

KANSAS SENTENCING COMMISSION

FY 2022 – FY 2024 BUDGET ANALYSIS

FIGURE 1
BUDGET OVERVIEW, FY 2022 – FY 2024

	Actual FY 2022	Agency FY 2023	Governor FY 2023	Agency FY 2024	Governor FY 2024
Operating Expenditures:					
State General Fund	\$ 7,119,680	\$ 12,611,248	\$ 12,586,730	\$ 10,208,656	\$ 10,184,138
Federal Funds	25,806	-	-	-	-
All Other Funds	13,103	146,529	146,529	17,500	17,500
<i>Subtotal</i>	<u>\$ 7,158,589</u>	<u>\$ 12,757,777</u>	<u>\$ 12,733,259</u>	<u>\$ 10,226,156</u>	<u>\$ 10,201,638</u>
Capital Improvements:					
State General Fund	\$ -	\$ -	\$ -	\$ -	\$ -
Federal Funds	-	-	-	-	-
All Other Funds	-	-	-	-	-
<i>Subtotal</i>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
TOTAL	<u>\$ 7,158,589</u>	<u>\$ 12,757,777</u>	<u>\$ 12,733,259</u>	<u>\$ 10,226,156</u>	<u>\$ 10,201,638</u>
Percentage Change:					
State General Fund	1.5 %	77.1 %	76.8 %	(19.1) %	(19.1) %
All Funds	0.3 %	78.2 %	77.9 %	(19.8) %	(19.9) %
FTE Positions	14.0	15.0	15.0	15.0	15.0

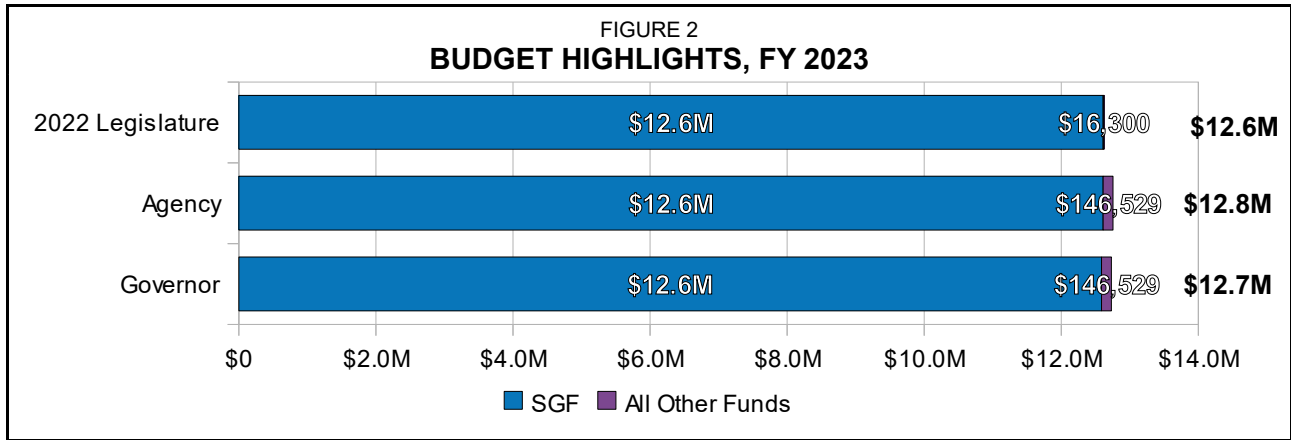
For purposes of this analysis, full-time equivalent (FTE) positions include non-FTE permanent unclassified positions but continue to exclude temporary employees. FTE positions reflect permanent state positions equating to a 40-hour work week.

The Kansas Sentencing Commission was created by the 1989 Legislature to develop a sentencing guideline model, or grid, based upon fairness and equity, and to provide a mechanism for linking justice and corrections policies. The Commission tracks and assesses sentencing impositions using statistical methodologies to develop prison population projections and legislative impacts to interested parties, including the Kansas Department of Corrections (KDOC), the Governor, and the Legislature. The Commission also administers the Substance Abuse Treatment Program created by the 2003 Legislature in SB 123, principally codified in KSA 21-6824.

