

February 12, 2019

The Honorable Rick Wilborn, Chairperson
Senate Committee on Judiciary
Statehouse, Room 541-E
Topeka, Kansas 66612

Dear Senator Wilborn:

SUBJECT: Fiscal Note for SB 86 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 86 is respectfully submitted to your committee.

SB 86 would allow courts to order staggered sentences for offenders with third and subsequent driving under the influence (DUI) convictions. Under current law, such convictions mandate 90 days imprisonment. The bill would allow the 90 days to be divided into three 30-day segments. The first segment would be satisfied by participating in a work release program or being on house arrest. Both the work release option and the house arrest option would require an initial 48-hour imprisonment. If an offender is placed in a work release program, the offender would return to confinement at the end of each day and serve a minimum of 672 hours of confinement. If placed on a house arrest program, the offender would be monitored by an electronic monitoring device that verifies the offender's location and would be required to serve a minimum of 672 hours of house arrest. Offenders would also be required to participate in the multidisciplinary model of services for substance use disorders as ordered by the court.

The bill would require the courts to set two review hearings, with the first between 90 to 120 days and a second hearing between 180 to 240 days, after the initial sentencing. At each hearing, the court would consider the offender's alcohol-monitoring results and multidisciplinary team recommendations, together with any other facts deemed relevant by the court in deciding whether to modify the sentence by ordering a stay of execution of the next segment. SB 86 would require offenders to serve any portion of a sentence that is stayed by the court if they violate any conditions set out by the court in the stay of execution.

SB 86 specifies that the bill's provisions would not affect any other sanction for the violation of probation, assignment to a community correctional services program, suspension of sentence, or nonprison sanction.

According to the Office of Judicial Administration, enactment of SB 86 would have a fiscal effect on the Judicial Branch. The bill's provisions would require district courts to hold more review hearings for offenders, which would increase the time spent by district court personnel processing, hearing, and researching cases. The Office states court service officers could have more hearings to attend and additional offenders to monitor.

The Kansas Sentencing Commission states that enactment of SB 86 would have no effect on prison admissions or bed space. Any fiscal effect associated with SB 86 is not reflected in *The FY 2020 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "L. L. Campbell". The signature is fluid and cursive, with a large initial "L" and "C".

Larry L. Campbell
Director of the Budget

cc: Janie Harris, Judiciary
Linda Kelly, Corrections
Jay Hall, Association of Counties
Scott Schultz, Sentencing Commission