

SESSION OF 2015

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2218**

As Amended by House Committee on  
Corrections and Juvenile Justice

**Brief\***

HB 2218, as amended, would make the crimes of burglary and aggravated burglary inapplicable to a person who enters retail or commercial premises while such premises are open to the public after having been informed by the owner or manager not to enter the premises pursuant to the criminal trespass statute, except when the person enters such premises with the intent to commit a person felony or a sexually motivated crime.

**Background**

The House Committee on Corrections and Juvenile Justice introduced the bill at the request of a citizen. As introduced, the bill would have made burglary and aggravated burglary inapplicable to any premises that are, at the time, open to the public. In the House Committee, the citizen provided proponent testimony. There was no neutral or opponent testimony.

The House Committee amended the bill to narrow the exception to persons entering retail and commercial premises after being banned from the premises pursuant to the criminal trespass statute, unless the person enters with intent to commit a person felony or a sexually motivated crime.

According to the fiscal note prepared by the Division of the Budget, the bill, as introduced, would result in a decrease

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

of 9 to 13 adult prison beds in FY 2016 and a decrease of 18 to 32 adult prison beds in FY 2017. By FY 2025, the bill would result in a decrease of 36 to 60 adult prison beds. As of January 12, 2015, available prison bed capacity is 9,636. Based upon the Sentencing Commission's most recent 10-year projection, 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. To manage the shortfalls, KDOC will house inmates in contract beds until additional capacity can be constructed.

Based on a contract rate of \$40 per day, the bill could reduce contract costs by \$131,400 to \$189,800 in FY 2016 and by \$282,800 to \$467,200 in FY 2017. The Board of Indigents' Defense Services indicates the bill could result in reduced public defender expenditures from the State General Fund of \$71,025 to \$81,600 in FY 2016. The Office of Judicial Administration notes the bill would have no fiscal effect on the Judicial Branch. The bill would have no impact on the journal entry workload of the Kansas Sentencing Commission.

Any fiscal effect associated with the bill is not reflected in *The FY 2016 Governor's Budget Report*.