EXECUTIVE SUMMARY

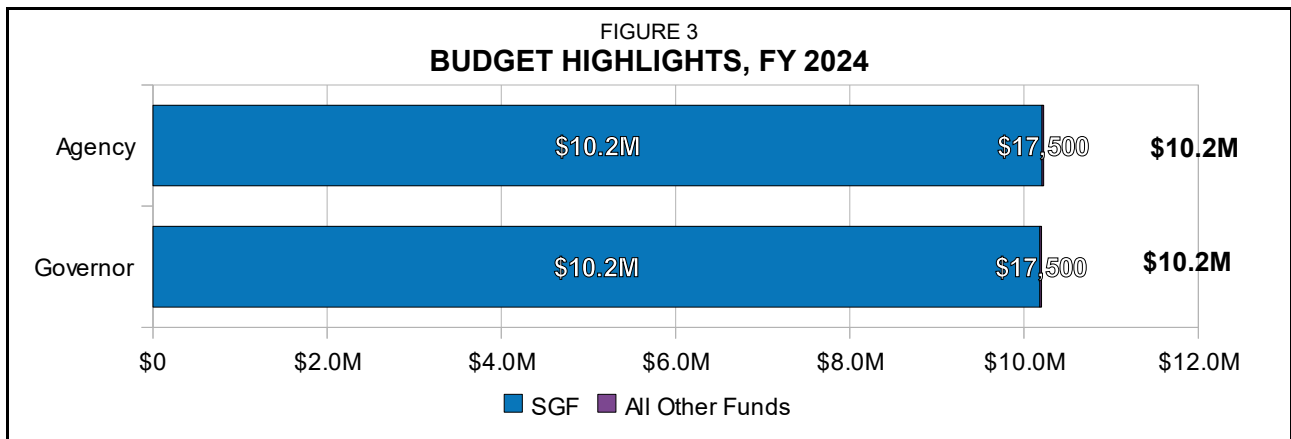
The 2022 Legislature approved a budget of \$10.0 million, including \$10.0 million from the State General Fund (SGF), for the Kansas Sentencing Commission for FY 2023. One adjustment has been made subsequently to that amount, which changes the current year approved amount without any legislative action required.

- **SGF REAPPROPRIATION.** The agency received an increase of \$2.7 million SGF based on the reappropriation of the FY 2022 funding that was not spent in FY 2022 and has shifted to FY 2023.



The **agency** submits a revised estimate of \$12.8 million, including \$12.6 million SGF, in expenditures and 15.0 FTE positions in FY 2023. This is an increase of \$130,228, or 1.0 percent, above the FY 2023 approved amount. The increase is mainly in capital outlay for an upgrade of the research division's statistical modeling software and other assistance for the 2003 SB 123 Drug Treatment Program.

The **Governor** recommends a revised FY 2023 budget of \$12.7 million, including \$12.6 million SGF. This is a decrease of \$24,518 SGF, or 0.2 percent, below the agency's FY 2023 revised estimate. The decrease is due to a reduction in funding for salaries and wages.



The **agency** requests \$10.2 million, including \$10.2 million SGF, in expenditures and 15.0 FTE positions for FY 2024. This is a decrease of \$2.5 million, or 19.8 percent, below the FY 2023 revised estimate. The decrease is mainly due to a decrease of \$2.6 million in other assistance, which is the amount of the reappropriation from FY 2022, which was added to the 2003 SB 123 Drug Treatment Program in FY 2023 and does not continue into FY 2024.

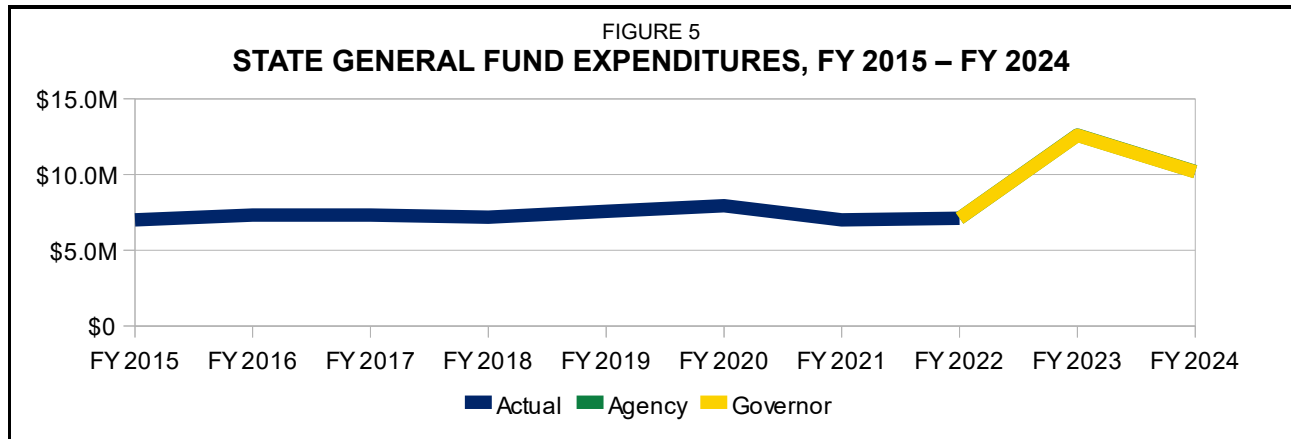
The **Governor** recommends \$10.2 million, including \$10.2 million SGF, for FY 2024. This is a decrease of \$24,518 SGF, or 0.2 percent, below the agency's FY 2024 request. The decrease is due to a reduction in funding for salaries and wages.

