

February 16, 2016

The Honorable Gregory Smith, Chairperson
Senate Committee on Corrections and Juvenile Justice
Statehouse, Room 441-E
Topeka, Kansas 66612

Dear Senator Smith:

SUBJECT: Fiscal Note for SB 435 by Senate Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning SB 435 is respectfully submitted to your committee.

SB 435 would require the Secretary of Corrections to adopt rules for a system of calculating alternative incarceration credit. The rules would provide for the circumstances when an inmate may earn alternative incarceration credit and for the forfeiture of earned credit. The amount of time that could be earned and retained by an inmate as alternative incarceration credit would be limited to not more than 30.0 percent of the prison part of the inmate's sentence.

The bill would require the Secretary of Corrections to adopt rules for a system allowing any inmate who is determined to be a low risk by use of a standardized risk assessment tool or instrument specified by the Kansas Sentencing Commission to petition the Prisoner Review Board to be approved for alternative incarceration. If an inmate makes a petition to the Board and does not have a risk assessment on a standardized risk assessment tool, the inmate would be assessed and assigned a risk level within 30 days of the petition to determine the inmate's eligibility.

SB 435 specifies that an inmate who earns alternative incarceration credit or has a petition approved by the Board would serve the time credited or the remainder of the inmate's sentence outside of a state correctional facility and be monitored by an electronic monitoring device. The electronic monitoring device would provide for the continuous verification of the offender's location through a global position system; be equipped with a cut-free strap secured around the offender's ankle, which would sound an alarm if tampered with or removed; and be continuously monitored by a 24-hour call center capable of alerting the appropriate authorities.

The Honorable Gregory Smith, Chairperson
February 16, 2016
Page 2—SB 435

The Kansas Department of Correction states enactment of SB 435 has the potential to create savings because the bill would allow the Secretary to develop a system of alternative incarceration credits. However, the agency indicates it does not have enough information to determine how many of these credits would be used to provide a fiscal effect.

The Kansas Sentencing Commission estimates that enactment of SB 435 could have an effect on prison bed space; however, the Commission does not have enough information to provide an estimate. If the Commission provides an estimate, a revised fiscal note will be issued. Any fiscal effect associated with SB 435 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 horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

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