

February 15, 2022

The Honorable Stephen Owens, Chairperson
House Committee on Corrections and Juvenile Justice
Statehouse, Room 546-S
Topeka, Kansas 66612

Dear Representative Owens:

SUBJECT: Fiscal Note for HB 2581 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2581 is respectfully submitted to your committee.

HB 2581 would allow a person required to register as an offender under the Kansas Offender Registration Act (KORA) to petition the district court in the county where the offender resides to waive payment of the registration fee. If the court determines that requiring payment will create hardship on the offender or the offender's immediate family, the court could waive the current payment owed, extend the time in which the offender has to make the payment, or waive the payment for a specified period of time not to exceed three years.

The bill would also remove the specific penalty for obstructing apprehension or prosecution by knowingly harboring, concealing, or aiding any person who is required to register under KORA, which is a severity level five, person felony. The bill would remove certain language regarding juvenile sex offenders from the definition of a "sex offender" under KORA. The bill would specify that an aggravated violation of KORA would be a class A nonperson misdemeanor and would be defined as a violation that continues for one year or more or is committed by a person with two or more prior convictions of violations of KORA. The bill would also make an aggravated violation of KORA a class A nonperson misdemeanor when the underlying crime requiring registration is a misdemeanor.

The bill would remove adultery, patronizing a prostitute, and misdemeanor lewd and lascivious behavior from the list of offenses requiring a 15-year registration. Breach of privacy and kidnapping would be added to the 15-year registration requirement. Certain crimes would be lowered from a 15-year registration requirement to a five-year registration requirement, including possession of certain

controlled substances and person felonies where a deadly weapon was used. Finally, the bill would allow an offender to file a petition for relief from registration requirements after a specific duration according to their particular registration requirement, excluding offenders declared sexually violent predators.

The Kansas Sentencing Commission estimates that enactment of HB 2581 would result in a decrease of 84 adult prison beds needed by the end of FY 2023. By the end of FY 2032, 166 fewer beds would be needed. The current estimated available bed capacity is 9,428 for males and 936 for females. Based upon the Commission's most recent ten-year projection contained in its *FY 2022 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population will total 7,782 male and 756 female inmates in FY 2022 and 7,736 male and 730 female inmates in FY 2023.

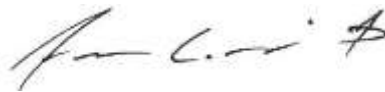
The Department of Corrections estimates that enactment of the bill would result in potential savings of approximately \$6.63 per day through reduced costs for incentive pay, food service, clothing, bedding, and other supplies. This would reduce expenditures by \$203,276 (\$6.63 per day x 84 offenders x 365 days) from the State General Fund beginning in FY 2023. The agency notes the bill would not result in staffing or facility operating cost reductions because the reduction of offenders would be spread across multiple facilities and would not be sufficient to close a unit.

The Kansas Bureau of Investigation (KBI) indicates that enactment of the bill would require 3,777 offenders to be removed from the registry, 1,767 of which would be removed completely. The KBI estimates that it will take 75 minutes to remove each record, requiring 5.00 Administrative Officer FTE positions approximately 23.5 weeks to complete the project at an estimated cost of \$121,600 from the State General Fund in FY 2023 for overtime expenditures. The KBI also indicates that the bill would require drug offenders to be removed from the registry and be made available only to law enforcement. There are currently 5,746 drug offenders on the registry. The KBI estimates it will take approximately 15 minutes to remove each offender from the public registry. The same 5.00 Administrative Officer FTE positions mentioned above would move the offenders off the public registry in approximately seven weeks at a cost of \$37,000 in overtime expenditures. Finally, the bill would require programming to be completed by the KBI for the new five-year registration requirements at an estimated cost of \$2,125 from the State General Fund in FY 2023. Therefore, the enactment of the bill would increase total expenditures to the KBI by \$160,725 from the State General Fund in FY 2023 (\$121,600 + \$37,000 + \$2,125). As the agency would utilize overtime to complete the projects, there would be no need to hire additional staff.

The Office of Judicial Administration indicates that enactment of the bill would require judges and non-judicial staff to process petitions filed by offenders for relief of registration requirements, give notice of court hearings, hold hearings, provide offenders with a copy of the court order, and notify the KBI and local law enforcement agencies within 14 days of the order. Because the bill's provisions lower criminal penalties for certain crimes, additional supervision of offenders by court services officers could be required. The bill could also result in the collection of additional supervision fees in cases filed under the provisions of the bill. However, since

offenders would not be required to pay a docket fee when filing a petition with the court, the Office states that there could be less revenue received in the Judicial Branch Docket Fee Fund. However, a precise fiscal effect cannot be determined because the number of additional cases that would be filed cannot be estimated. Any fiscal effect associated with HB 2581 is not reflected in *The FY 2023 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt
Director of the Budget

cc: Scott Schultz, Sentencing Commission
Randy Bowman, Corrections
Vicki Jacobsen, Judiciary
Paul Weisgerber, KBI