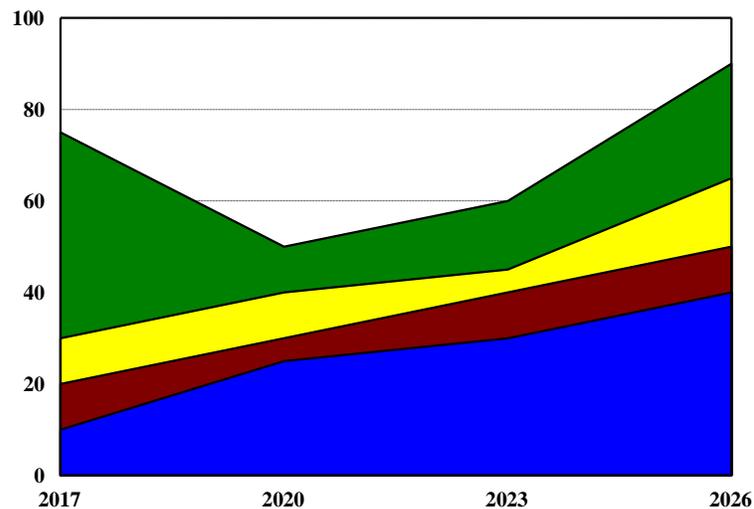


# KANSAS SENTENCING COMMISSION

## Fiscal Year 2017 Adult Inmate Prison Population Projections

Prison Population Projections



August 2016



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## OVERVIEW OF FY 2017 PRISON POPULATION PROJECTIONS

Kansas prison population in FY 2016 showed a decrease of 159 inmates or 1.6% when compared with that of FY 2015. The decrease was due to the implementation of House Bill (HB) 2447 which was passed in 2016 legislation. HB 2447 increases the maximum number of days an inmate's sentence may be shortened for earning program credits from 90 days to 120 days. The provisions of the bill are to be construed and applied retroactively. This bill was implemented on April 14, 2016 after it was published in the Kansas Register.

In the review of Kansas' ten-year prison population trend, the FY 2016 prison population indicated the second largest increase since FY 2009. In FY 2016, 9,663 inmates were incarcerated in state prison, indicating an increase of 1,061 inmates from FY 2009 prison population, an average increase of 152 inmates per year<sup>1</sup>. FY 2016 prison admissions indicated an increase of 4.9% or 288 inmates when compared with that of FY 2015. Prison admissions in FY 2016 increased by 23.5% when compared with that of FY 2012<sup>2</sup>. The increase in admission was due to the admissions of prison sanctions from probation, which is part of the Justice Reinvestment Initiative bill (HB 2170) passed in 2013. The admission of prison sanctions in FY 2016 showed a 45% increase when compared with that of FY 2015 and a 211% increase when compared to FY 2014. In FY 2016, direct new court commitments, probation condition violators and parole/postrelease condition violators consisted of 71.4% of prison admissions, indicating a decrease of 10.3% when compared with that of FY 2014, the first year of implementation of HB 2170. The three admission types in FY 2014 accounted for 81.7% of the total prison admissions<sup>3</sup>.

Further examining the admissions types, direct new court commitments to prisons in FY 2016 indicated an increase of 3.3% or 64 admissions when compared with that of FY 2015. The prison admissions of probation condition violators in FY 2016 indicated a decrease of 10.7% when compared with that of FY 2015. The continuous decrease of probation condition violators was due to the implementation of the Justice Reinvestment Initiative in HB 2170 enacted into law in 2013 and DOC's reclassification which separated probation violators with new convictions from probation condition violator group.

The number of parole/postrelease condition violators admitted to prison demonstrated an increase in FY 2016. When compared with that of FY 2015, parole/postrelease condition violators admitted to prison increased by 1.5% and 23.5% when compared with that of five years ago. The increase of postrelease condition violators was also due to the HB 2170 enacted in 2013. This bill requires an offender whose crime was committed on or after July 1, 2013 to serve a period of postrelease supervision term when his/her probation sanction is revoked and underlying term is served in prison.

Prison admission of probation violators with new sentences in FY 2016 indicated no change when compared with FY 2015. Probation violators with new convictions showed 12% increase over that of FY 2015.

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<sup>1</sup> See Figure 12, Page 37.

<sup>2</sup> See Table 13, Page 35.

<sup>3</sup> See Table 14, Page 36.

Parole/postrelease supervision violators with new sentences admitted to prison in FY 2016 indicated an increase of 3.5% from FY 2012. When compared with last year's number, this group showed a decrease of 3.3% or five admissions.

The estimated prison population will be relatively stable during the next three years from FY 2017 to FY 2019. This is due to the implementation of HB 2447. The provision of increasing program credit retroactively will reduce inmates' length of stay in prison. The impact of this provision has already been seen during last quarter of FY 2016. The impact on prison population will continue for another two or three years<sup>4</sup>. Starting from FY 2020, prison population will increase every year.

In examining the estimated prison bed needs by offender group, the largest increase in number is found in the drug offender group over the ten-year forecast period with an increase of 381 inmates. The second largest increase in the prison population for the ten-year forecast period is the offgrid offenders with an increase of 290 inmates. The increase of the offgrid prison population is the continuous impact of Jessica's Law (2006 Senate Substitute for House Bill 2567). According to Jessica's Law, some child sex offenses previously classified in nondrug severity levels I, II, III and V will be reclassified as offgrid offenses with a minimum sentence of not less than 300 months (Hard 25). This reclassification will increase the offgrid admissions to prison. The third largest increase on prison population is found in the group of nondrug severity levels VII to X with an increase of 284 inmates. The increase of prison population of the nonviolent offenders is due to the special sentencing rules that have played an important role in this group. The fourth increase falls on nondrug severity levels IV to VI. The violent offender population (nondrug severity levels I to III) indicates an increase of 140 inmates over the ten-year projection.

Previously, probation condition violators admitted to prison were required to serve their underlying prison sentence. HB 2170 enacted on July 1, 2013 requires probation condition violators to serve graduated sanctions instead of the underlying prison sentence, which includes: the intermediate sanction of confinement in jail for 2-3 days at a time and up to a total of 18 days. If the violator already has at least one intermediate sanction of confinement in jail, the court may remand the defendant to the custody of the Kansas Department of Corrections (KDOC) for a period of 120 days or 180 days, which the Secretary may reduce by up to 60 days or 90 days (this penalty cannot be imposed more than once during the term of supervision). If the violator already has been remanded to KDOC custody for a period of 120 or 180 days, the court may revoke probation, assignment to community corrections, suspension of sentence, or nonprison sanction and require the defendant to serve the sentence imposed or any lesser sentence. Graduated sanctions for probation condition violators would reduce the prison population of this offense group while the prison sanction from probation would require additional prison beds for this group. It is estimated that during the ten-year forecast period, the prison population of sanction from probation will increase to 166 inmates, an increase of 51% or 56 additional inmates from FY 2016.

HB 2170 also requires that probation condition violators who are released from prison after July 1, 2013 will receive postrelease supervision term. As a result, parole/postrelease

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<sup>4</sup> See Figure 1, Page 18.

condition violator population will slowly increase during the ten-year forecast period with an increase of 19.3% or 113 inmates over the FY 2016 prison population.

Pre-guideline (old law) inmate population (excludes old law offgrid) will gradually decrease over the ten-year forecast period. It is estimated that the population of this group will reduce to 46 inmates by 2026, which is not as expected in the previous years' forecast due to the longer length of stays in FY 2016.

Overall, the FY 2017 prison population projections indicate that prison population will increase during the forecast period. By FY 2026, total prison population will reach 10,964 inmates, an increase of 1,301 inmates or 13.5% over the current population level<sup>5</sup>. Offgrid and nondrug severity levels I, II and III inmates will account for 38.4% of the projected prison population in FY 2026. Nondrug severity levels IV, V and VI inmates will make up 17.7% and nonviolent inmates, nondrug severity levels VII, VIII, IX and X, will consist of 11.1% of the projected prison population in FY 2026. The projected drug inmate prison population will represent 16% while parole/postrelease supervision condition violators will make up 6.4% of the forecasted prison population in FY 2026. Old law population, not including old law offgrid offenders, will account for 0.4% in FY 2026. Probation condition violators will make up 8.5% while prison sanction from probation offenders will account for 1.5% of the projected population in FY 2026.

By FY 2026, male prison population will increase to 10,065 inmates, an increase of 13.9% or 1,227 inmates from the FY 2016 population. Female prison population will increase to 899 inmates, an increase of 74 inmates or 9% by FY 2026. Male inmates will account for 92% while female inmates will consist of 8% of the forecasted prison population in FY 2026<sup>6</sup>.

## **METHODS AND ASSUMPTIONS**

### **Source of Data Used for the Projections**

Data utilized for the FY 2017 prison population projections are based on the most recent felony sentencing information and current prison information from FY 2016. This data includes the automated and non-automated data files collected from the Kansas Department of Corrections (KDOC) and the FY 2016 felony journal entry sentencing information collected by the Kansas Sentencing Commission (KSC). Data provided by KDOC includes:

1. Prison admissions
2. Prison populations
3. Prison releases
4. Parole/postrelease supervision populations
5. Parole/postrelease supervision discharges
6. Parole hearing decisions
7. DOC monthly offender population reports
8. Prison and jail sanctions from probation

Data collected by the KSC includes:

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<sup>5</sup> See Table 9, Page 17.

<sup>6</sup> See Figures 2 & 3, Page 19 & 20.

1. Prison sentences
2. Probation sentences
3. Probation revocations

The above combined data sources provide the information for the Prison Projection Consensus Group to make the final decisions regarding assumptions that must be built into the model. The sentencing journal entry databases from the KSC provide sentencing trends that impact policy changes. The prison admission file contains each individual admission event with the type of admission, the length of sentence, jail credit, special sentencing rule applied, departure information, and concurrent or consecutive sentences applied. The prison population stock file provides additional information which is used by the Prison Projection Consensus Group as well as characteristics of the June 30 incarceration population. The prison release file informs the Consensus Group of the type of release and the actual length of stay for each individual inmate. Parole/postrelease supervision and parole hearing files provide information regarding parole population, parole discharges, parole hearing decisions, and waiting time between each parole hearing. KDOC Monthly Offender Population Reports are utilized to monitor actual prison monthly population compared to the projections.

**Consensus Group**

In an attempt to formulate the most accurate assumptions, the Sentencing Commission utilizes a Prison Population Consensus Group to review and establish the final set of assumptions that are utilized in building the simulation model. Members of the Consensus Group represent various criminal justice agencies which play a role in processing an individual through the criminal justice system. Members contribute their agencies’ expertise regarding formal and informal procedures and provide relevant information and data on specific issues or practices which may affect prison population.

**Members of the FY 2016 Prison Population Projection Consensus Group:**

Browne, Ebo	Kansas Sentencing Commission
Chang, Kunlun	Kansas Sentencing Commission
Cooper, Hope	Kansas Department of Corrections
Glendening, Jessica	State Board of Indigents' Defense Services
Norwood, Secretary Joe	Kansas Department of Corrections
Lu, Fengfang	Kansas Sentencing Commission
McNeal, Marie	Kansas Department of Corrections
Ogletree, Jonathan	Kansas Department of Corrections
Rice, Liz	Kansas Department of Corrections
Schultz, Scott	Kansas Sentencing Commission

The Consensus Group held two meetings to review sentencing trends, identify policy changes that may affect future prison bed needs and identify assumptions to be incorporated into the forecast model.

