

February 14, 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 394 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 394 is respectfully submitted to your committee.

Current law permits the Department of Corrections to discharge offenders from the prison portion of their sentences provided that there are ten days or less remaining on such sentences. SB 394 would increase the number of days remaining to 20 days.

The Kansas Sentencing Commission estimates that passage of SB 394 would result in a decrease of four adult prison beds in FY 2022 and a decrease of 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

The Honorable Tim Owens, Chairperson

February 14, 2012

Page 2—394

additional parolees could require additional staff and resources so that the additional parolees can be effectively supervised. Any fiscal effect associated with SB 394 is not reflected in *The FY 2013 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson". The signature is fluid and cursive, with a long horizontal stroke at the end.

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

cc: Jeremy Barclay, Corrections  
Melissa Wangemann, Kansas Association of Counties  
Scott Schultz, Sentencing Commission