EXPENDITURES AND FINANCING

FIGURE 4
BUDGET SUMMARY BY CATEGORY OF EXPENDITURE, FY 2022 – FY 2024

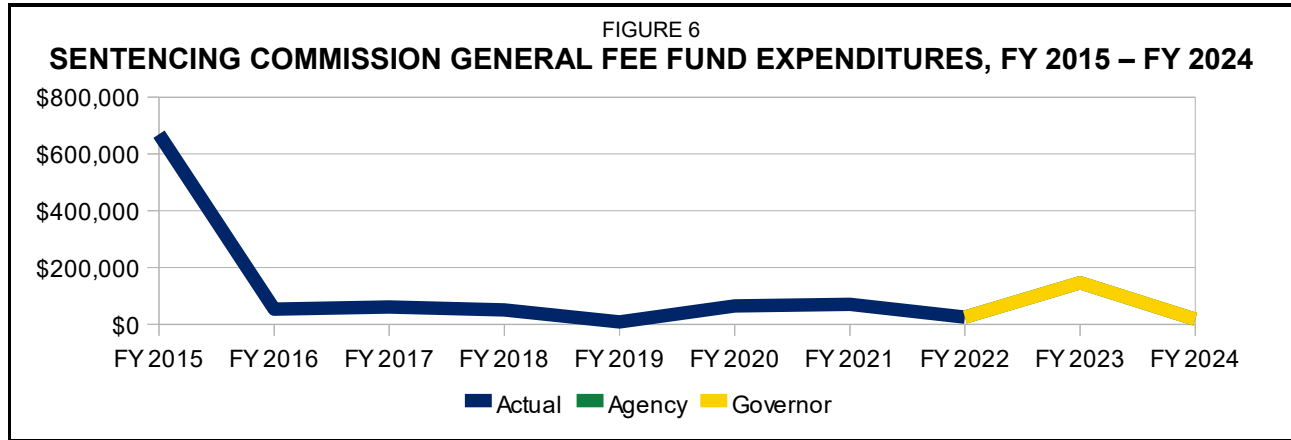
Category of Expenditure:	Actual FY 2022	Agency FY 2023	Governor FY 2023	Agency FY 2024	Governor FY 2024
Salaries and Wages	\$ 871,119	\$ 1,183,548	\$ 1,159,030	\$ 1,256,890	\$ 1,232,372
Contractual Services	444,367	429,941	429,941	483,543	483,543
Commodities	12,012	17,152	17,152	20,166	20,166
Capital Outlay	44,076	81,962	81,962	31,250	31,250
Debt Service Interest	-	-	-	-	-
<i>Subtotal</i>	<i>\$ 1,371,574</i>	<i>\$ 1,712,603</i>	<i>\$ 1,688,085</i>	<i>\$ 1,791,849</i>	<i>\$ 1,767,331</i>
Aid to Local Units	-	-	-	-	-
Other Assistance	5,787,015	11,045,174	11,045,174	8,434,307	8,434,307
<i>Subtotal—Operating</i>	<i>\$ 7,158,589</i>	<i>\$ 12,757,777</i>	<i>\$ 12,733,259</i>	<i>\$ 10,226,156</i>	<i>\$ 10,201,638</i>
Capital Improvements	-	-	-	-	-
Debt Service Principal	-	-	-	-	-
TOTAL	\$ 7,158,589	\$ 12,757,777	\$ 12,733,259	\$ 10,226,156	\$ 10,201,638
Financing:					
State General Fund	\$ 7,119,680	\$ 12,611,248	\$ 12,586,730	\$ 10,208,656	\$ 10,184,138
Federal Funds	25,806	-	-	-	-
All Other Funds	13,103	146,529	146,529	17,500	17,500
TOTAL	\$ 7,158,589	\$ 12,757,777	\$ 12,733,259	\$ 10,226,156	\$ 10,201,638
FTE Positions	14.0	15.0	15.0	15.0	15.0