## **FY 2017 Prison Population Projection Assumptions**

1. The model begins on July 1, 2016.
2. The model is based on FY 2016 data (July 1, 2015 - June 30, 2016).
3. This prison population projection is for a ten-year forecasting period (FY 2017 to FY 2026).
4. The projection model is designed to simulate all new commitments to prison, from FY 2017 forward, under sentencing guidelines, with a determinate sentence length.
5. Admission Trends:
  - a) New Court Commitments. Direct new court commitments to prison in FY 2016 (offenders not on any type of supervision at the time of conviction and subsequent admission to prison) indicated an increase of 3.3% or 64 admissions when compared to FY 2015. Compared with FY 2012, the admissions to prison indicate an increase of 0.6% or 11 admissions. FY 2012 indicated a total of 1,975; FY 2013 displayed a total of 1,894 admissions; FY 2014 showed a total of 1,844 admissions; FY 2015 indicated 1,922 admissions and FY 2016 indicated a total of 1,986 admissions.
  - b) Probation Condition Violators. In FY 2016, 1,180 probation condition violators were admitted to prison, indicating a decrease of 10.7% or 141 admissions from FY 2015 and a decrease of 30% or 502 admissions from FY 2012. Probation condition violators admitted to prison during the five years were: 1,682 in FY 2012, 1,629 in FY 2013, 1,368 in FY 2014, 1,321 in FY 2015 and 1,180 in FY 2016. Of the 1,180 probation condition violators, 102 or 9 % offenders received prison sanctions before full revocation. Two of them received **two** prison sanctions.
  - c) Prison Sanctions for Probation Condition Violators. In FY 2016, 986 probation condition violators received 1,003 prison sanctions. Seventeen of the 986 offenders received two prison sanctions, three female and 14 males. Fifteen of them received one 120 days and one 180 days sanction, one received one 180 days and one 120 days sanction; and one received two 120 days sanctions. Of the 1,003 prison sanctions, 694 were 120 days; 307 were 180 days; one was 90 days and one was 240 days. The average length of stay in prison was 20 days for the 90 days, 41 days for the 120 days, 69 days for the 180 days, 49 days for the 240 days sanction.
  - d) Probation Violators with New Sentence. Probation violators with a new sentence in FY 2016 had no change when compared with FY 2015 number. When compared with that in FY 2014, it indicated an increase of 84% or 151 admissions. The number of probation violator with new sentence in the past five years were: 180 in FY 2012, 198 in FY 2013, 257 in FY 2014, 331 in FY 2015 and 331 in FY 2016.
  - e) Probation Violators with New Conviction. In FY 2016, probation violators with new conviction increased by 11.9% or 20 admissions when compared with that of FY 2015.

Probation violators with new conviction were separated from probation condition violators in FY 2014 due to KDOC's new rule computation rules.

- f) Total New Commitments: Rate of Growth<sup>7</sup>. The total new commitments of the above groups including the group of prison sanctions in FY 2016 increased by 4.4% or 197 admissions when compared with that of 2015. In the past ten years, the growth rates for new commitments are as follows:

FY 2006 to FY 2007	-8.9%
FY 2007 to FY 2008	-5.1%
FY 2008 to FY 2009	-0.1%
FY 2009 to FY 2010	13.3%
FY 2010 to FY 2011	0.1%
FY 2011 to FY 2012	3.4%
FY 2012 to FY 2013	-3.0%
FY 2013 to FY 2014	5.5%
FY 2014 to FY 2015	3.9%
FY 2015 to FY 2016	5.8%
<i>Average yearly growth rate (FY 2007 to FY 2016)</i>	<b>1.5%</b>

Last year, the consensus group agreed to use 1.5% annual growth for male in the FY 2016 Model and 5% for female in FY 2016, 4% in FY 2017 and 2% in FY 2018 and after. The consensus group also agreed to reduce male probation condition violators by 10% from the FY 2015 level and no deduction for female probation condition violators. **The consensus group agreed to use 1.5% annual growth rate for male and 2% for female in the FY 2017 Model.**

6. Guideline postrelease supervision condition violators may serve up to 180 days. The average length of stay for this group in FY 2012 was 155 days. The average length of stay for this group in FY 2013 was 144 days. The average length of stay for this group in FY 2014 was 132 days. The average length of stay for this group in FY 2015 was 123 days. The consensus group agreed to use 123 days for this group in the FY 2016 model. The actual average length of stay in FY 2016 was 128 days. **The consensus group agreed to use the 123 days average length of stay for this group in the FY 2017 model.**
7. In FY 2016, a total of 1,237 parole/postrelease and conditional release condition violators were returned to prison, indicating an increase of 18 offenders when compared to last year. The consensus group agreed to use the return rate of 102 offenders per month for this group last year. The actual average rate of parole/postrelease and conditional release condition violators was 103 offenders per month, indicating an increase of one admission per month. **The consensus group agreed to use the return rate of 102 offenders per month for this group in the FY 2017 Model.**

<sup>7</sup> FY 2016 growth rate included prison sanctions.

8. In FY 2016, a total of 146 parole/postrelease violators with new sentences were admitted to prison, representing a decrease of 3% or 5 admissions when compared with the admissions of FY 2015. In review of the past five years' data, parole/postrelease violators with new sentence in FY 2016 indicated the second lowest in numbers. (FY 2012-141, FY 2013-177, FY 2014-185, FY 2015-151 and FY 2016-146). Last year, the consensus group agreed to use 160 returns with new sentence, which returned out to be 14 admissions less. **The consensus group agreed to use 146 returns with new sentence in the FY 2017 Model.**

9. **House Bill 2447 – Program Credit**

This bill increases the maximum number of days an inmate's sentence may be shortened for earning program credits from 90 days to 120 days. The provisions of the bill are to be construed and applied retroactively. This bill was implemented on April 14, 2016 after it was published in the Kansas Register.

- In FY 2016, 3,084 offenders admitted to KDOC were eligible for program credit.
- On June 30, 2016, 4,164 offenders incarcerated in KDOC were eligible for program credit. Of this number, 1,721 earned the credit with an average of **106.7 days**.
- As of June 30, 147 inmates were released retroactively because of this bill.
- Based on KDOC's FY 2016 releases, 83.5% of the eligible offenders earned program credit with an average 74.3 days.

**Since the bill was already implemented, there is no recommendation from the consensus group.**

10. **House Bill 2462 – Amending the Crimes of Possession of Marijuana, Theft, and Burglary**

This bill amends criminal code provisions governing possession of marijuana, theft, and burglary.

1. Amending penalties for possession of marijuana so that a first offense is a class B nonperson misdemeanor, a second offense is a class A nonperson misdemeanor, and a subsequent offense is a drug severity level 5 felony. Previously, a first offense was a class A nonperson misdemeanor and any subsequent offense was a drug severity level 5 felony.

- As of June 30, 2016<sup>8</sup> according to KSC sentencing data, 48 offenders were convicted of the crime of the second possession of marijuana. Of this number, **21 (44%)** were sentenced to prison with an average length of sentence of 22 months. According to this provision effective date on July 1, 2016, these offenders will no longer be sentenced to prison. **The consensus group agreed that the 21 offenders would be no longer sentenced to prison in the FY 2017 model.**

2. Amending the crime of theft to increase the floor for a severity level 9, nonperson felony theft of property or services from \$1,000 to \$1,500. Accordingly, the ceiling for class A nonperson misdemeanor theft of property and services is raised from "less than \$1,000" to "less than \$1,500" as well as the ceilings for exceptions raising the severity level for such amounts to a severity level 9, nonperson felony when the property is taken from 3 separate

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<sup>8</sup> KSC FY 2016 sentencing journal entry databases will be closed on August 31, 2016 due to a two-month lag time.

mercantile establishments within a period of 72 hours as part of the same act or common scheme, or when the person committing the theft has been convicted of theft 2 or more times. The bill also establishes a floor of \$50 for the exception raising the severity level to a severity level 9, nonperson felony when the person committing the theft has been convicted of theft 2 or more times, and adds a 5-year lookback provision to this exception.

- As of June 30, 2016, **126** offenders were convicted of the crime of felony theft of property or services with the value less than **\$1,500**. Of this number, **19 (15%)** were sentenced to prison with an average length of sentence of 12 months. **The consensus group agreed that 19 offenders would be no longer sentenced to prison in the FY 2017 model.**

3. Creating a special sentencing rule for burglary of a dwelling to make the sentence presumptive imprisonment if the offender has a criminal history score of C, D or E.

- As of June 30, 2016, **69** offenders were convicted of the crime of burglary of a dwelling, whose criminal histories were fallen within the grid boxes **N7C, N7D and N7E**. Of the 69 offenders, **51** offenders were sentenced to probation. Twenty-two of them had a special rule applied and **29 (57%)** offenders had no special. The average prison sentence was 26 months. **The consensus group agreed to add the 29 offenders to the prison admission in the FY 2017 Model.**

4. Adjusting the penalty provisions for burglary of a dwelling with intent to commit the theft of a firearm to make it a person felony, rather than a nonperson felony. The bill amends the definition and penalties for aggravated burglary to make aggravated burglary committed by entering into or remaining in a dwelling in which there is a human being, with the required intent, a severity level 4, person felony. Entering into a non-dwelling building or structure in which there is a human being, with the required intent, remains a severity level 5, person felony.

- As of June 30, 2016, **138** offenders were convicted of the crime of aggravated burglary and sentenced at nondrug severity level 5. Of this number, 61 were sentenced to prison and 77 were sentenced to probation.
- During 2016 legislative session, the Commission assumed that **10%, 15% or 20%** of the offenders would be sentenced to prison at severity level 4. **The consensus group agreed to use the 20% scenario in the FY 2017 Model.**

5. Establishing that the crimes of burglary and aggravated burglary do not apply to a person who enters or remains in retail or commercial premises, while such premises are open to the public, after having been told by the owner or manager not to enter the premises pursuant to the criminal trespass statute, except when the person enters or remains in such premises with the intent to commit a person felony or a sexually motivated crime.

- As of June 30, 2016, **192** were convicted of the crimes of aggravated burglary. Of this number, **69** were sentenced to prison and **123** were sentenced to probation.
- During 2016 legislative session, the Commission made three scenarios for this provision, that is, **15%, 20% or 25%** of the offenders sentenced to prison would not be sentenced to prison. **The consensus group agreed to use the 15% scenario in the FY 2017 Model.**

## KEY FINDINGS OF FISCAL YEAR 2016 DATA

1. A total number of 9,663 offenders were incarcerated in KDOC on June 30, 2016, representing a decrease of 159 offenders when compared with that of FY 2015. Of the total number, 9,134 were guideline offenders and 525 were pre-guideline offenders. Nearly all the pre-guideline offenders were offgrid, nondrug severity levels I to III offenders and parole condition violators, presenting 98.3% of this group.
2. In FY 2016, 6,164 offenders were admitted to prison, representing the highest number in the past five years. Of those 6,164 offenders, new commitments (including prison sanction from probation) accounted for 76% or 4,688 admissions, which included 32.2% direct new court commitments, 19.1% probation condition violators, 16.3% prison sanctions, 5.4% probation violators with new sentence and 3% new conviction.
3. Compared with FY 2015, the total number of new commitments sentenced to prison in FY 2016 increased by 5.8% or 255 admissions. Among the total of new commitments to prison, direct new court commitments accounted for 1,986 admissions, demonstrating an increase of 3.3% or 64 admissions; probation condition violators indicated a decrease of 11.7% or 141 admissions. The decrease of probation condition violators is due to the continuous implementation of HB 2170. Probation violators with new sentence showed the same as FY 2015. Probation violators with new conviction displayed an increase of 11.9% or 20 admissions.
4. In FY 2016, 986 probation condition violators received a total of 1,003 prison sanctions. Of the 1,003 sanctions, 694 were 120 days; 307 were 180 days, one was 90 days and one was 240 days. Seventeen offenders received two prison sanctions, three females and 14 males. The average length of stay in prison was 20 days for the 90 days, 41 days for the 120 days, 69 days for the 180 days, 49 days for the 240 days sanction.
5. Parole/post-release condition violators and conditional release violators made up 20.1% or 1,237 admissions of the total admissions in FY 2016, indicating an increase of 1.5% from that of FY 2015 and an increase of 29.5% from that of FY 2012.
6. The average length of sentence of probation condition violators in FY 2016 was 20.6 months. The average jail credit was 185 days or 6 months and the average length of stay in prison was 11.3 months. These numbers had no significant changes from last year. Further examination of this group displayed that 90% of them were offenders ranging from drug severity levels III to V and nondrug severity levels VII to X. This trend has not been changed from previous years.
7. The average length of stay in prison for pre-guideline parole condition violators in FY 2016 is calculated to be 36.7 months, indicating a decrease of 4.6 months from the length of stay observed during FY 2015 (41.3 months). The average length of stay for the guideline postrelease supervision condition violators in FY 2016 was 4.2 months (128 days), 6 days more than the average length of stay in FY 2015 (4 months or 122 days).

