits for 1.00 FTE position in the Offender Registration Unit to process the additional records received from municipal courts. The agency's estimate assumes

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up to 400 additional registrations would be received per year if 100 additional offenders are added to the registry in the first year. The KBI indicates that the initial registrations could be handled with existing staff and resources in FY 2016 but the number of registrations would grow as more offenders are added in future fiscal years.

It is likely that adhering to offender registration requirements would have a fiscal effect on municipal courts and law enforcement agencies. However, the League of Kansas Municipalities is unable to determine the precise fiscal effect the bill would have on cities. Any fiscal effect associated with HB 2222 is not reflected in *The FY 2016 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,  
Director of the Budget

cc: Larry Baer, League of Municipalities  
Shelia Sawyer-Tyler, KBI  
Mary Rinehart, Judiciary  
Scott Schultz, Sentencing Commission