

February 23, 2011

The Honorable Pat Colloton, Chairperson  
House Committee on Corrections and Juvenile Justice  
Statehouse, Room 167-W  
Topeka, Kansas 66612

Dear Representative Colloton:

**SUBJECT:** Fiscal Note for HB 2250 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2250 is respectfully submitted to your committee.

HB 2250 would amend several criminal controlled substance violations by creating new penalty levels based on amounts possessed with the intent to distribute. Penalties would be increased for offenders who distribute or possess with the intent to distribute controlled substances within 1,000 feet of any school property. Distribution of schedule V controlled substances would be a class A, person misdemeanor; however, in cases where the substance was distributed or possessed with the intent to distribute to a minor under 19 years of age, the penalty would be a severity level 7, person felony. Possession of any drug paraphernalia with the intent to manufacture or distribute controlled substances would be considered an attempt to violate drug laws. For prosecutions, the bill would create a rebuttable presumption of intent to distribute if any person possessed certain quantities of controlled substances.

The Kansas Sentencing Commission estimates that passage of HB 2250 would result in an increase of three adult prison beds in FY 2012 and no net increase to adult prison beds by FY 2021. Currently, the number of male inmates exceeds the available bed capacity of 8,259, and based upon the Kansas Sentencing Commission projections, it is estimated that at the end of FY 2011 and FY 2012, the number of male inmates will exceed available capacity by 235 beds and 394 beds, respectively. To address capacity issues, the Governor's recommended FY 2012 budget includes \$2.5 million for contract prison beds. If it is determined that facility construction is necessary, the Department of Corrections has identified two capacity expansion projects: two high medium security housing units at El Dorado Correctional Facility that would provide 512 beds with a construction cost of \$22,687,232 (\$44,311 per bed X 512) and operating costs of \$9,339,904 (\$18,242 per bed X 512); and one minimum security housing unit at Ellsworth Correctional Facility that would provide 100 beds with a construction cost of \$5,935,000 (\$59,350 per bed X 100) and operating costs of \$1,832,000 (\$18,320 per bed X 100).

The Honorable Pat Colloton, Chairperson

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Page 2—Fisc\_Note\_Hb2250

Any fiscal effect associated with HB 2250 is not reflected in *The FY 2012 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", with a long horizontal flourish extending to the right.

Steven J. Anderson, CPA, MBA  
Director of the Budget

cc: Brenda Harmon, Sentencing  
Jeremy Barclay, KDOC  
Mary Rinehart, Judiciary  
Pat Scalia, BIDS