

January 24, 2012

The Honorable Tim Owens, Chairperson
Senate Committee on Judiciary
Statehouse, Room 559-S
Topeka, Kansas 66612

Dear Senator Owens:

SUBJECT: Fiscal Note for SB 279 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 279 is respectfully submitted to your committee.

SB 279 would amend the crime of unlawful sexual relations by including individuals who live, work, or regularly volunteer in family foster homes licensed by the Department of Health and Environment. Violation of this section of the amended law would be a severity level five, person felony.

Based on the analysis of various scenarios, the Kansas Sentencing Commission estimates that passage of SB 279 would result in an increase of one to two adult prison beds in FY 2013 and an increase of two to five adult prison beds by FY 2022. Currently, the number of male inmates exceeds the available bed capacity of 8,369, 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 335 beds and 453 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).

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.

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Page 2—279

SB 279 also has the potential for increasing litigation in the courts because of the new violations created by the bill. If it does, the Office of Judicial Administration indicates that there would be a fiscal effect on the operations of the court system. 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. In any case, the fiscal effect would most likely be accommodated within the existing schedule of court cases and would not require additional resources. Any fiscal effect associated with SB 279 is not reflected in *The FY 2013 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", written in a cursive style.

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

cc: Pat Scalia, BIDS
Mary Rinehart, Judiciary
Jeremy Barclay, Corrections
Aaron Dunkel, KDHE
Jackie Aubert, SRS