

February 15, 2012

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 2602 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2602 is respectfully submitted to your committee.

HB 2602 would create the Kansas Criminal Alien Rapid Repatriation Act. The Act would permit the Department of Corrections to release any offender to the custody and control of the U.S. Immigration and Customs Enforcement (ICE) provided the Department has received an order of deportation for the offender and the offender has served at least half of the prison portion of the sentence imposed by the court and is not serving a sentence imposed for a conviction of a person felony. The Department of Corrections must revoke the conditional release of any offender who is transferred to ICE and returns illegally to the United States. The offender would be required to serve the remainder of his or her sentence and would not be eligible for probation or future conditional release.

Analysis of various scenarios by the Kansas Sentencing Commission suggests that passage of HB 2602 would result in a decrease of eight to 14 adult prison beds in FY 2013 and a decrease of seven to 19 adult prison beds by FY 2022. Currently, the number of male inmates exceeds the available bed capacity of 8,442, and based upon the Kansas Sentencing Commission projections, it is estimated that at the end of FY 2012 and FY 2013, the number of male inmates will exceed available capacity by 262 beds and 380 beds, respectively. To address capacity issues, the Governor's budget includes \$3,896,150 to renovate and operate existing facilities in Labette County and an additional \$1.5 million to contract for prison beds (\$2.5 million was added last year for contract beds). If it is determined that additional facility construction is essential in the near-term, the Department of Corrections has identified a capacity expansion project at El Dorado Correctional Facility that includes building two new medium security housing units, which would provide a total of 512 beds. It is estimated that the new units would have a construction cost of \$22,320,329 and operating costs of \$8,184,231 (or \$43.79 per inmate per day).

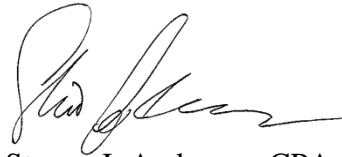
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Any near-term or long-term capacity needed beyond the options outlined above would require additional contract or construction costs. The actual construction costs would depend upon the security level of the beds to be constructed and when construction is actually undertaken, while the actual operating costs would depend upon the base salary amounts, fringe benefit rates, per meal costs, per capita health care costs, and other cost factors applicable at the time the additional capacity is occupied. Likewise, any further prison commitments that result in additional parolees could require additional staff and resources so that the additional parolees can be effectively supervised. Any fiscal effect associated with HB 2602 is not reflected in *The FY 2013 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: Jeremy Barclay, Corrections