

February 10, 2026

The Honorable Bob Lewis, Chairperson
House Committee on Corrections and Juvenile Justice
300 SW 10th Avenue, Room 546-S
Topeka, Kansas 66612

Dear Representative Lewis:

SUBJECT: Fiscal Note for HB 2705 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2705 is respectfully submitted to your committee.

HB 2705 would change the appointment of counsel for indigent inmates in certain habeas corpus actions. Under current law, courts are required to appoint counsel for indigent inmates who file habeas corpus petitions challenging the conditions of their confinement. The bill would make the appointment of counsel discretionary for inmates in the custody of the Secretary of Corrections who are challenging conditions of confinement. The bill would retain the existing requirement for courts to appoint counsel for indigent inmates who file petitions or motions attacking their sentences. The bill would also make technical changes to statutory cross-references. The bill would take effect upon publication in the *Kansas Register*.

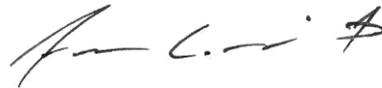
The Board of Indigents' Defense Services estimates that enactment of HB 2705 would decrease State General Fund expenditures by \$17,200 per year beginning in FY 2027. Under the provisions of the bill, the Board would no longer be responsible for providing counsel in cases where inmates challenge conditions of confinement, as the obligation to fund appointed counsel in those cases would shift to the counties where the cases are filed. Cases of this type have been handled by private appointed counsel, who currently bill the Board at \$120 per hour. From FY 2023 through FY 2025, the average amount billed by attorneys who represented clients in these cases was \$17,200 per year. The Board indicates the costs would be concentrated in counties where state prisons are located, including Leavenworth, Reno, Butler, Ellsworth, and Shawnee counties.

The Sentencing Commission estimates that enactment of HB 2705 would have no impact on prison admissions. The Commission notes that the bill could affect the number of prison beds needed, but that any impact would be minimal. The current estimated available bed capacity is 9,924 for males and 968 for females. Based upon the Commission's most recent ten-year projection contained in its *FY 2026 Adult Inmate Prison Population Projections report*, it is estimated that the year-end population would total 9,176 male and 924 female inmates in FY 2026 and 9,485 male and 953 female inmates in FY 2027.

The Department of Corrections indicates that enactment of the bill would have no fiscal effect on the agency. The Judiciary indicates that the fiscal effect of the bill on the Judicial Branch would be negligible and could be absorbed within existing resources. Any fiscal effect associated with HB 2705 is not reflected in *The FY 2027 Governor's Budget Report*.

The Kansas Association of Counties indicates that enactment of the bill would increase expenditures for counties in which state correctional facilities are located, as courts in those counties could appoint counsel at the county's expense for cases in which inmates challenge conditions of confinement. However, a specific estimate of the fiscal effect on counties was not provided.

Sincerely,



Adam C. Proffitt
Director of the Budget

cc: Jennifer King, Department of Corrections
Scott Schultz, Kansas Sentencing Commission
Trisha Morrow, Judiciary
Ann Sagan, Board of Indigents Defense Services
Jay Hall, Kansas Association of Counties
Wendi Stark, League of Kansas Municipalities