

February 3, 2011

The Honorable Pat Colloton, Chairperson  
House Committee on Corrections and Juvenile Justice  
Statehouse, Room 167-W  
Topeka, Kansas 66612

Dear Representative Colloton:

**SUBJECT:** Fiscal Note for HB 2009 by Representative Kinzer

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2009 is respectfully submitted to your committee.

HB 2009 would establish the new crime of home improvement fraud. The severity level of penalties for home improvement fraud convictions would be assessed based on certain thresholds of monetary damages.

Under three separate scenarios, the Kansas Sentencing Commission estimates that passage of HB 2009 would result in an increase of four, four and eight adult prison beds in FY 2012 and an increase of eight, ten and 17 adult prison beds by FY 2021. Each scenario assumes that 23.0 percent of 20, 40, and 60 offenders, respectively, who are convicted of the new crime per year would be sentenced to prison. Currently, the number of male inmates exceeds the available bed capacity of 8,259, and based upon the Kansas Sentencing Commission projections, it is estimated that at the end of FY 2011 and FY 2012, the number of male inmates will exceed available capacity by 235 beds and 394 beds, respectively. To address capacity issues, the Governor's recommended FY 2012 budget includes \$2.5 million for contract prison beds. If it is determined that facility construction is necessary, the Department of Corrections has identified two capacity expansion projects: two high medium security housing units at El Dorado Correctional Facility that would provide 512 beds with a construction cost of \$22,687,232 (\$44,311 per bed X 512) and operating costs of \$9,339,904 (\$18,242 per bed X 512); and one minimum security housing unit at Ellsworth Correctional Facility that would provide 100 beds with a construction cost of \$5,935,000 (\$59,350 per bed X 100) and operating costs of

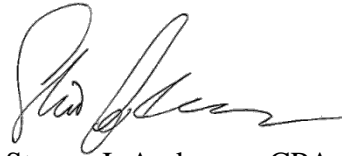
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\$1,832,000 (\$18,320 per bed X 100). Any fiscal effect associated with HB 2009 is not reflected in *The FY 2012 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", with a long horizontal flourish extending to the right.

Steven J. Anderson, CPA, MBA  
Director of the Budget

cc: Helen Pedigo, Sentencing Commission  
Jeremy Barclay, Corrections  
Attorney General's Office