

April 2, 2025

The Honorable Mike Thompson, Chairperson
Senate Committee on Federal and State Affairs
300 SW 10th Avenue, Room 144-S
Topeka, Kansas 66612

Dear Senator Thompson:

SUBJECT: Fiscal Note for SB 295 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 295 is respectfully submitted to your committee.

SB 295 would create a marijuana infraction for knowingly possessing a personal-use quantity of marijuana or marijuana paraphernalia, which would be punishable by a \$25 fine, community service, or a drug awareness program. The bill would specify that no person would be subject to arrest for a marijuana infraction, but individuals under 18 would have their parents or legal guardians notified. The bill would specify that penalties could not be imposed for a marijuana infraction, including penalties that affect a person's driving privileges or deny public financial assistance. The bill would prohibit a marijuana infraction from being recorded in any criminal database and would require 50.0 percent of all fines to be remitted to the State General Fund and 50.0 percent to the Drug Awareness Program Fund of the Department for Children and Families (DCF), which the bill would establish. DCF would be required to provide between two and five hours of instruction or group discussion about the use and abuse of controlled substances, if required by the court. The bill would remove references to marijuana in statutes regarding criminal possession of controlled substances. The court could not impose certain conditions that prohibit a defendant from using marijuana. The Prisoner Review Board of the Department of Corrections could not impose conditions that prohibit an inmate from using marijuana unless the court finds that marijuana use would create a danger to the inmate or another person.

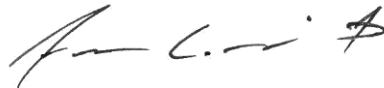
The Kansas Sentencing Commission estimates that enactment of SB 295 would result in a decrease of 27 adult prison beds needed by the end of FY 2026. By the end of FY 2035, 37 fewer beds would be needed. The current estimated available bed capacity is 9,738 for males and 932 for females. Based upon the Commission's most recent ten-year projection contained in its *FY*

2025 Adult Inmate Prison Population Projections report, it is estimated that the year-end population will total 8,954 male and 921 female inmates in FY 2025 and 9,220 male and 961 female inmates in FY 2026.

The Office of Judicial Administration indicates enactment of the bill could decrease the number of cases filed in district courts because it decriminalizes marijuana possession. This could decrease the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. The bill could also decrease docket fee revenue, which would have been deposited in the State General Fund. The bill could also increase revenue from fines, which would be deposited in the State General Fund and the Drug Awareness Program Fund. However, a precise fiscal effect cannot be estimated.

The Division of the Budget reached out to the Department for Children and Families and the Department of Corrections and did not receive a response. Any fiscal effect associated with SB 295 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 or symbol.

Adam C. Proffitt
Director of the Budget

cc: Trisha Morrow, Judiciary
Scott Schultz, Kansas Sentencing Commission
Jennifer King, Department of Corrections