



February 24, 2025

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 245 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 245 is respectfully submitted to your committee.

SB 245 would abolish the death penalty for crimes committed on or after July 1, 2025. The bill would repeal the capital murder statute and create the new crime of aggravated murder, which would be an off-grid person felony. Offenders convicted of aggravated murder would be sentenced to imprisonment for life without the possibility of parole and would not be eligible for commutation of sentence, parole, probation, assignment to a community correctional services program, conditional release, post release supervision, functional incapacitation release, or suspension, modification, or reduction of sentence. The bill would also make several technical amendments.

The Office of Judicial Administration states enactment of SB 245 would still require the courts to work through any existing death penalty cases committed before July 1, 2025. Judges and nonjudicial staff at both the district and appellate court levels work additional hours to address death penalty cases and, to some extent, have to delay hearing other cases. The Office indicates aggravated murder proceedings would be less lengthy than death penalty proceedings but would still require the courts to handle a large number of motions, appeals, and proceedings. According to the Office, a fiscal effect cannot be estimated on the Judicial Branch until the courts have been given an opportunity to operate under the bill's provisions.

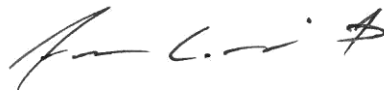
If the death penalty were to be abolished under SB 245, the State Board of Indigents' Defense Services estimates savings for the agency of approximately \$2.1 million a year from the State General Fund in casework costs. According to the Board, these savings would not be realized

for a few years because of the time it takes to resolve existing caseloads of already charged or convicted capital cases. The Board states that as the current death-penalty eligible cases complete the trial, appellate, and state habeas level process, the potential cost savings of no longer having new death-penalty eligible savings could reach \$5.0 million to \$6.0 million per year on salaries and wages and contractual services.

The Office of the Attorney General states that enactment of the bill could result in litigation against the state to clarify the new criminal provisions. The Office estimates that the bill would cause the agency to incur additional costs of at least \$500,000 from the State General Fund over the next two fiscal years to handle the litigation. The Office also states the bill would result in long-term fiscal savings from no longer having to engage in prolonged litigation in new death penalty cases. However, a precise fiscal effect cannot be estimated.

The Kansas Sentencing Commission states that enactment of SB 245 would have no effect on prison admissions or beds. The Kansas Department of Corrections estimates enactment of SB 245 would not have a fiscal effect on Department operations. Any fiscal effect associated with SB 245 is not reflected in *The FY 2026 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adam C. Proffitt', followed by a stylized flourish.

Adam C. Proffitt
Director of the Budget

cc: Trisha Morrow, Judiciary
Matt Bingesser, Office of the Attorney General
Jennifer King, Department of Corrections
Scott Schultz, Kansas Sentencing Commission
Heather Cessna, Board of Indigents Defense Services