STATE GENERAL FUND

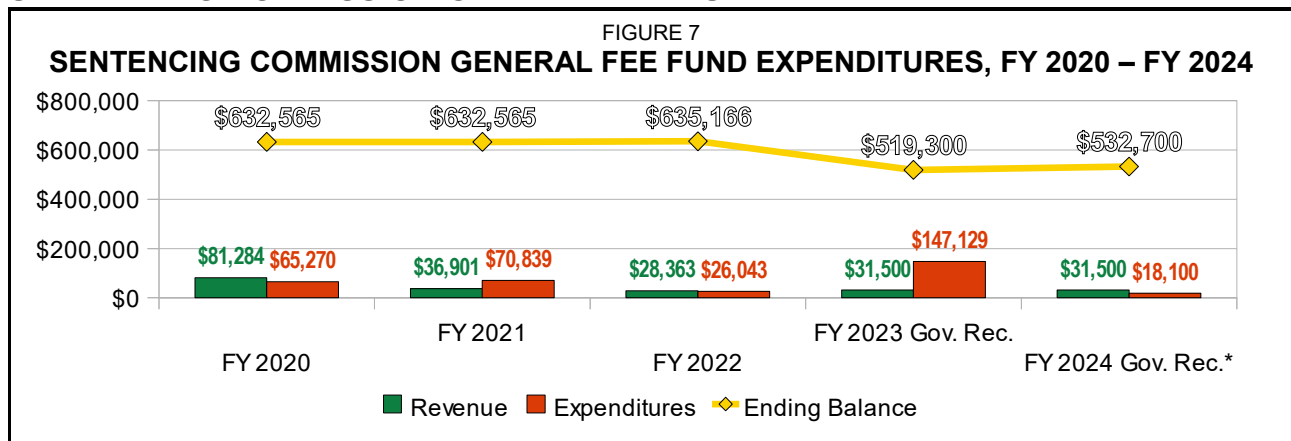


For the Kansas Sentencing Commission, SGF expenditures have averaged \$8.1 million annually since FY 2015. These expenditures are primarily utilized for the 2003 SB 123 Drug Treatment Program, which average \$6.4 million annually, and operating expenditures in the Administration program, which average \$1.1 annually. Salaries and wages typically comprise 65.0 percent of the SGF expenditures in the Administration program. The increase in expenditures in FY 2023 includes \$2.6 million in reappropriations from FY 2022 from the Drug Treatment Program, which the agency anticipates expending in FY 2023.

SENTENCING COMMISSION GENERAL FEE FUND



SENTENCING COMMISSION GENERAL FEE FUND



* For FY 2024, the lowest month ending balance for the Sentencing Commission General Fee Fund will occur in June, with a balance of \$500,000.

The Sentencing Commission General Fee Fund receives moneys from the sale of publications and fees associated with data requests. The Fund previously received moneys from offender reimbursement for the SB 123 Drug Treatment Program, but those funds are now treated as a reimbursement of expenditures from the SGF. Therefore, this fund is no longer a viable funding source to offset SB 123 Drug Treatment Program expenditures. Additionally, the Fund previously received an annual inter-fund transfer of approximately \$54,000 from KDOC to offset costs associated with administering substance abuse treatment to offenders in KDOC's Community Corrections program. The 2020 Legislature eliminated this inter-fund transfer and replaced it with a direct SGF appropriation beginning in FY 2021.

FY 2023 ANALYSIS

FIGURE 8
SUMMARY OF BUDGET REQUEST, FY 2023

	SGF	Special Revenue Funds	All Funds	FTE
Legislative Approved:				
Amount Approved by 2022 Legislature	\$ 9,949,167	\$ 16,300	\$ 9,965,467	15.0
1. SGF Reappropriation	2,662,082	-	2,662,082	--
<i>Subtotal—Legislative Approved</i>	<i>\$ 12,611,249</i>	<i>\$ 16,300</i>	<i>\$ 12,627,549</i>	<i>15.0</i>
Agency Revised Estimate:				
2. SGF Adjustment	\$ (1)	-	\$ (1)	--
3. All Other Adjustments	-	130,229	130,229	--
<i>Subtotal—Agency Revised Estimate</i>	<i>\$ 12,611,248</i>	<i>\$ 146,529</i>	<i>\$ 12,757,777</i>	<i>15.0</i>
Governor's Recommendation:				
4. Salary and Wage Adjustment	(24,518)	-	(24,518)	--
TOTAL	\$ 12,586,730	\$ 146,529	\$ 12,733,259	15.0

LEGISLATIVE APPROVED

Subsequent to the 2022 Session, one adjustment was made to the \$10.0 million appropriated to the Kansas Sentencing Commission for FY 2023. This adjustment changes the current year approved amount without any legislative action required and include the following:

1. **SGF REAPPROPRIATIONS.** According to the agency, the COVID-19 pandemic had an impact on the 2003 SB 123 Drug Treatment Program and not all the funds were utilized in FY 2022, so \$2.7 million reappropriated into FY 2023 under the other assistance expenditure category.

AGENCY ESTIMATE

The **agency** requests a revised estimate of \$12.8 million, including \$12.6 million SGF, in expenditures and 15.0 FTE positions in FY 2023. This is an increase of \$130,228, or 1.0 percent, above the FY 2022 approved amount. The increase is mainly in capital outlay for an upgrade of the research division's statistical modeling software and other assistance for the SB 123 Drug Treatment Program.

