

SESSION OF 2008

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 588**

As Amended by Senate Committee of the Whole

**Brief\***

SB 588, as further amended, would expand the crime of traffic in contraband in a correctional institution to add care and treatment facilities to the facilities where contraband is illegal. Additionally, the bill would:

- Define a care and treatment facility to mean a state security hospital, and a facility operated by the Department of Social and Rehabilitation Services (SRS) for the purpose of care and treatment of involuntarily committed sexually violent predators;
- Exclude from the definition of correctional institution the parking lot open to the public;
- Exclude from the definition of care and treatment facility the parking lot open to the public;
- Authorize the Secretary of SRS to define contraband by rules and regulations;
- Make traffic in contraband in a care and treatment facility by an employee to be a severity level 5, nonperson felony; and
- Make traffic in contraband in a care and treatment facility to be a severity level 6, nonperson felony.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

## **Background**

The proponents of the bill were Senator Janis Lee, and Don Jordan, Secretary, SRS.

There was no testimony in opposition to the bill.

The Senate Committee on Judiciary amended the bill, as requested by SRS, to:

- Add care and treatment facility to the list of facilities where contraband is illegal;
- Define care and treatment facility;
- Authorize the Secretary of SRS to define contraband by rules and regulations; and
- Make traffic in contraband in a care and treatment facility by an employee to be a severity level 5, nonperson felony.

The Senate Committee of the Whole amended the bill to exclude from the definition of correctional institution, and care and treatment facility, the parking lot open to the public.

According to the Kansas Sentencing Commission, passage of the bill, as introduced, would have an effect on adult prison beds in FY 2009; however, because there are no data on which to build an estimate, a fiscal effect cannot be determined. If the bill contributes to an increase in the inmate population sufficient to require additional facility capacity, one-time construction and equipment costs would be needed. The 2007 Legislature authorized a \$39.5 million bond package that included prison expansion projects at El Dorado Correctional Facility, Yates Center, Ellsworth Correctional Facility, and Stockton which could be used when the Secretary of Corrections determines one or more of the projects are necessary. In addition, annual costs to staff and operate the additional capacity would be required.

If the bill does not contribute to the need for capacity expansion, additional annual costs of approximately \$2,400 per

inmate for basic support, including food service, would be needed. Additional expenditures for health care also could be incurred, if the increase in the inmate population required adjustments in the medical contract. The health care contract provides that whenever the inmate count at a facility changes by more than a specified percentage, an adjustment in contract payments is made. The amount of any adjustment would depend on the specific facility involved. Any fiscal effect resulting from this bill has not been included in *The FY 2009 Governor's Budget Report*.