

February 25, 2016

The Honorable John Barker, Chairperson
House Committee on Judiciary
Statehouse, Room 519-N
Topeka, Kansas 66612

Dear Representative Barker:

SUBJECT: Fiscal Note for HB 2667 by Representative Whipple, et al.

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2667 is respectfully submitted to your committee.

HB 2667 would change sentencing provisions for certain sex offenses committed against victims under the age of 14 by offenders 18 years of age or older. Following the conviction of a defendant, the court would be required to hold a separate proceeding for the jury to determine if one or more aggravating circumstances did exist. If by a unanimous vote the jury finds beyond a reasonable doubt that one or more of the aggravating circumstances did exist, a defendant would be sentenced to an additional ten years in prison, in addition to being sentenced to a mandatory term of 25 years.

HB 2667 has the potential for increasing litigation in the courts because of the new sentencing requirement 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 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.

The Kansas Sentencing Commission estimates that enactment of HB 2667 would result in no additional prison admissions or beds during the ten-year prison population projection; however, the Commission states enactment of the bill would have a long term effect on prison beds beyond the forecast period. As of January 15, 2016, the available bed capacity is 9,636. Based upon the Commission's most recent ten-year projection contained in its *FY 2016 Adult*

The Honorable John Barker, Chairperson
February 25, 2016
Page 2—HB 2667

Inmate Prison Population Projections report, it is estimated that the year-end population will exceed available male capacity by 326 inmates in FY 2016 and 516 inmates in FY 2017. Any fiscal effect associated with HB 2667 is not reflected in *The FY 2017 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: Ashley Michaelis, Judiciary
Adam Pfannenstiel, Corrections
Scott Schultz, Sentencing Commission
Willie Prescott, Attorney General's Office