The **agency** estimate includes the following adjustments:

2. **SGF ADJUSTMENT.** There was a reduction of \$1 from the SGF in the FY 2023 expenditures.
3. **ALL OTHER ADJUSTMENTS.** According to the agency, expenditures for the SB 123 Drug Treatment Program and the Recovery from Addiction For Treatment (RAFT) program have increased due to the passage of 2021 HB 2026.

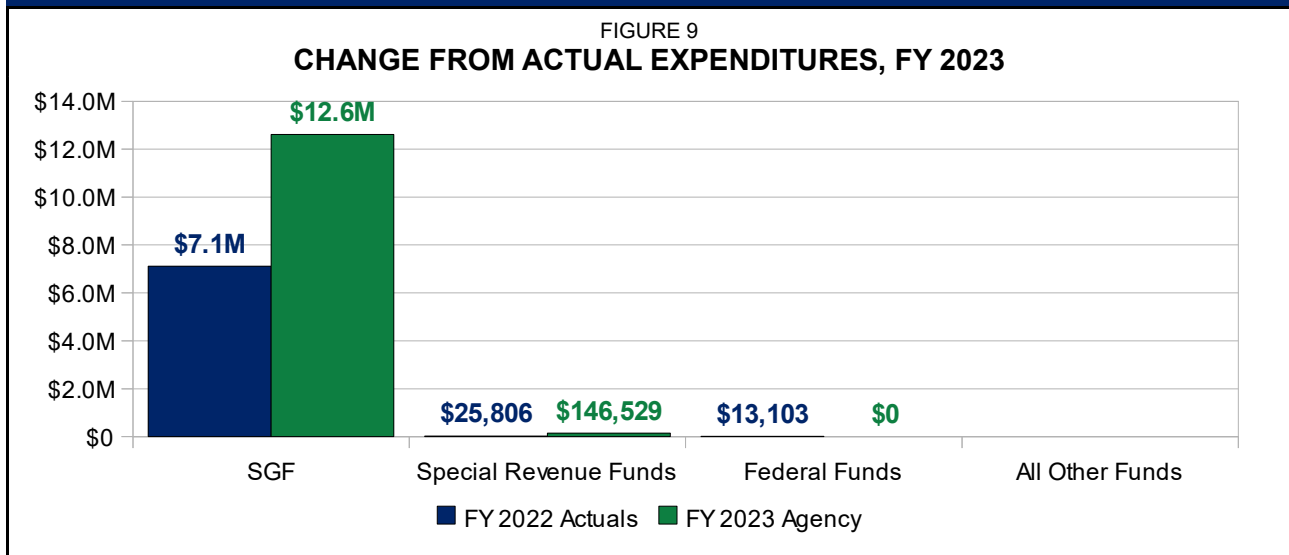
GOVERNOR'S RECOMMENDATION

The **Governor** recommends a revised budget of \$12.7 million, including \$12.6 million SGF. This is a decrease of \$24,518 SGF, or 0.2 percent, below the agency's revised estimate. The decrease is due to a reduction in funding for salaries and wages.

The **Governor's** recommendation includes the following adjustment:

4. **SALARY AND WAGE ADJUSTMENT.** The Governor deleted \$24,518 SGF, which was requested to fund the Executive Director's salary increase. The reduction in funding is accomplished by increasing the salary and wage shrinkage rate.

FY 2023 CHANGE FROM ACTUAL EXPENDITURES



The **agency** estimates revised expenditures of \$12.8 million, including \$12.6 million SGF, in FY 2023. This is an increase of \$5.6 million, or 78.2 percent, above the FY 2022 actual expenditures. The increase is primarily in other assistance due to expenditures for the 2003 SB 123 Drug Treatment Program and the Recovery from Addiction For Treatment (RAFT) program increasing due to the 2021 passage of 2021 HB 2026.

FY 2024 ANALYSIS

FIGURE 10
SUMMARY OF BUDGET REQUEST, FY 2024

	SGF	Special Revenue Funds	All Funds	FTE
Agency Revised Estimate, FY 2023	\$ 12,611,248	\$ 146,529	\$ 12,757,777	15.0
Agency Request:				
1. Enhancement – Software Maintenance	\$ 100,000	\$ -	\$ 100,000	--
2. Enhancement – Bill Payment Services	145,716	-	145,716	--
3. All Other Adjustments	(2,648,308)	(129,029)	(2,777,337)	--
<i>Subtotal–Agency Estimate</i>	\$ 10,208,656	\$ 17,500	\$ 10,226,156	15.0
Governor’s Recommendation:				
4. Salary and Wage Adjustment	(24,518)	-	(24,518)	--
TOTAL	\$ 10,208,656	\$ 17,500	\$ 10,226,156	15.0

AGENCY REQUEST

The **agency** requests \$10.2 million, including \$10.2 million SGF, in expenditures and 15.0 FTE positions for FY 2024. This is a decrease of \$2.5 million, or 19.8 percent, below the FY 2023 revised estimate. The decrease is mainly due to a decrease of \$2.6 million in other assistance, which was the amount of the reappropriation from FY 2022 that was added to the 2003 SB 123 Drug Treatment Program.