8. Compared with FY 2015, the average lengths of sentence of the guideline nondrug sentences in FY 2016 decreased by 11.5 months at severity level I and 0.7 months at severity level III. The average sentence lengths increased by 80.3 months for severity level II, 3.8 months for severity level VI, 1.8 months for severity level VII, and 1.7 months for severity level IV. Number of nondrug admissions of severity levels I, VI and V increased by 12, 13 and 25 respectively. The admissions of severity levels III, VI, VII, VIII, IX and X decreased by 12, 8, 41, 3, 41 and 4 respectively.
9. During FY 2016, the admissions of parole/postrelease condition violators with new sentences (including conditional release violators with new felony sentences) indicated a decrease of 5 admissions or 3.3% when compared with the returns in FY 2015 and an increase of 5 admissions or 3.5% when compared with those of FY 2012.
10. In FY 2016, 1,098 drug offenders were admitted to prison, indicating an increase of 17 admission when compared with that of FY 2015. Of this number, 510 were new court commitments, 422 probation condition violators, 92 probation violators with new sentence and 74 probation violators with new conviction. The average length of the drug sentences was 34.6 months, indicating an increase of 0.3 months (34.6 vs. 34.3).

**Table 1: Prison Population Characteristics  
6/30/2016**

Severity Level	Pre-Guideline		Guideline		Total	
	Number	Percent	Number	Percent	Number	Percent
D1	0	0.0%	247	2.6%	247	2.6%
D2	0	0.0%	177	1.8%	177	1.8%
D3	1	0.0%	352	3.6%	353	3.7%
D4	0	0.0%	199	2.1%	199	2.1%
D5	0	0.0%	394	4.1%	394	4.1%
N1	85	0.9%	999	10.3%	1084	11.2%
N2	66	0.7%	242	2.5%	308	3.2%
N3	53	0.5%	1182	12.2%	1235	12.8%
N4	2	0.0%	317	3.3%	319	3.3%
N5	3	0.0%	1117	11.6%	1120	11.6%
N6	0	0.0%	248	2.6%	248	2.6%
N7	2	0.0%	575	6.0%	577	6.0%
N8	0	0.0%	142	1.5%	142	1.5%
N9	0	0.0%	194	2.0%	194	2.0%
N10	0	0.0%	14	0.1%	14	0.1%
Offgrid	182	1.9%	1136	11.8%	1318	13.6%
Probation Condition Violators	1	0.0%	1032	10.7%	1033	10.7%
Sanction from Probation	0	0.0%	110	1.1%	110	1.1%
Parole/Postrelease Condition Violators	130	1.3%	457	4.7%	587	6.1%
<b>Subtotal</b>	<b>525</b>	<b>5.4%</b>	<b>9134</b>	<b>94.5%</b>	<b>9659</b>	<b>100.0%</b>
Nongrid/Missing					4	0.0%
<b>Total</b>					<b>9663</b>	<b>100.0%</b>

Source: DOC prison population file.

**Table 2: Comparison of Actual Prison Population between FY 2015 And FY 2016**

<b>Offender Group</b>	<b>2015</b>	<b>2016</b>	<b>Difference</b>
Drug	1332	1370	38
N1 to N3	2434	2464	30
N4 to N6	1668	1683	15
N7 to N10	937	930	-7
Sanction from Probation	118	110	-8
Probation Condition Violators	1250	1033	-217
Offgrid Including Old Law Lifer	1276	1318	42
Parole/Post Release Violators	621	587	-34
Old Law Inmates	186	168	-18
<b>Total</b>	<b>9822</b>	<b>9663</b>	<b>-159</b>

**Table 3: Guideline Admission Characteristics - FY 2016**

<b>Severity Level</b>	<b>Number Admitted</b>	<b>Percent Admitted</b>	<b>Average Sentence (Months)</b>	<b>Jail Credit (Days)</b>	<b>Probation Condition Violators (%)</b>	<b>Probation Violators w/New Sentence (%)</b>
D1	24	0.5%	111.9	255.5	4.2	8.3
D2	57	1.2%	83.0	232.1	3.5	3.5
D3	178	3.8%	52.9	179.9	14.6	10.7
D4	205	4.4%	26.4	171.5	39.0	5.9
D5	634	13.5%	24.8	154.7	49.4	9.0
N1	74	1.6%	286.0	479.5	0.0	2.7
N2	18	0.4%	219.6	384.9	0.0	5.6
N3	173	3.7%	103.6	321.4	7.5	6.4
N4	86	1.8%	76.8	292.6	11.6	7.0
N5	375	8.0%	59.4	238.3	17.1	10.4
N6	147	3.1%	40.5	236.2	20.4	14.3
N7	557	11.9%	29.9	205.8	36.4	15.3
N8	320	6.8%	18.4	169.9	44.7	11.6
N9	666	14.2%	13.0	137.2	39.5	5.1
N10	75	1.6%	9.5	127.2	41.3	2.7
Offgrid	92	2.0%	-	-	N/A	N/A
Sanction	1003	21.4%	-	-	N/A	N/A
Nongrid	4	0.1%				
<b>Total</b>	<b>4688</b>	<b>100.0%</b>				

Source: DOC admission file.

**Table 4: Comparison of Guideline New Commitments  
Admissions to Prison by Severity Level and Drug Offense  
FY 2012, FY 2015 and FY 2016**

<b>Severity Level &amp; Offense</b>	<b>FY 2012</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>Difference Between 2012 &amp; 2016</b>	<b>Difference Between 2015 &amp; 2016</b>
N1	87	62	74	-13	12
N2	16	18	18	2	0
N3	225	185	173	-52	-12
N4	81	73	86	5	13
N5	474	350	375	-99	25
N6	76	155	147	71	-8
N7	661	598	557	-104	-41
N8	366	323	320	-46	-3
N9	607	707	666	59	-41
N10	95	79	75	-20	-4
Drug	1044	1081	1098	54	17
<b>Total</b>	<b>3732</b>	<b>3631</b>	<b>3589</b>	<b>-143</b>	<b>-42</b>

Source: DOC admission file.

Note: New commitments include direct new court admissions, condition probation violators, and probation violators with new sentence/ new conviction.

**Table 5: Average Length of Sentence by Severity Level and Drug Offense  
FY 2012, FY 2015 and FY 201**

<b>Severity Level &amp; Offense</b>	<b>FY2012</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>Difference Between 2012 &amp; 2016 (Month)</b>	<b>Difference Between 2015 &amp; 2016 (Month)</b>
N1	236.2	286.8	275.3	39.1	-11.5
N2	186.8	139.3	219.6	32.8	80.3
N3	109.8	104.3	103.6	-6.2	-0.7
N4	76.6	75.1	76.8	0.2	1.7
N5	55	59.1	59.4	4.4	0.3
N6	37.9	36.7	40.5	2.6	3.8
N7	26.8	28.1	29.9	3.1	1.8
N8	18.2	17.7	18.4	0.2	0.7
N9	12.7	12.8	13.0	0.3	0.2
N10	9.5	8.5	9.5	0.0	1.0
Drug	30.8	34.3	34.6	3.8	0.3

Source: DOC admission file.

**Table 6: Comparison Between FY 2015 and FY 2016 Prison Admission By Type  
Female**

<b>Admission Type</b>	<b>2015</b>	<b>2016</b>	<b>Number Change</b>	<b>Percent Change</b>
New Court Commitment	195	189	-6	-3.1%
Probation Condition Violator	321	263	-58	-18.1%
Prison Sanction	172	252	80	46.5%
Probation Violator With New Sentence	53	54	1	1.9%
Probation Violator With New Conviction	36	47	11	30.6%
Parole/Post-release Condition Violator	103	104	1	1.0%
Parole/Post-release Violator With New Sentence	17	13	-4	-23.5%
Other	14	14	0	0.0%
<b>Total Admission</b>	<b>911</b>	<b>936</b>	<b>25</b>	<b>2.7%</b>
<b>End of Year Population</b>	<b>833</b>	<b>825</b>	<b>-8</b>	<b>-1.0%</b>

Note: The decrease of prison population in FY 2016 is due to HB 2447 implemented on April 14, 2016.

**Table 7: Comparison Between FY 2015 and FY 2016 Prison Admission By Type  
Male**

<b>Admission Type</b>	<b>2015</b>	<b>2016</b>	<b>Number Change</b>	<b>Percent Change</b>
New Court Commitment	1727	1797	70	4.1%
Probation Condition Violator	1000	917	-83	-8.3%
Prison Sanction	519	751	232	44.7%
Probation Violator With New Sentence	278	277	-1	-0.4%
Probation Violator With New Conviction	132	141	9	6.8%
Parole/Post-release Condition Violator	1116	1133	17	1.5%
Parole/Post-release Violator With New Sentence	134	132	-2	-1.5%
Other	59	80	21	35.6%
<b>Total Admission</b>	<b>4965</b>	<b>5228</b>	<b>263</b>	<b>5.3%</b>
<b>End of Year Population</b>	<b>8989</b>	<b>8838</b>	<b>-151</b>	<b>-1.7%</b>

Note: The decrease of prison population in FY 2016 is due to HB 2447 implemented on April 14, 2016.

**Table 8: Comparative Analysis of  
Condition Parole/Post Release Supervision Violators  
between FY 2015 and FY 2016**

<b>Law</b>	<b>Number of Admission</b>				<b>Average Length of Stay in Month</b>			
	<b>FY 2015</b>	<b>FY 2016</b>	<b>Change #</b>	<b>Change %</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>Change #</b>	<b>Change %</b>
Guideline	1161	1200	39	3.4%	4.0	4.2	0.2	5.0%
Pre-guideline	58	37	-21	-36.2%	41.3	36.7	-4.6	-11.1%
<b>Total</b>	<b>1219</b>	<b>1237</b>	18	1.5%				

Source: DOC admission and release files.

