

February 23, 2012

REVISED

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

Dear Representative Colloton:

SUBJECT: Revised Fiscal Note for HB 2568 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following revised fiscal note concerning HB 2568 is respectfully submitted to your committee.

Current law requires offenders to register under the Kansas Offender Registration Act if convicted of a crime that is comparable to any statutorily defined offense or an out-of-state crime that would be an offense under the laws of Kansas. HB 2568 would likewise require registration for municipal convictions.

Offenders who attend school or are employed for three or more consecutive days or parts of days, or for ten or more nonconsecutive days within a period of 30 consecutive days would be required to register in the county of employment or school attendance. Courts must register offenders at the time of conviction or adjudication rather than at the time of sentencing or disposition. The bill also amends reporting criteria and requirements for correctional facilities, law enforcement agencies, treatment facilities, and the Kansas Bureau of Investigation (KBI).

Since the original fiscal effect statement was issued, the Office of Judicial Administration has provided information on the fiscal effect of this bill. The Office estimates that passage of HB 2568 would result in a large increase in the amount of time spent by court services officers and judges on cases that require offender registration. Completing registration forms is a current obligation that would not change under the terms of the bill. However, it is the timing as to when the forms must be completed that would cause additional court staff time. Under current law, registration forms are filled out at the time of sentencing or disposition. The sentencing or disposition is an event that is set for a specified date or time and a court services officer would present to ensure that the form is completed. In contrast, the date or time of convictions or

adjudications are not firmly fixed and in some circumstances may be unscheduled as a result of certain trial proceedings. In these cases, HB 2568 would require judges to immediately complete the registration forms or call for a court services officer to complete the form. In some multi-county court districts, the court services officer may not be available to any particular county court in the district because the officer may be required to meet with probationers or attend court in another county in the district.

The Office further states that a large number of municipal convictions could be appealed to district courts. Also, the bill could result in the collection of docket fees and fines from any additional cases that may result from HB 2568. However, it is not possible to predict the number of additional court cases that would arise or how complex and time-consuming they would be. Therefore, a precise fiscal effect cannot be determined.

The KBI indicates that there would be no added reporting costs incurred from the passage of HB 2568. Any entries that need to be made in the National Sex Offender Registry will be completed automatically through the new KBI offender registry database, which is provided to all jurisdictions at no cost.

Both the League of Kansas Municipalities and the Kansas Association of Counties estimate that the fiscal effect for local governments would be negligible and could be handled within current resources. The Kansas Sentencing Commission states that the bill would have no effect on prison admissions or beds. Any fiscal effect associated with HB 2568 is not reflected in *The FY 2013 Governor's Budget Report*.

Sincerely,



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

cc: Scott Schultz, Sentencing Commission
Mary Rinehart, Judiciary
Jeremy Barclay, DOC
Linda Durand, KBI
Larry Baer, LKM
Melissa Wangemann, KAC