

February 14, 2023

The Honorable Kellie Warren, Chairperson
Senate Committee on Judiciary
300 SW 10th Avenue, Room 346-S
Topeka, Kansas 66612

Dear Senator Warren:

SUBJECT: Fiscal Note for SB 193 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 193 is respectfully submitted to your committee.

SB 193 would require a sentence for criminal possession of a weapon by a convicted felon to be presumptive imprisonment to be served consecutively to any other term of imprisonment if the weapon was a firearm and was used during the commission of a violent felony. The sentence imposed would not be considered a departure from the sentencing grid and would not be subject to appeal. No other sentence would be permitted.

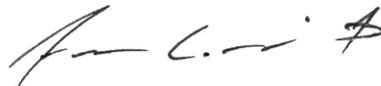
Estimated State Fiscal Effect				
	FY 2023 SGF	FY 2023 All Funds	FY 2024 SGF	FY 2024 All Funds
Revenue	--	--	--	--
Expenditure	--	--	\$100,769	\$100,769
FTE Pos.	--	--	--	--

The Kansas Sentencing Commission estimates that enactment of SB 193 would result in an increase of 29 adult prison beds needed by the end of FY 2024. By the end of FY 2023, 232 additional 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 2023 Adult Inmate Prison Population Projections* report, it is estimated that the year-end population will total 7,933 male and 764 female inmates in FY 2023 and 8,043 male and 740 female inmates in FY 2024. The Department of Corrections indicates enactment of the bill would

increase marginal costs for the operation of the correctional facilities for food, clothing, and other supplies. The annual cost would total \$100,769 based on the FY 2022 marginal cost of \$9.52 per day per occupied bed ($\$9.52 \times 365 \text{ days} \times 29 \text{ beds}$).

The Office of Judicial Administration indicates enactment of the bill would require findings of certain facts to sentence an offender, which could result in extending the length of trials in certain cases. However, a fiscal effect cannot be estimated. Any fiscal effect associated with SB 193 is not reflected in *The FY 2024 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: Vicki Jacobsen, Judiciary
Scott Schultz, Sentencing Commission
Randy Bowman, Department of Corrections