**FY 2017 PRISON POPULATION PROJECTIONS**

**Table 9: FY 2017 Prison Population Projection by Offender Group**

<b>Offender Group</b>	<b>2016*</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b># Change</b>	<b>% Change</b>
Drug	1370	1311	1321	1362	1469	1577	1607	1655	1665	1712	1751	<b>381</b>	<b>27.8%</b>
N1 to N3	2464	2482	2474	2452	2473	2476	2503	2519	2560	2573	2604	<b>140</b>	<b>5.7%</b>
N4 to N6	1683	1712	1682	1671	1681	1740	1810	1812	1893	1923	1939	<b>256</b>	<b>15.2%</b>
N7 to N10	930	949	984	1020	1054	1083	1088	1121	1152	1200	1214	<b>284</b>	<b>30.5%</b>
Sanction	110	147	144	143	158	148	159	139	155	150	166	<b>56</b>	<b>50.9%</b>
Probation Condition Violators	1033	1014	958	920	883	927	931	926	931	897	936	<b>-97</b>	<b>-9.4%</b>
Offgrid Including Old Law Lifer	1318	1316	1350	1387	1422	1451	1480	1504	1535	1572	1608	<b>290</b>	<b>22.0%</b>
Parole/Post Release Violators	587	637	636	638	650	643	656	658	685	675	700	<b>113</b>	<b>19.3%</b>
Old Law Inmates	168	154	135	113	104	92	78	69	57	52	46	<b>-122</b>	<b>-72.6%</b>
<b>Total</b>	<b>9663</b>	<b>9722</b>	<b>9684</b>	<b>9706</b>	<b>9894</b>	<b>10137</b>	<b>10312</b>	<b>10403</b>	<b>10633</b>	<b>10754</b>	<b>10964</b>	<b>1301</b>	<b>13.5%</b>

\* Actual prison population on June 30, 2016.

Figure 1: Kansas Prison Population - Actual and Projected

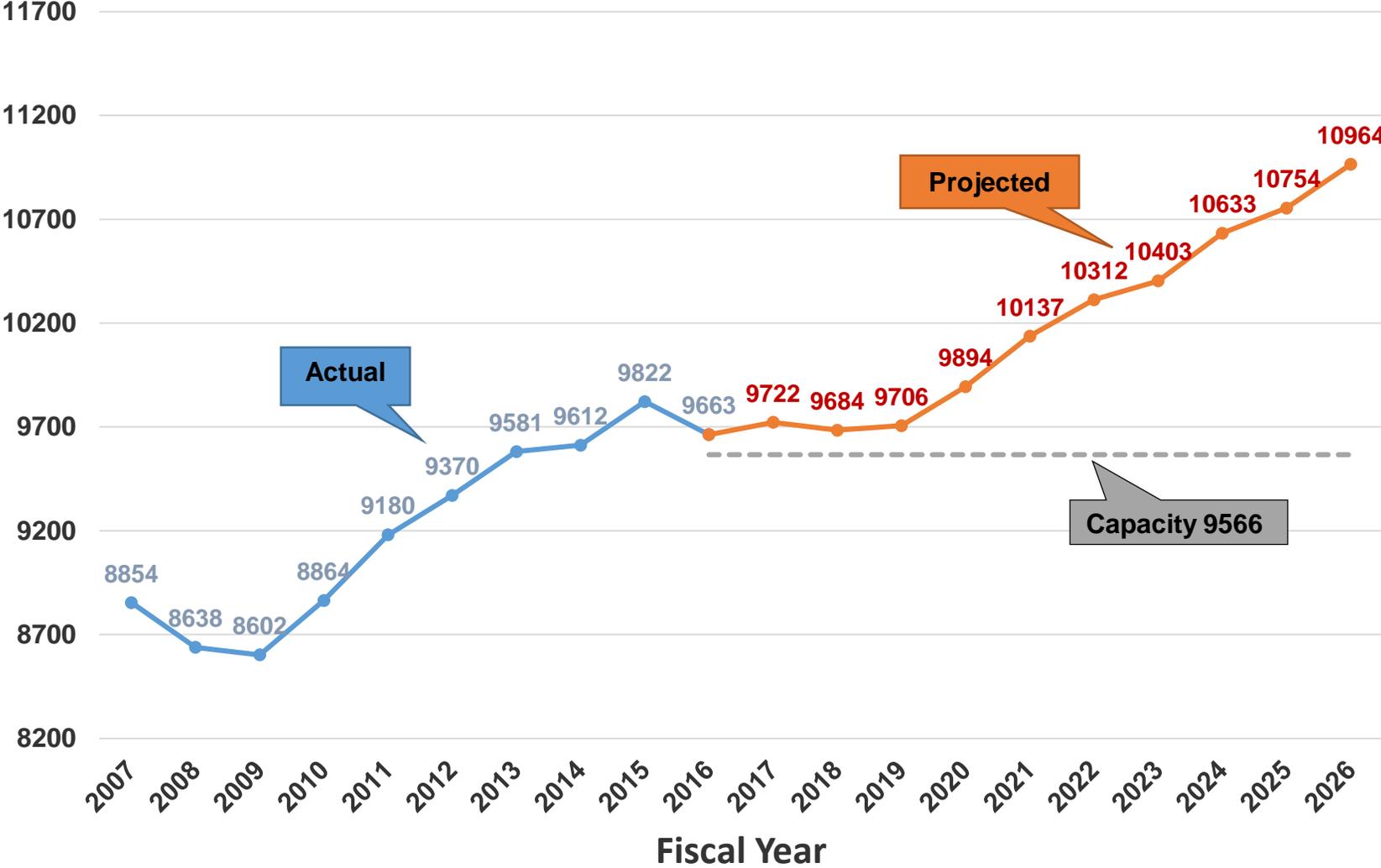


Figure 2: Male Prison Population - Actual and Projected

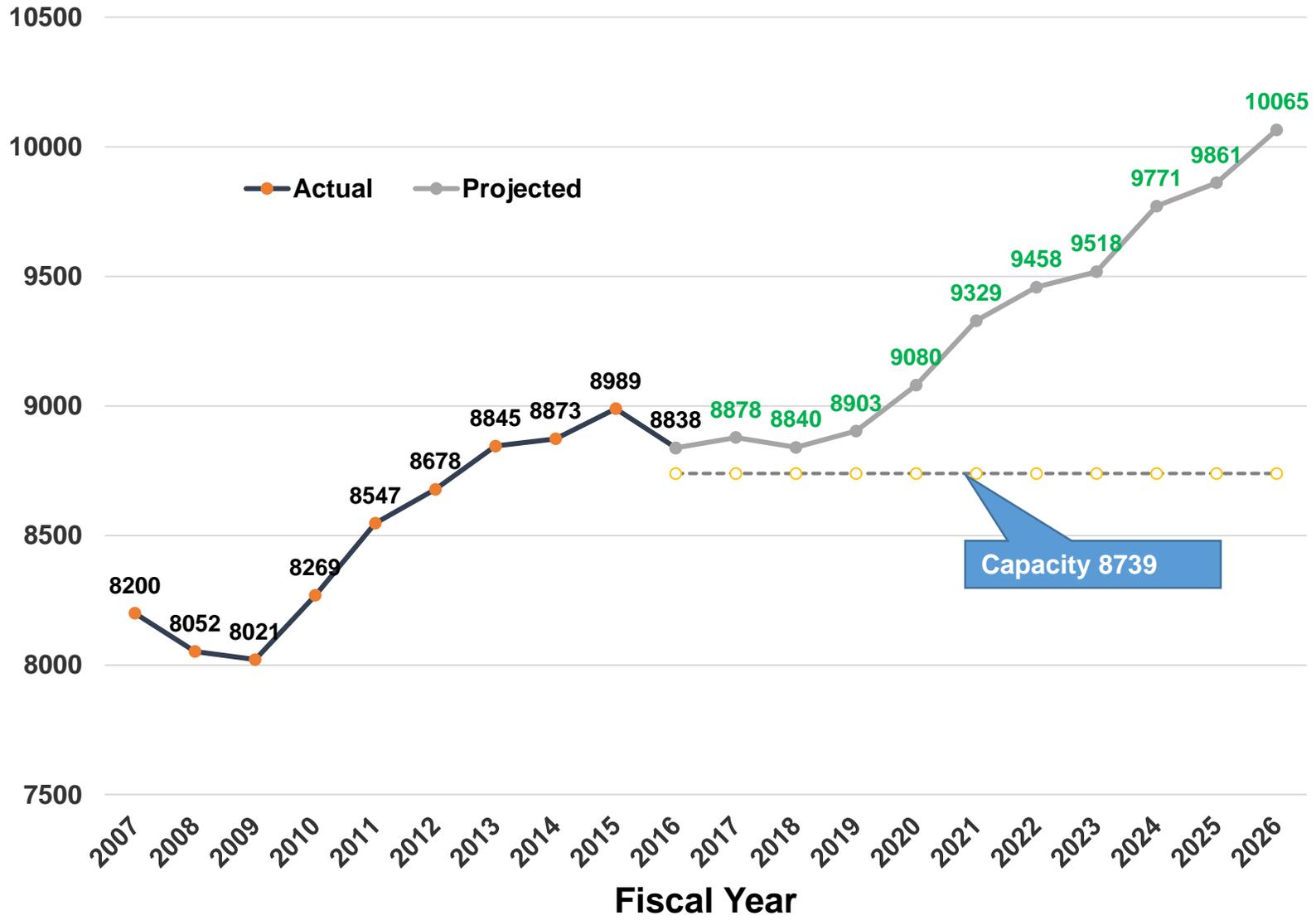
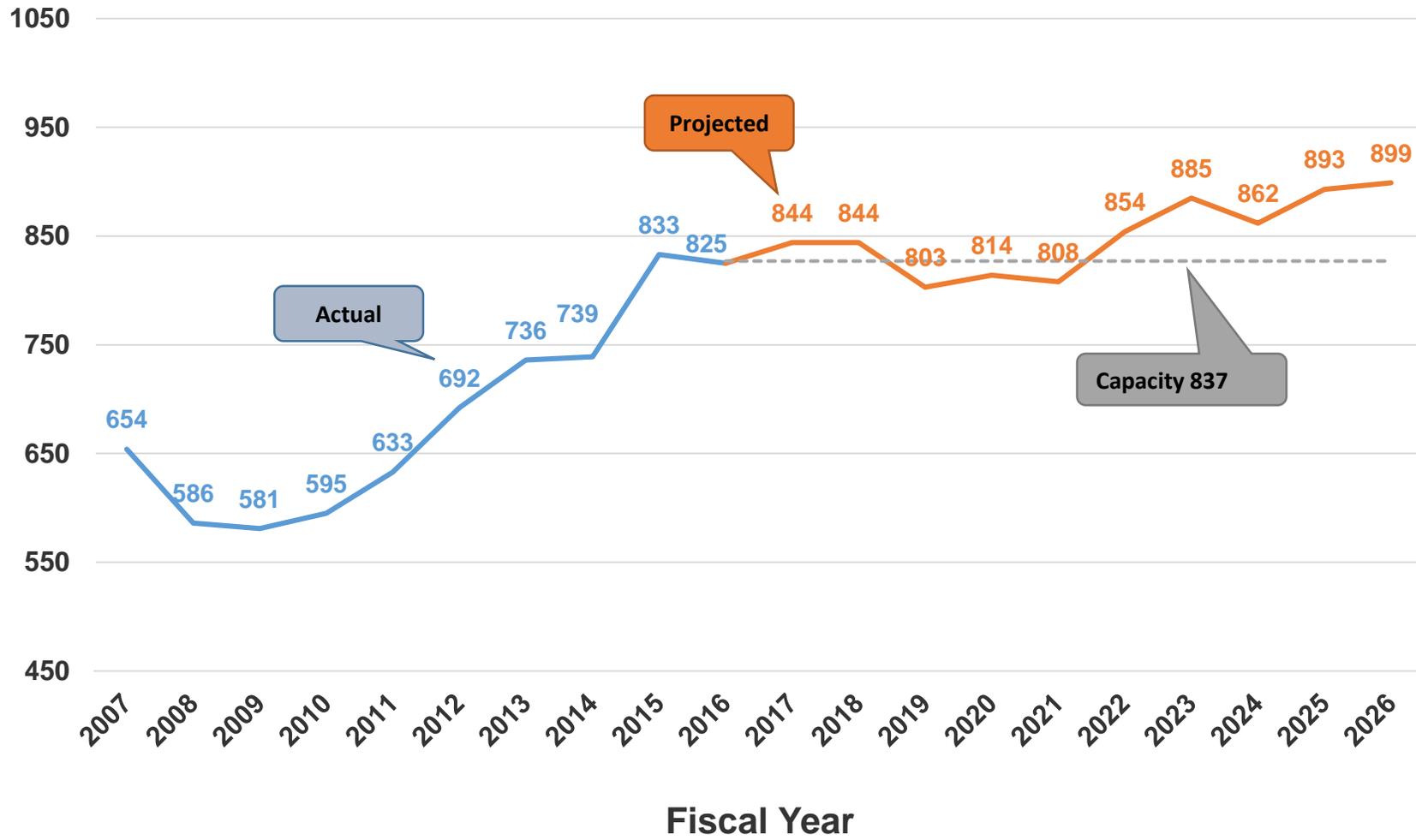
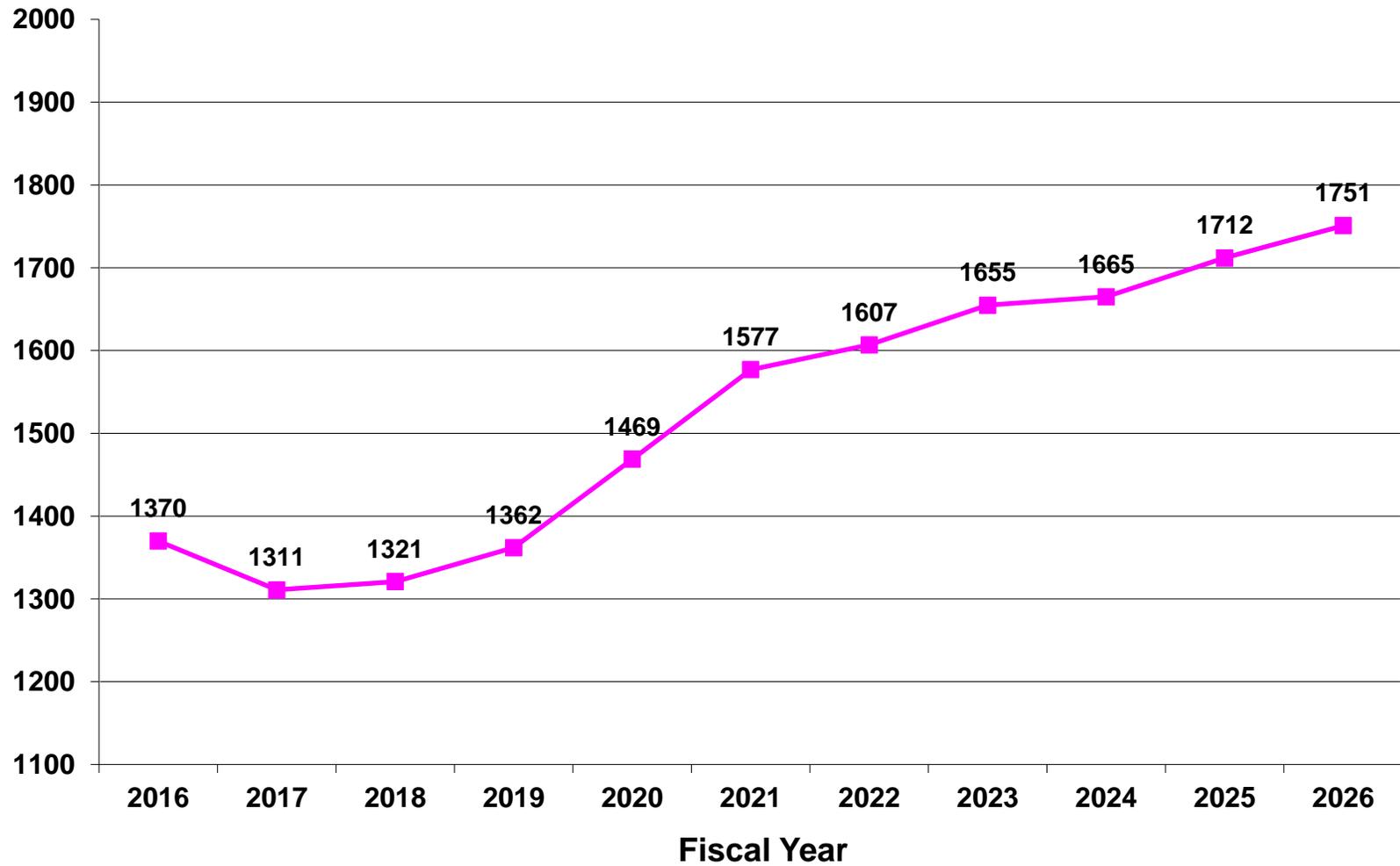