The **agency** request includes the following adjustments:

1. **ENHANCEMENT – SOFTWARE MAINTENANCE.** The Kansas Sentencing Commission currently has contracted with vendor Domo, Inc. to create an electronic journal entry system that replaces the current hard copy documents the agency receives in its office. The initial start-up costs have been funded by a grant from the Council for State Governments Justice Center for \$276,000. Domo, Inc. is building the system, which should be available for testing by the end of FY 2023. Subsequent annual vendor maintenance and licensing costs are \$100,000.

2. **ENHANCEMENT – BILL PAYMENT SERVICES.** With the passage of 2021 HB 2026, the agency must fund treatment of offenders in the new diversion substance abuse treatment program that began on July 1, 2021. The same treatment infrastructure used for the 2003 SB 123 Drug Treatment program will be used for the diversion program, known as the Recovery from Addiction For Treatment (RAFT). This includes utilizing similar certified substance abuse treatment providers statewide and the agency's payment vendor, Beacon Health Options. New vendor staffing, IT implementation, and maintenance costs are necessary to separate division payments of the 2021 HB 2026 funds from post-conviction 2003 SB 123 funds. This results in a cost increase of \$145,716 in FY 2024 and will be ongoing for the life of the program.

3. **ALL OTHER ADJUSTMENTS.** There is a reduction of \$2.6 million, which is the amount that was added to the FY 2023 budget as an SGF reappropriation and is not available for FY 2024.

GOVERNOR'S RECOMMENDATION

The **Governor** recommends \$10.2 million, including \$10.2 million SGF for FY 2024. This is a decrease of \$24,518 SGF, or 0.2 percent, below the agency's request. The decrease is in salaries and wages.

The **Governor's** recommendation includes the following adjustments:

4. **SALARY AND WAGE ADJUSTMENT.** The Governor deleted \$24,518 SGF, the additional funding for the Executive Director's salary increase. The reduction in funding is accomplished by increasing the salary and wage shrinkage rate.

ENHANCEMENT REQUESTS

FY 2024 ENHANCEMENT REQUESTS							
Request	Agency			Governor			
	SGF	All Funds	FTE	SGF	All Funds	FTE	
Software Maintenance	\$ 100,000	\$ 100,000	-	\$ 100,000	\$ 100,000	-	
Bill Payment Service Management	145,716	145,716	-	145,716	145,716	-	
TOTAL	\$ 245,716	\$ 245,716	-	\$ 245,716	\$ 245,716	-	

The Kansas Sentencing Commission currently has contracted with vendor Domo, Inc. to create an electronic journal entry system that replaces the current hard copy documents the agency receives in its office. The initial start-up costs have been funded by a grant from the Council for State Governments Justice Center for \$276,000. Domo, Inc. is building the system, which should be available for testing by the end of FY 2023. Subsequent annual vendor maintenance and licensing costs are \$100,000.

The Governor recommends adoption of this request.

With the passage of 2021 HB 2026, the agency must fund treatment of offenders in the new diversion substance abuse treatment program that began on July 1, 2021. The same treatment infrastructure used for the 2003 SB 123 Drug Treatment program will be used for the diversion program, known as the Recovery from Addiction For Treatment (RAFT). This includes utilizing similar certified substance abuse treatment providers statewide and the agency's payment vendor, Beacon Health Options. New vendor staffing, IT implementation, and maintenance costs are necessary to separate division payments of the 2021 HB 2026 funds from post-conviction 2003 SB 123 funds. This results in a cost increase of \$145,716 in FY 2024 and will be ongoing for the life of the program.

The Governor recommends adoption of this request.

