

February 3, 2015

The Honorable John Barker, Chairperson
House Committee on Judiciary
Statehouse, Room 149-S
Topeka, Kansas 66612

Dear Representative Barker:

SUBJECT: Fiscal Note for HB 2115 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2115 is respectfully submitted to your committee.

HB 2115 would expand the crime of aggravated battery by including driving under the influence when it results in the permanent disability of another person. Aggravated battery in this case would be a severity level four, person felony.

The Kansas Sentencing Commission indicates that HB 2115 would have an effect on adult prison admissions and prison beds, but the precise effect cannot be determined because no victim information to define permanent disability is available in the Commission's databases from which an estimate can be made.

Any increases to adult prison bed needs resulting from the bill would have a fiscal effect on the Department of Corrections. As of January 12, 2015, the available bed capacity is 9,636. Based upon the Commission's most recent ten-year projection contained in its *FY 2015 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population will exceed available male capacity by 85 inmates in FY 2015, 109 inmates in FY 2016, and 162 inmates in FY 2017. The Department is planning to manage these near-term bed shortfalls by housing the offenders in contract beds until additional capacity can be constructed. HB 2115 could add to those contract costs. Construction costs would depend upon the security level of the beds to be constructed and when construction is actually undertaken. Absent the passage of any other legislation, increases in the female population and the minimum security male population can be absorbed within existing resources. Likewise, any further prison commitments that result in additional parolees could require additional staff and resources so that the parolees could be effectively supervised.

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The Office of Judicial Administration indicates that the bill could increase the number of cases filed in district courts and the number of appeals relating to aggravated battery through the act of driving under the influence. The increases in cases and appeals could require additional time spent by judicial and non-judicial personnel processing, researching, and hearing cases. The added cases could also increase docket fee revenue. 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. Any fiscal effect associated with HB 2115 is not reflected in *The FY 2016 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

cc: Scott Schultz, Sentencing Commission
Mary Rinehart, Judiciary
Jeremy Barclay, Corrections
Pat Scalia, Indigents Defense Services