Figure 3: Female Prison Population - Actual and Projected

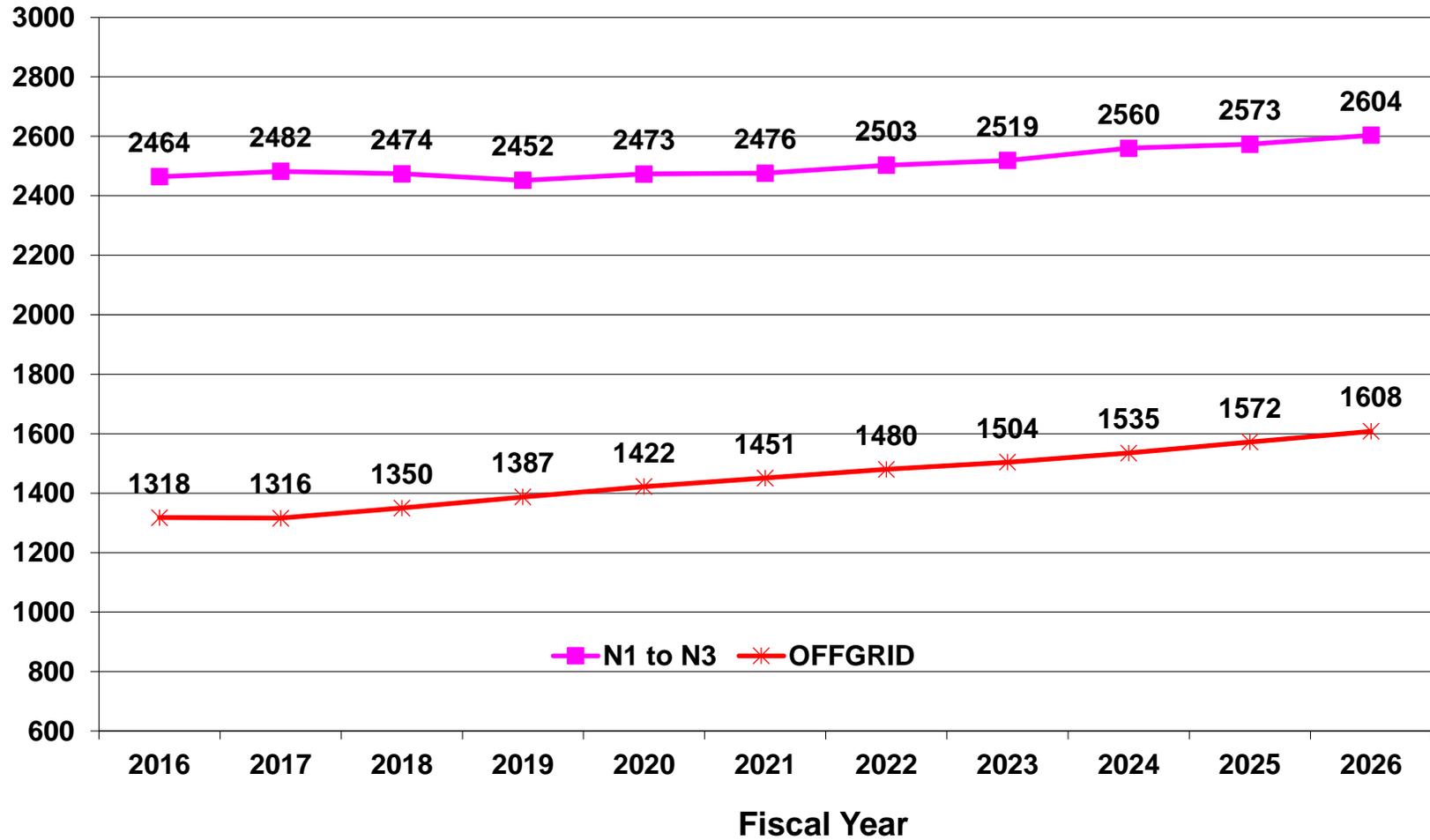


**Figure 4: Projected Drug Inmate Prison Population**



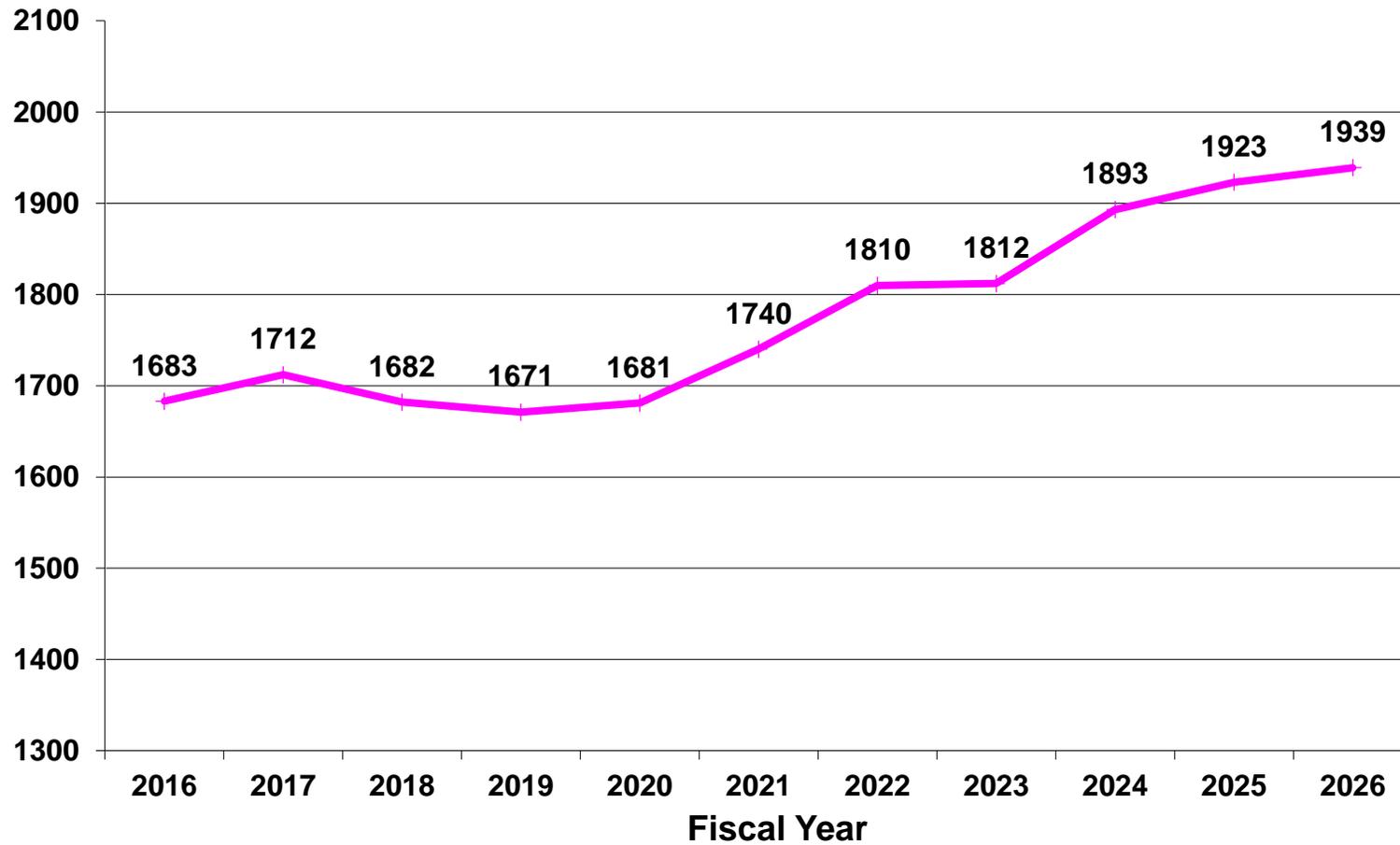
\* Actual prison population on June 30, 2016.  
This group accounts for 16% of the total projected prison population in FY 2026.

