

February 27, 2024

The Honorable Rick Billinger, Chairperson
Senate Committee on Ways and Means
300 SW 10th Avenue, Room 548-S
Topeka, Kansas 66612

Dear Senator Billinger:

SUBJECT: Fiscal Note for SB 415 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 415 is respectfully submitted to your committee.

SB 415 would create new a crime of organized retail crime, which would be a severity level 5, nonperson felony, and become part of the Kansas Criminal Code. Prosecution for organized retail crime could be brought in a county where at least \$1 in aggregate retail market value of merchandise is taken, received, sold, or purchased. Under the bill, theft of property, by deception, that is refunds, money, or merchandise from a retailer with an aggregate retail market value of \$3,000 or more would be a severity level 5, nonperson felony. The bill would also add organized retail crime to offenses under the Kansas Racketeering Act. The Attorney General and county or district attorney could concurrently prosecute violations of the Kansas Racketeering Act and crimes that are part of an alleged course of criminal conduct that occurred in two or more counties.

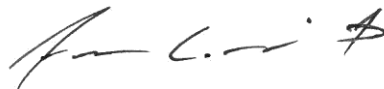
The Kansas Sentencing Commission estimates that enactment of SB 415 would result in an increase of three, five or seven adult prison beds needed by the end of FY 2025. By the end of FY 2034, nine, 17, or 23 additional beds would be needed. The current estimated available bed capacity is 9,668 for males and 932 for females. Based upon the Commission's most recent ten-year projection contained in its *FY 2024 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population will total 8,556 male and 828 female inmates in FY 2024 and 8,847 male and 870 female inmates in FY 2025. The Department of Corrections indicates that the cost to house the additional inmates would cost the State General Fund \$11,479 for three inmates, \$19,132 for five inmates, and \$26,785 for seven inmates in FY 2025. For FY 2026, it would cost the State General Fund \$23,418 for six inmates, \$39,030 for ten inmates, and \$54,641 for 14 inmates.

The Office of the Attorney General states that it would require 2.50 FTE positions at a cost of \$240,000 from the State General Fund for FY 2025 and \$252,000 for FY 2026. The Office would need 1.00 Legal Assistant position, and 1.50 Attorney FTE positions to prosecute crimes as required by the bill.

The Office of Judicial Administration states that the bill could increase the number of cases filed in district courts because the bill creates a new crime, which would increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. Enactment of the bill could also increase the collection of docket fees deposited into the State General Fund. However, a precise fiscal effect cannot be estimated. Any fiscal effect associated with SB 415 is not reflected in *The FY 2025 Governor's Budget Report*.

The Kansas Association of Counties states that the bill could have a fiscal effect on counties if cases are initiated at the local level. However, a fiscal effect cannot be estimated. The League of Kansas Municipalities indicate that the bill would increase expenditures for cities because it would require law enforcement agencies to provide training and enforcement of the Kansas Racketeering Act. The League states that the additional expenditures would be negligible.

Sincerely,

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

Adam C. Proffitt
Director of the Budget

cc: William Hendrix, Office of the Attorney General
Trisha Morrow, Judiciary
Scott Schultz, Kansas Sentencing Commission
Jennifer King, Department of Corrections
Jay Hall, Kansas Association of Counties
Wendi Stark, League of Kansas Municipalities