

SESSION OF 2010

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2581**

As Amended by Senate Committee on  
Judiciary

**Brief\***

HB 2581, as amended, would change the term probation or community correctional service fee to a correctional supervision fee. The bill would increase the correctional service fee amount offenders are required to pay if convicted of a misdemeanor from \$25 to \$60. For felony convictions, the correctional services fee would increase from \$50 to \$120.

The bill also would create a new fund in the state treasury which would be called the Correctional Supervision Fund. The additional funds collected from the payment by offenders of the increased correctional service fee will be deposited in the Correctional Supervision Fund. Additionally, the bill would amend KSA 20-367, remittance of the docket fees, to clarify that the correctional supervision fee would be deposited directly to either the Correctional Supervision Fund or the State General Fund, as specified in KSA 21-4610a, and would not be commingled with the docket fees.

**Background**

The Joint Committee on Corrections and Juvenile Justice Oversight (JCCJJO) studied the topic of increasing the probation services fee to pay for risk assessments of offenders during the 2009 Interim. JCCJJO recommended a bill that would raise the revenue needed to fund the use of a standardized risk assessment tool. The Kansas Sentencing Commission has chosen the Level of Service Inventory-Revised

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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>

(LSI-R) as the standardized risk assessment tool or instrument to use for sentencing purposes to determine offender risks and needs. The Kansas Sentencing Commission has proposed an increase in probation fees to fund the statewide mandatory use of the LSI-R for the Judicial Branch. 2010 SB 345 is the bill recommended by the JCCJJO. 2010 HB 2581 is the bill requested by the Office of Judicial Administration to direct the additional funds be earmarked to fund the statewide mandatory use of the LSI-R.

The proponents of the bill, as introduced, who testified at the House Committee were representatives of the Office of Judicial Administration and the Kansas Sentencing Commission.

There were no opponents of the bill who testified at the House Committee.

The House Committee amended the bill to clarify that the correctional supervision fee would be deposited to either the Correctional Supervision Fund or the State General Fund, as specified in KSA 21-4610a, and would not be commingled with the docket fees.

There were no proponents or opponents of the bill who testified in the Senate Committee. The Senate Committee made a technical amendment to correct the name of the Nonjudicial Salary Initiative Fund.

According to the fiscal note on the bill, as introduced, the Office of Judicial Administration, states the enactment of HB 2581 would result in additional probation fee revenue totaling \$945,419 for FY 2011. Of that amount, \$551,463, or 58.33 percent, would be credited to the Correctional Supervision Fund and \$393,956, or 41.67 percent would be credited to the State General Fund. However, the amount credited to the State General Fund would be subject to the disposition of court fees formula under KSA 20-367. When this formula is applied, the State General Fund would receive additional revenue of \$182,362 in FY 2011.

According to the Kansas Association of Counties, passage of the bill could result in additional grant funds for counties to offset the costs of implementing the use of the offender risk assessment tool. Also, counties could incur additional resources for court offender supervision operations if additional monies remain in the Correctional Supervision Fund after all required expenditures have been paid. Any fiscal effect associated with HB 2581 is not reflected in *The FY 2011 Governor's Budget Report*.