**Figure 5: Projected Violent Inmate Prison Population**



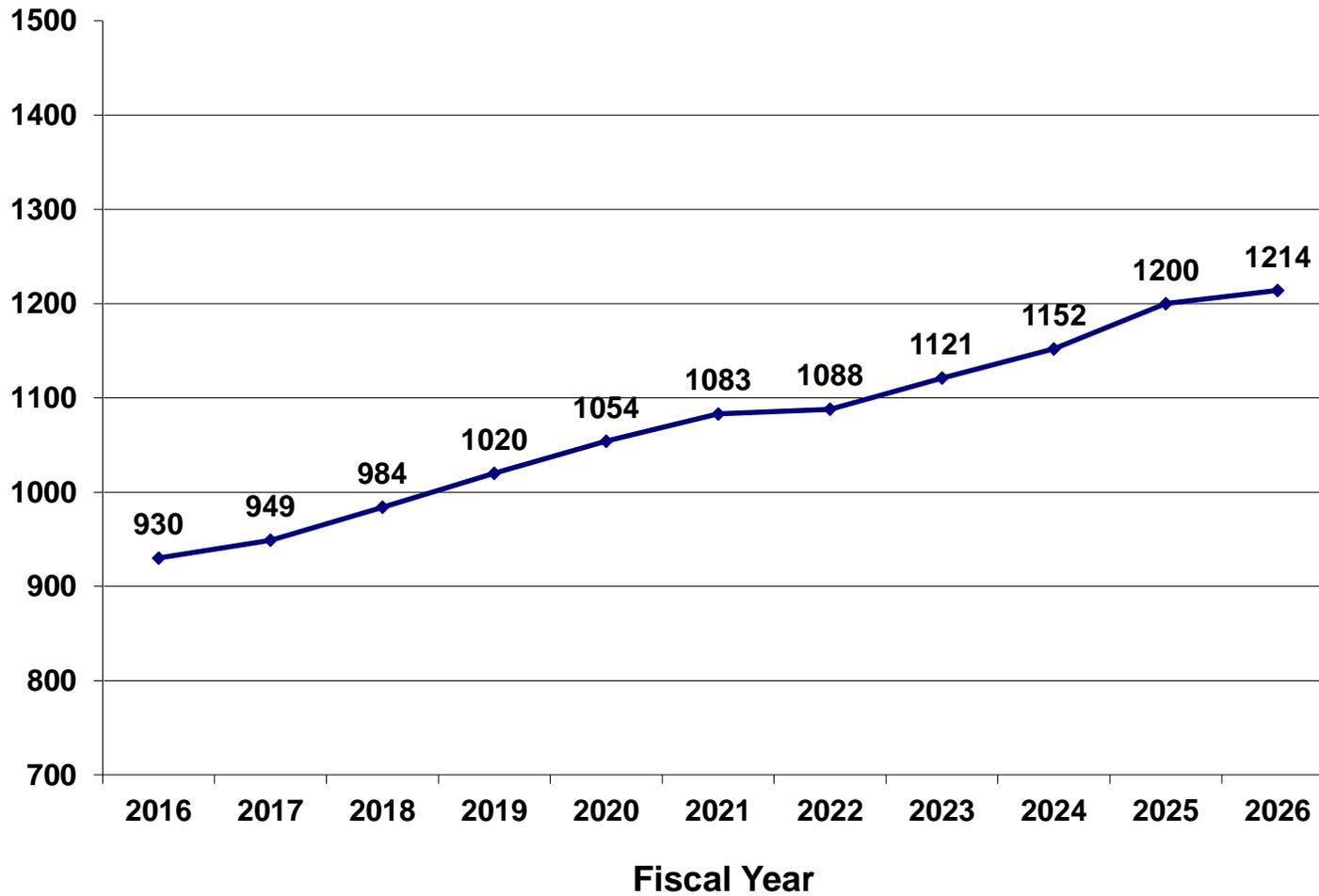
\* Actual prison population on June 30, 2016.  
 This group accounts for 38.4% of the total projected prison population in FY 2026.

**Figure 6: Projected N4-N6 Inmate Prison Population**



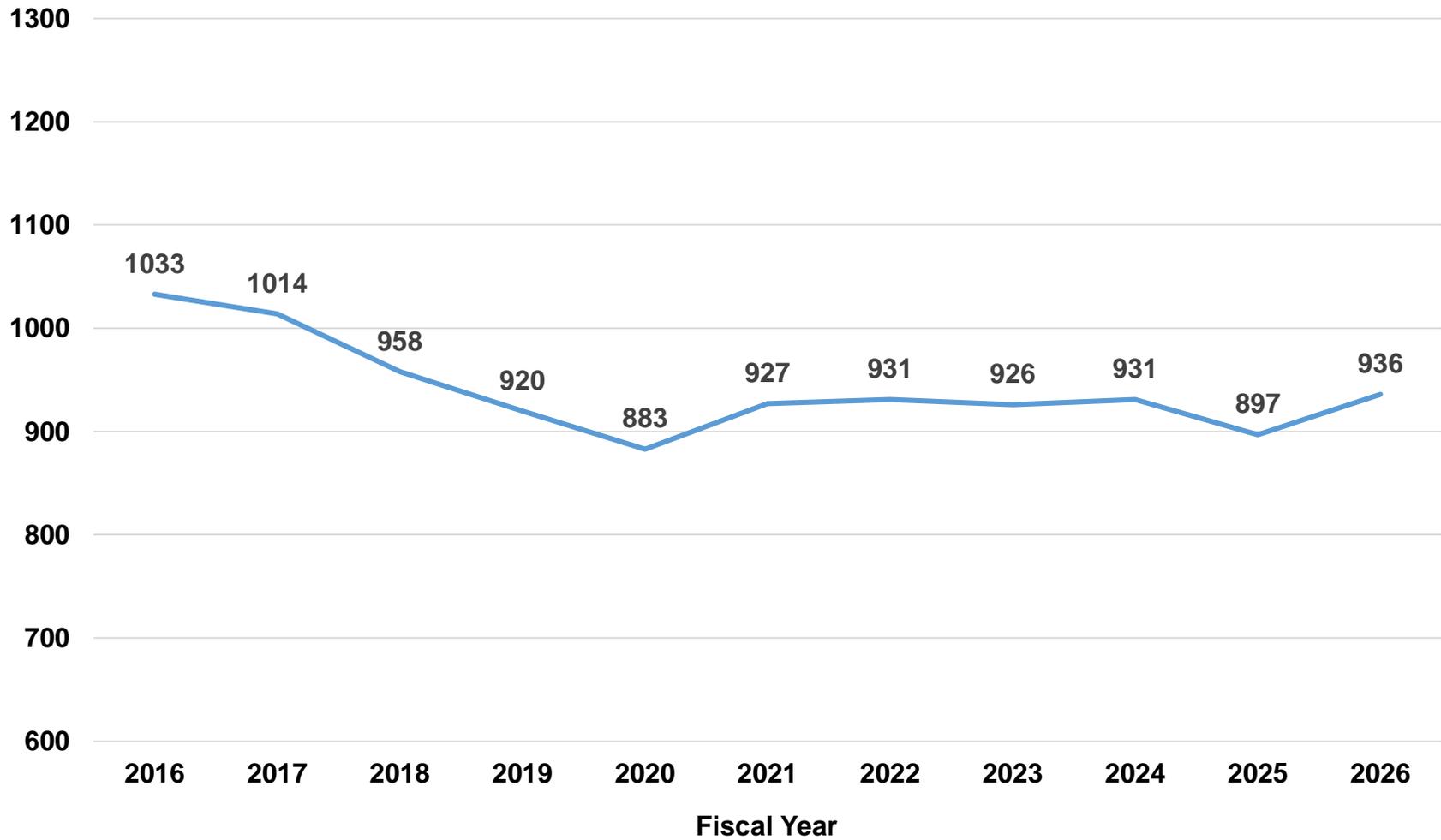
\* Actual prison population on June 30, 2016.  
This group accounts for 17.7% of the total projected prison population in FY 2026.

**Figure 7: Projected Nonviolent Inmate Prison Population**



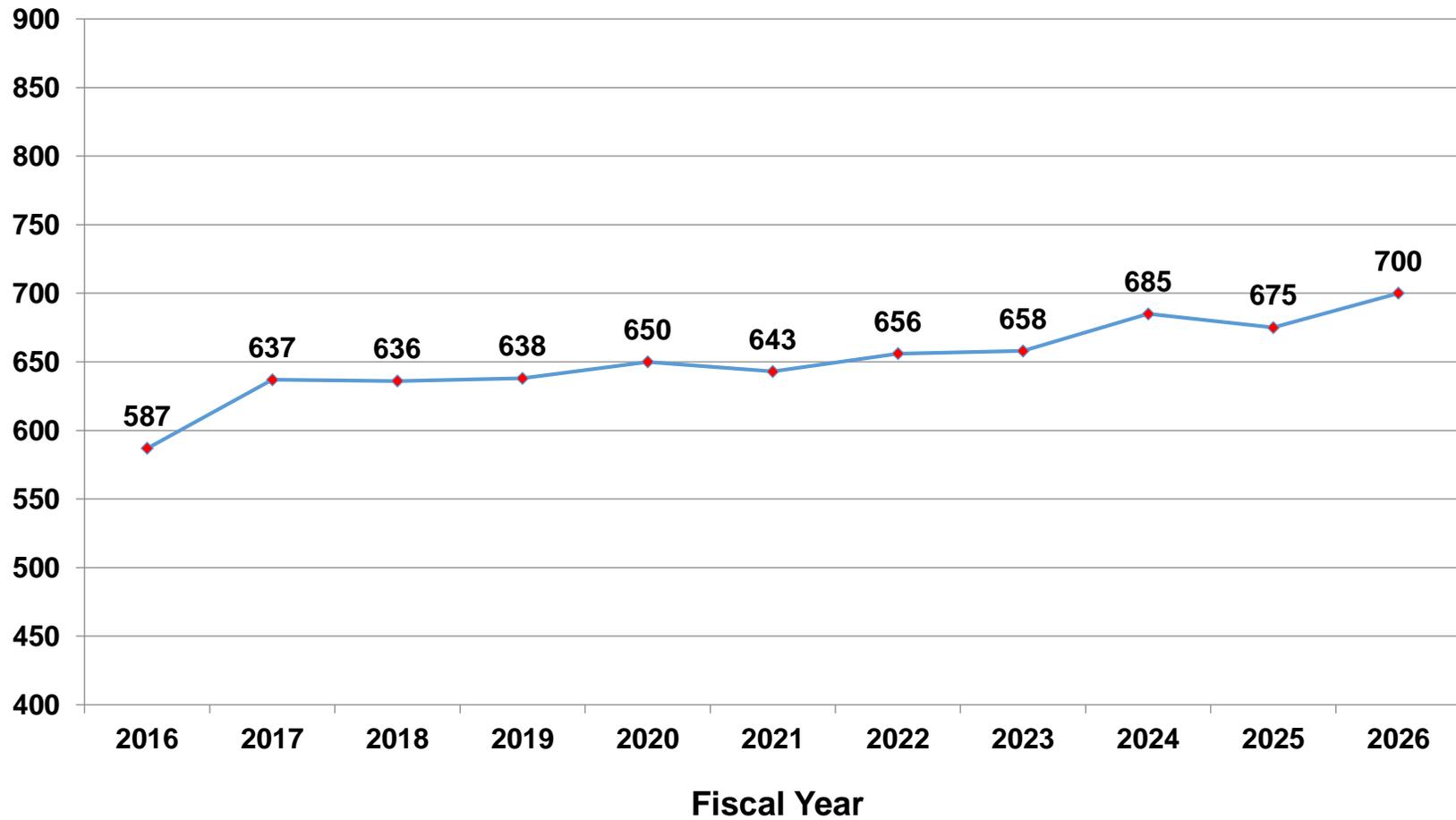
\* Actual prison population on June 30, 2016.  
This group accounts for 11.1% of the total projected prison population in FY 2026.

