

March 21, 2019

The Honorable Russell Jennings, Chairperson
House Committee on Corrections and Juvenile Justice
Statehouse, Room 151-S
Topeka, Kansas 66612

Dear Representative Jennings:

SUBJECT: Fiscal Note for HB 2350 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2350 is respectfully submitted to your committee.

HB 2350 would remove the felony convictions of cultivating, possessing or distributing marijuana from Kansas law. These marijuana crimes would be reduced to misdemeanor violations with the enactment of the bill.

The Kansas Sentencing Commission estimates enactment of HB 2350 would reduce 92 prison admissions in FY 2020 and 106 prison admissions in FY 2029. The Commission further estimates that the enactment of the bill would reduce prison beds by 278 by FY 2029. As a result, the Department of Corrections indicates it would avoid costs of \$166,704 from the State General Fund in FY 2020 resulting from reducing 92 prison beds. By FY 2029, the Department estimates savings of \$503,736 from reducing 278 prison beds.

The Office of Judicial Administration (OJA) indicates that the enactment of HB 2350 would have a fiscal effect on the Judicial Branch. With the reduction of the listed felony crimes to misdemeanors, the Judicial Branch would experience more supervision of offenders required by its court service officers (CSOs). The OJA estimates that an additional 8.00 FTE CSOs would be needed at a cost of \$473,647 in FY 2020 and \$510,905 in FY 2021, all from the State General Fund. The cost estimate includes fringe benefits for the positions.

In addition, the OJA indicates that the enactment of the bill would increase revenues to the Correctional Supervision Fund and the State General Fund as a result of the increased supervision of offenders and the fees the offenders are required to pay. Currently, the assessed probation and correctional supervision fee is \$60 for misdemeanor convictions and \$120 for felony convictions.

For each fee, 58.33 percent is deposited to the Correctional Supervision Fund and 41.67 percent is deposited to the State General Fund. However, the OJA cannot estimate the fiscal effect on revenues to the state, as the actual number of offenders that would be supervised from the enactment cannot be estimated.

The Office of the Attorney General indicates that the agency currently prosecutes very few cases of marijuana possession, distribution, or cultivation crimes. As a result, the enactment of the bill would have a negligible effect on the agency. However, the agency notes that local law enforcement and local prosecutors would be significantly affected by the bill. A fiscal effect on local governments cannot be estimated. Any fiscal effect associated with HB 2350 is not reflected in *The FY 2020 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink that reads "L. L. Campbell". The signature is written in a cursive style with a large initial "L" and a smaller "L" followed by "Campbell".

Larry L. Campbell
Director of the budget

cc: Linda Kelly, Corrections
Janie Harris, Judiciary
Willie Prescott, Office of the Attorney General
Scott Schultz, Sentencing Commission