PROGRAM AND PERFORMANCE MEASURES OVERVIEW

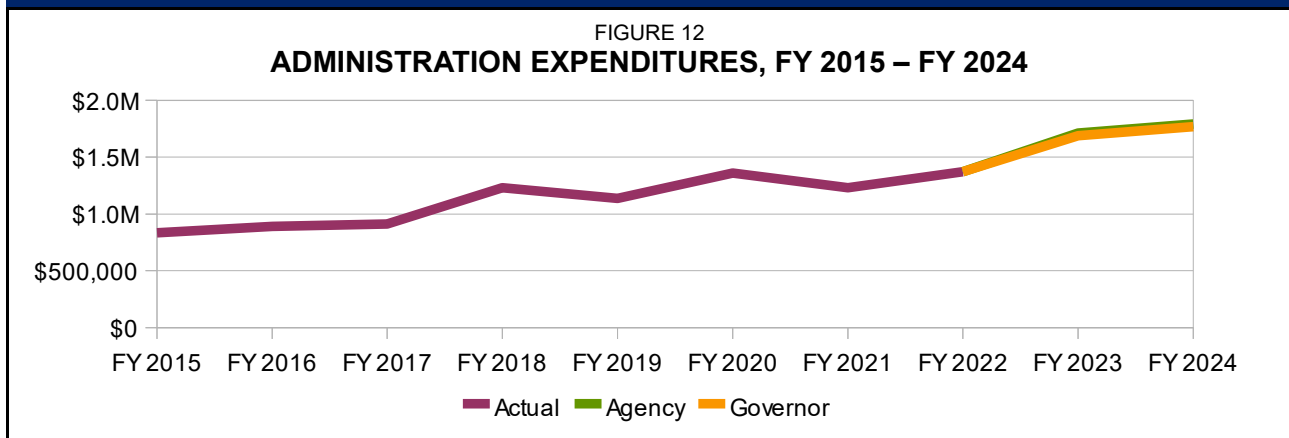
FIGURE 11
EXPENDITURES AND FTE POSITIONS BY PROGRAM, FY 2022 – FY 2024

Programs	Actual FY 2022	Agency FY 2023	Governor FY 2023	Agency FY 2024	Governor FY 2024
Expenditures:					
Administration	\$ 1,371,574	\$ 1,712,603	\$ 1,688,085	\$ 1,791,849	\$ 1,767,331
Substance Abuse Treatment	5,787,015	11,045,174	11,045,174	8,434,307	8,434,307
TOTAL	\$ 7,158,589	\$ 12,757,777	\$ 12,733,259	\$ 10,226,156	\$ 10,201,638
FTE Positions:	14.0	15.0	15.0	15.0	15.0

PERFORMANCE MEASURES

The 2016 Legislature passed HB 2739, which outlined a three-year process for state agencies to develop and implement a system of performance budgeting using outcome measures to evaluate program effectiveness.

ADMINISTRATION



- STATUTORY BASIS:** • KSA 74-9101 through 74-9106, KSA 21-6801 through 21-6825
- PROGRAM GOALS:**
- Develop and maintain a monitoring system that allows for comprehensive evaluation of the sentencing guidelines.
 - Forecast the state's adult and juvenile offender populations incarcerated in state institutions, and determine the impact of proposed legislation on the prison population.
 - Assist in the process of educating and training judges, attorneys, court services officers, state parole officers, correctional officers, law enforcement officials and other criminal justice groups in the understanding and application of sentencing guidelines. Serve as an information resource for the legislature and various criminal justice agencies.

The Administration program develops prison population projections and maintains a statewide sentencing database. The Commission annually publishes the Desk Reference Manual, which contains sentencing grids and the required sentencing forms for felony offenders. Training and assistance is provided to judges, court services staff, and

other criminal justice professionals regarding the implementation of legislative changes to sentencing policy. The agency is the State's federal-designated Statistical Analysis Center for criminal justice matters and provides data analysis to the Governor, Legislature, and the State's criminal justice agencies.

FIGURE 13
ADMINISTRATION, PERFORMANCE MEASURES

	Actual FY 2021	Actual FY 2022	Actual 3-Year Avg.	Target FY 2023	Target FY 2024
Outcome Measure:					
1. Prison Population Projection Error Rate of +/- 5.0 Percent or Less	3.8 %	1.0 %	5.2 %	1.5 %	1.5 %
2. Number of Felony Journal Entries Entered	12,998	14,791	14,071	15,086	15,388
3. Cost to Process Each Journal Entry*	\$ 19	\$ 19	\$ 19	\$ 20	\$ 20
Output Measure:					
4. Number of Bed Space Impact*	190	120	151	150	135
Financing	Actual FY 2021	Actual FY 2022		Governor FY 2023	Governor FY 2024
SGF	\$ 1,108,825	\$ 1,332,665		\$ 1,541,556	\$ 1,749,831
Federal Funds	39,549	13,103		-	-
All Other Funds	70,839	25,806		146,529	17,500
TOTAL	\$ 1,219,213	\$ 1,371,574		\$ 1,688,085	\$ 1,767,331
Percentage Change:					
SGF	(8.4) %	20.2 %		15.7 %	13.5 %
All Funds	(9.4) %	12.5 %		23.1 %	4.7 %
FTE Positions	14.0	15.0		14.0	14.0
*The Governor's Office does not utilize this measure for the purpose of evaluation.					