**Figure 8: Projected Probation Condition Violator Inmate Population**



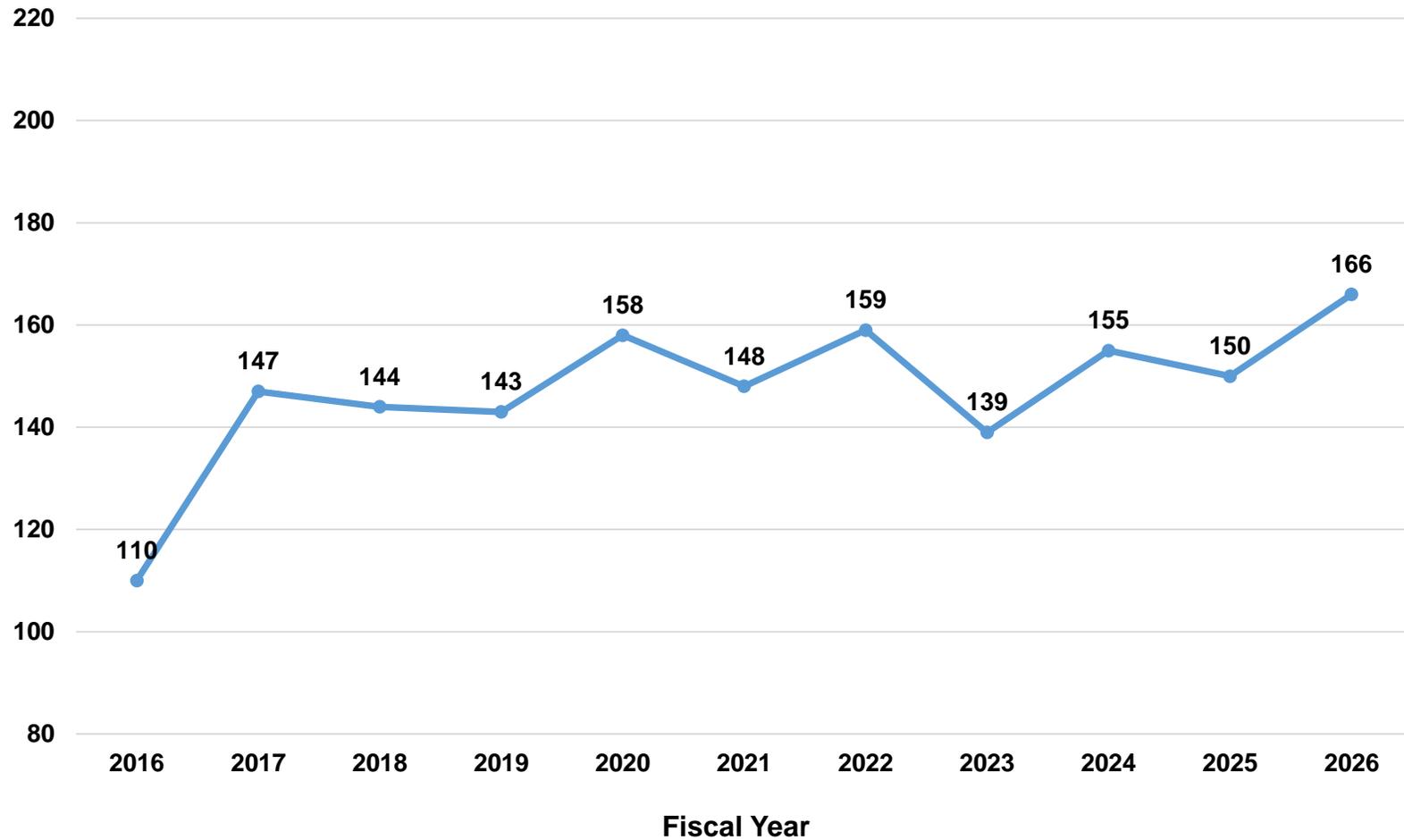
\* Actual prison population on June 30, 2016.  
This group accounts for 8.5% of the total projected prison population in FY 2026.

**Figure 9: Projected Parole/Postrelease Condition Violator Inmate Population**



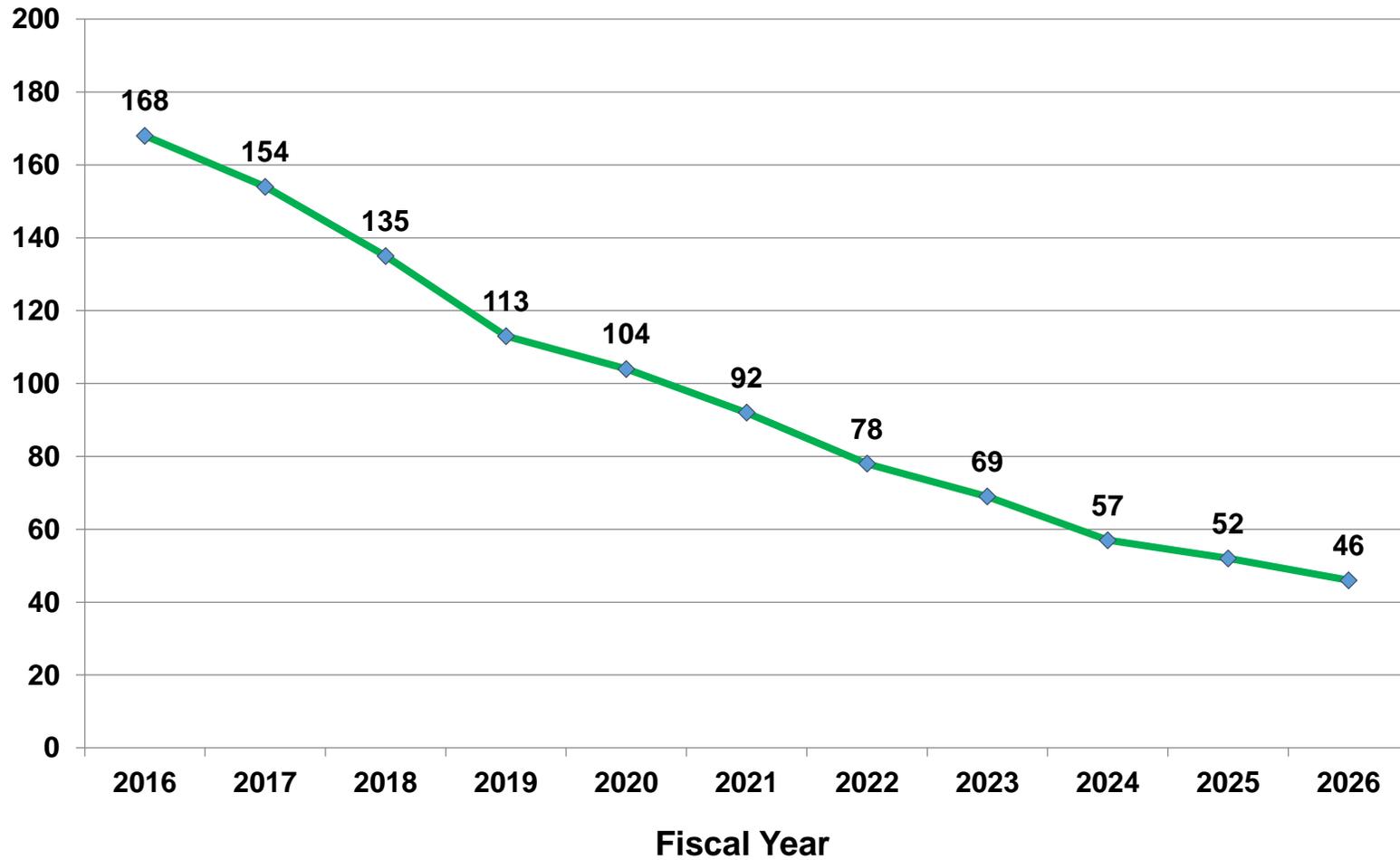
\* Actual prison population on June 30, 2016.  
This group accounts for 6.4% of the total projected prison population in FY 2026.

**Figure 10: Projected Sanction Inmate Population from Probation**



\* Actual prison population on June 30, 2016.  
This group accounts for 1.5% of the total projected prison population in FY 2026.

**Figure 11: Projected Old Law (Exclude Offgrid) Inmate Population**



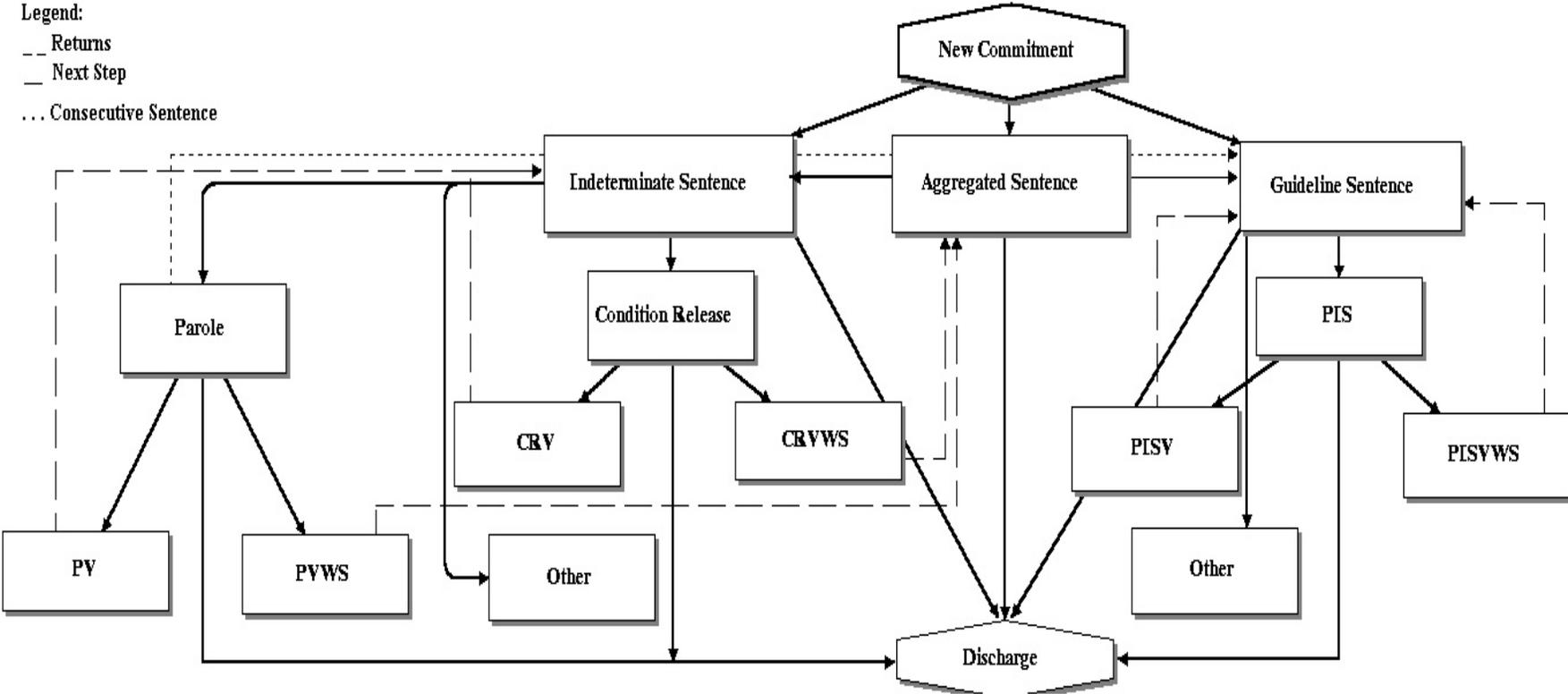
\* Actual prison population on June 30, 2016.  
This group accounts for 0.4% of the total projected prison population in FY 2026.

