

March 3, 2016

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 2694 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2694 is respectfully submitted to your committee.

Under current law, a fourth or subsequent DUI is a nonperson felony, which carries a sentence of 90 days and up to one year in prison and a \$2,500 fine. HB 2694 would make the penalty applicable to only a fourth, fifth, or sixth DUI conviction. The bill would classify a seventh or subsequent conviction as a severity level six, nonperson felony.

HB 2694 has the potential for increasing litigation in the courts because of the new sentencing requirement created by the bill. If it does, the Office of Judicial Administration indicates that there would be a fiscal effect on the operations of the court system. 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. In any case, the fiscal effect would most likely be accommodated within the existing schedule of court cases and would not require additional resources.

Based on three scenarios, the Kansas Sentencing Commission estimates enactment of HB 2694 would result in an increase of 12, 19, and 24 adult prison beds needed in FY 2017. By FY 2026, it is estimated that 24, 40, and 50 adult prison beds would be needed. As of January 15, 2016, the available bed capacity is 9,636. Based upon the Commission's most recent ten-year projection contained in its *FY 2016 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population will exceed available male capacity by 326 inmates in FY 2016 and 516 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 2694 would add to those contract bed costs.

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Assuming a contract rate of \$40 per day, it may cost the Department of Corrections up to an additional \$82,344 (12 offenders x \$40 per day x 365 days x 47.0 percent bed vacancy rate) in FY 2017. Construction costs for adding capacity would depend upon the security level of the beds to be constructed and when construction is actually undertaken. Absent the passage of any other legislation, increases in the female population and the minimum security male population can be absorbed within existing resources. Likewise, any further prison commitments that result in additional parolees could require additional staff and resources so that the parolees could be effectively supervised. Any fiscal effect associated with HB 2694 is not reflected in *The FY 2017 Governor's Budget Report*.

Sincerely,

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

Shawn Sullivan,
Director of the Budget

cc: Ashley Michaelis, Judiciary
Scott Schultz, Sentencing Commission
Adam Pfannenstiel, Corrections