BUDGET ANALYSIS

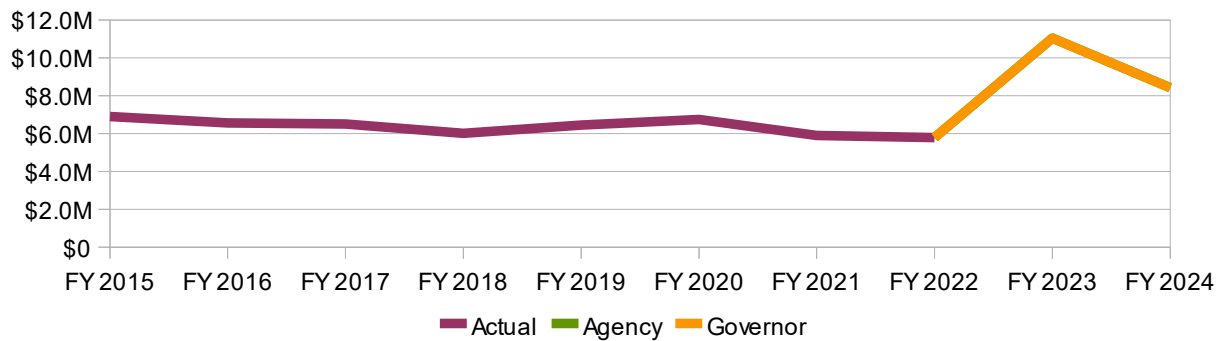
The **agency** requests \$1.8 million, including \$1.8 million SGF, for the Administration program for FY 2024. This is an all funds increase of \$79,246, including an SGF increase of \$208,275, above the FY 2023 revised estimate. The increase is attributed to the agency's two enhancement requests totaling \$245,716 SGF.

The **Governor** recommends expenditures of \$1.8 million, including \$1.7 million SGF for the Administration program for FY 2024. This is a decrease of \$24,518 SGF, or 1.4 percent, below the agency's request. The decrease is due to a reduction in funding for salaries and wages.

SB 123 SUBSTANCE ABUSE TREATMENT PROGRAM

FIGURE 14

SB 123 SUBSTANCE ABUSE TREATMENT PROGRAM EXPENDITURES, FY 2015 – FY 2024



STATUTORY BASIS: • KSA 21-6824 (2003 SB 123), and KSA 21-5705 through 21-5706

PROGRAM GOALS:

- Provide substance abuse treatment and supervision within Kansas communities for offenders with substance abuse addictions and improve local communities by reducing recidivism.
- Provide a response and centralized system that brings cohesion to the management of the program and efficient payment policies.
- Track financial records of payments through the system and provide analysis and estimates of funding needs.

The agency administers the SB 123 Substance Abuse Treatment program, which was established by 2003 SB 123. The program is a non-prison sanction providing mandatory state-funded substance abuse treatment for certain offenders convicted of drug possession. The program is designed to divert low-level drug offenders out of the prison system. Subsequently, 2018 HB 2458 and 2019 SB 18 expanded the types of offenders eligible for treatment to include those convicted of cultivating and distributing a controlled substance. Offenders are placed under

community supervision, and treatment is rendered by providers certified by KDOC. Treatment methods include residential, group outpatient, reintegration, and peer mentoring.

The agency is responsible for program administration and the payment of treatment providers. Payments are issued through an online treatment provider payment system, which allows the agency to collect data on of the offender group to assess the program's effectiveness as an alternative to incarceration.

FIGURE 15
SB 123 SUBSTANCE ABUSE TREATMENT PROGRAM, PERFORMANCE MEASURES

	Actual FY 2021	Actual FY 2022	Actual 3-Year Avg.	Target FY 2023	Target FY 2024
Outcome Measure:					
1. Number of Offenders Treated in the 2003 SB 123 Program	2,124	2,240	2,348	3,404	3,575
Output Measure:					
2. Invoices for Substance Abuse Treatment Processed*	37,408	38,725	37,396	41,052	46,638
Financing	Actual FY 2021	Actual FY 2022		Governor FY 2023	Governor FY 2024
SGF	\$ 5,904,953	\$ 5,787,015		\$ 11,045,174	\$ 8,434,307
Federal Funds	-	-		-	-
All Other Funds	-	-		-	-
TOTAL	\$ 5,904,953	\$ 5,787,015		\$ 11,045,174	\$ 8,434,307
Percentage Change:					
SGF	(12.4) %	(2.0) %		90.9 %	(23.6) %
All Funds	(12.4) %	(2.0) %		90.9 %	(23.6) %
FTE Positions	--	--		--	--
*The Governor's Office does not utilize this measure for the purpose of evaluation.					

BUDGET ANALYSIS

The **agency** requests \$8.4 million, all SGF, for the 2003 SB 123 Substance Abuse Treatment Program for FY 2024. This is a decrease of \$2.6 million, or 23.6 percent, below the FY 2023 revised estimate. The decrease is primarily attributable to an SGF reappropriation

(\$2.7 million) in FY 2023 that does not reoccur in FY 2024.

The **Governor** concurs with the agency request for the 2003 SB 123 Substance Abuse Treatment Program for FY 2024.