

SESSION OF 2009

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2040**

As Amended by House Committee on  
Corrections and Juvenile Justice

**Brief\***

HB 2040, as amended, would amend current law to authorize the Kansas Parole Board (KPB) to defer subsequent parole hearings, for up to 20 years, for inmates sentenced for a class A or class B felony or an off-grid felony who have been denied parole. Current law authorizes the KPB to defer these inmates' parole hearings for up to 10 years.

**Background**

The proponents of the bill, as introduced, who testified at the House Committee on Corrections and Juvenile Justice were Representative Scott Schwab, sponsor of the bill; Steve Howe, Johnson County District Attorney; Captain Bob Keller, Johnson County Sheriff's Office; Stacy Foster Sneed, Citizen; and Cindy Sneed, Citizen.

There was no opponent of the bill who testified at the House Committee on Corrections and Juvenile Justice.

The House Committee on Corrections and Juvenile Justice amended the bill to:

- Delete the provision which would have authorized the KPB to defer subsequent parole hearings, for up to 20 years, for inmates sentenced for a crime involving multiple persons, two or more acts or transactions constituting a common scheme or conduct, or victims under the age of 18;

---

\*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>

- Amend current law to authorize the Kansas Parole Board (KPB) to defer subsequent parole hearings, for up to 20 years, for inmates sentenced for a class A or class B felony or an off-grid felony who have been denied parole; and
- Make technical amendments to delete the references to the provision deleted by the Committee.

The fiscal note states the Kansas Parole Board estimates that passage of HB 2040, as introduced, would have increased staff time; however, the agency indicates that the additional work could be absorbed within existing resources. It is likely that deferring parole hearings for up to 20 years would result in an increase in the prison population; however, the precise number is unknown, because the Kansas Sentencing Commission indicates that there are no existing data for offenders who have parole hearings deferred for up to 20 years.

The current capacity for male inmates is 8,553 and projections indicate that this capacity will be exceeded by the end of FY 2016. If HB 2040 contributes to an increase in the inmate population sufficient to require additional facility capacity, one-time construction and equipment costs would be needed. In addition, annual costs to staff, operate, and maintain the additional capacity would be incurred. The 2007 Legislature authorized a construction package that included capacity expansion projects at El Dorado, Yates Center, Ellsworth, and Stockton in the event population estimates indicate expansion is needed. If one or more of these projects are necessary, the estimated total costs would range from \$7.0 million for one project at Ellsworth to \$66.4 million for all four projects. The actual construction costs would depend on when construction is undertaken. The actual operating costs incurred would depend on the base salary amounts, fringe benefit rates, food service costs, and inmate health care costs applicable at the time the additional capacity is occupied. If HB 2040 contributes to an increase in the inmate population beyond this additional capacity, other expansion projects would need to be identified.

If the effect from HB 2040 does not require expansion of capacity, the additional annual costs would be approximately \$2,400 per inmate for basic support, including food services. Additional expenditures for health care could also be incurred if the increase in the inmate population requires 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 2010 Governor's Budget Report*.