**ATTACHMENT A - KANSAS PRISONER MOVEMENT SIMULATION MODEL**

# Kansas Prison Inmate Movement Simulation Model

Legend:

- Returns
- Next Step
- ... Consecutive Sentence



Note: PV=condition parole violator; PVWS=parole violator with new sentence; CRV=condition release violator; CRVWS=condition release violator with new sentence; PIS=post incarceration supervision; PISV=post incarceration supervision violator; PISVWS=post incarceration supervision violator with new sentence.

**ATTACHMENT B - PRISON POPULATION PROJECTION MONITORING REPORT**

**Table 10: Prison Population Monthly Monitoring Report  
FY 2016 Model**

<b>Month/Year</b>	<b>Projected</b>	<b>Actual</b>	<b>Difference</b>	<b>Percent Error</b>
July 2015	9765	9734	31	0.32%
August 2015	9761	9721	40	0.41%
September 2015	9813	9710	103	1.06%
October 2015	9809	9675	134	1.39%
November 2015	9857	9681	176	1.82%
December 2015	9885	9712	173	1.78%
January 2016	9901	9717	184	1.89%
February 2016	9927	9701	226	2.33%
March 2016	9977	9821	156	1.59%
April 2016	9990	9667	323	3.34%
May 2016	10009	9670	339	3.51%
June 2016	10023	9663	360	3.73%

Note: The decrease of prison population is due to HB 2447 implemented on April 14, 2016.

**Table 11: Male Prison Population Monthly Monitoring Report**

<b>Month/Year</b>	<b>Projected</b>	<b>Actual</b>	<b>Difference</b>	<b>Percent Error</b>
July 2015	8932	8910	22	0.25%
August 2015	8909	8917	-8	-0.09%
September 2015	8948	8917	31	0.35%
October 2015	8944	8879	65	0.73%
November 2015	8987	8880	107	1.20%
December 2015	9006	8878	128	1.44%
January 2016	9017	8882	135	1.52%
February 2016	9041	8866	175	1.97%
March 2016	9077	8961	116	1.29%
April 2016	9096	8852	244	2.76%
May 2016	9115	8858	257	2.90%
June 2016	9125	8838	287	3.25%

**Table 12: Female Prison Population Monthly Monitoring Report**

<b>Month/Year</b>	<b>Projected</b>	<b>Actual</b>	<b>Difference</b>	<b>Percent Error</b>
July 2015	833	824	9	1.09%
August 2015	852	804	48	5.97%
September 2015	865	793	72	9.08%
October 2015	865	796	69	8.67%
November 2015	870	801	69	8.61%
December 2015	879	834	45	5.40%
January 2016	884	835	49	5.87%
February 2016	886	835	51	6.11%
March 2016	900	860	40	4.65%
April 2016	894	815	79	9.69%
May 2016	894	812	82	10.10%
June 2016	898	825	73	8.85%

**ATTACHMENT C - TREND ANALYSES**

**Table 13: Five Year Prison Admission Trend By Admission Type  
FY 2012 through FY 2016**

Admission Type	FY 2012	FY 2013	FY 2014*	FY 2015*	FY 2016*	% Change FY 2012-FY 2016	% Change FY 2015-FY 2016
	N	N	N	N	N		
New Court Commitment	1975	1894	1844	1922	1986	0.6%	3.3%
Probation Condition Violator	1682	1629	1368	1321	1180	-29.8%	-10.7%
Probation Prison Sanction	0	0	323	691	1003	N/A	45.2%
Probation Violator With New Sentence	180	198	257	331	331	83.9%	0.0%
Probation Violator With New Conviction*	0	0	134	168	188	N/A	11.9%
Inmate Received on Interstate Compact	10	9	16	8	15	50.0%	87.5%
Parole/Post-release/CR Condition Violator	955	1234	1122	1219	1237	29.5%	1.5%
Parole/Post-release/CR Violator With New Sentence	141	177	185	151	146	3.5%	-3.3%
Paroled to Detainer Returned With New Sentence	19	33	34	27	29	52.6%	7.4%
Non Violator Return- New Sentence	29	28	20	35	49	69.0%	40.0%
Non Violator Return- No New Sentence	2	3	4	3	0	-100.0%	-100.0%
<b>Total</b>	<b>4993</b>	<b>5205</b>	<b>5307</b>	<b>5876</b>	<b>6164</b>	<b>23.5%</b>	<b>4.9%</b>

Source: DOC admission files.

\* Probation violator with new conviction has been separated from probation condition violator since FY 2014.

Note: FY 2014 to FY 2016 parole violator with new sentence includes parole violator pending new sentence.

**Table 14: Comparative Analysis on Admission Type by Percentage Distribution  
FY 2012 through FY 2016**

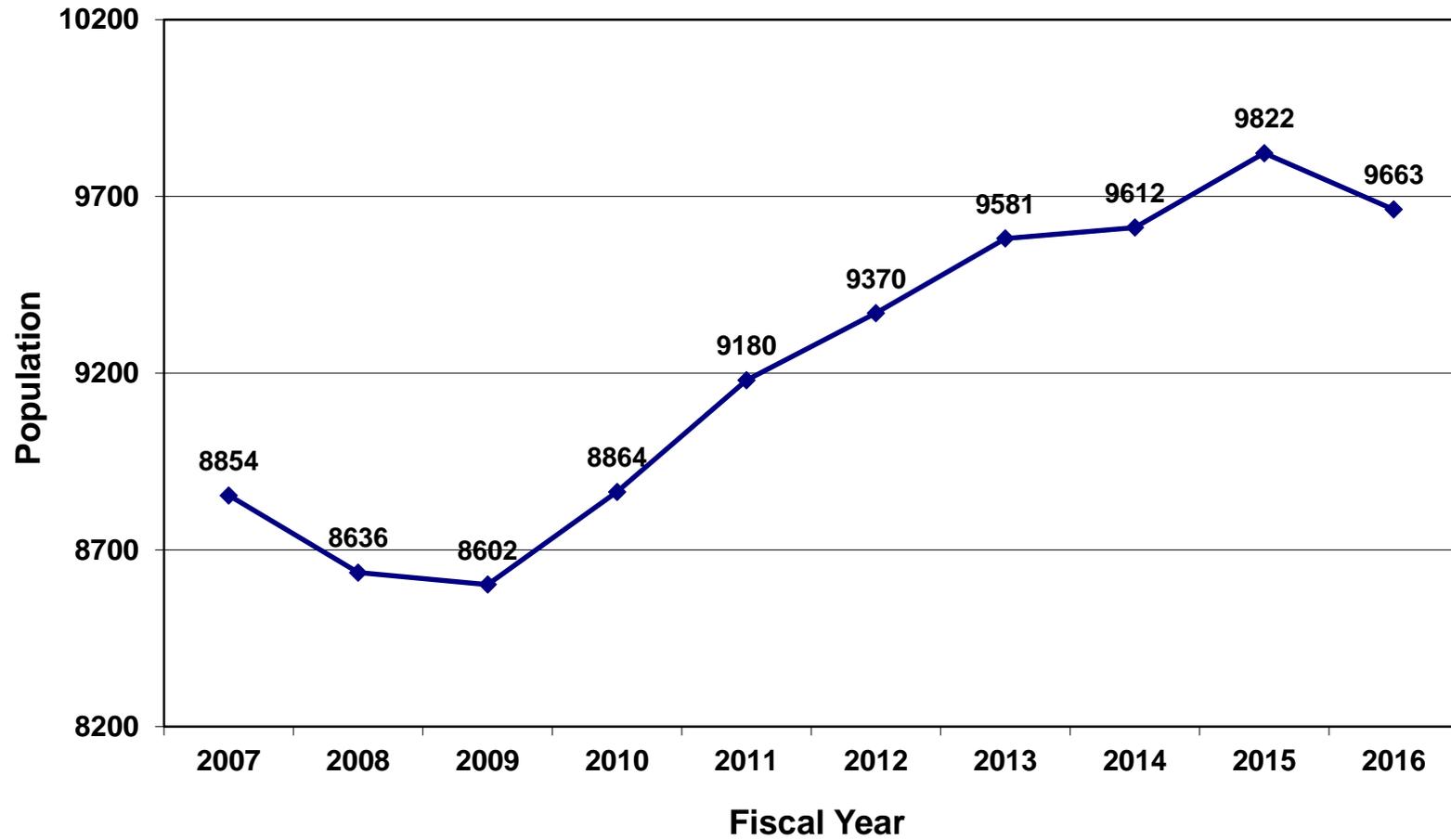
Admission Type	FY 2012		FY 2013		FY 2014		FY 2015		FY 2016	
	N	%	N	%	N	%	N	%	N	%
New Court Commitment	1975	39.6	1894	36.4	1844	34.7	1922	32.7	1986	32.2
Probation Condition Violator	1682	33.7	1629	31.3	1368	25.8	1321	22.5	1180	19.1
Sanction from Probation	N/A	N/A	N/A	N/A	323	6.1	691	11.8	1003	16.3
Probation Violator With New Sentence	180	3.6	198	3.8	257	2.5	331	5.6	331	5.4
Probation Violator With New Conviction*	N/A	N/A	N/A	N/A	134	0.3	168	2.9	188	3.0
Inmate Received on Interstate Compact	10	0.2	9	0.2	16	0.3	8	0.1	15	0.2
Parole/Post-release/CR Condition Violator	955	19.2	1234	23.7	1122	21.2	1219	20.8	1237	20.1
Parole/Post-release/CR Violator With New Sentence	141	2.8	177	3.4	185	3.5	151	2.6	146	2.4
Paroled to Detainer Returned With New Sentence	19	0.4	33	0.6	34	0.6	27	0.5	29	0.5
Non Violator Return- New Sentence	29	0.6	28	0.5	20	0.4	35	0.4	49	0.8
Non Violator Return- No New Sentence	2	0	3	0.1	4	0.1	3	0.1	0	0.0
<b>Total</b>	<b>4993</b>	<b>100</b>	<b>5205</b>	<b>100</b>	<b>5307</b>	<b>100</b>	<b>5876</b>	<b>100</b>	<b>6164</b>	<b>100.0</b>

Source: DOC admission files.

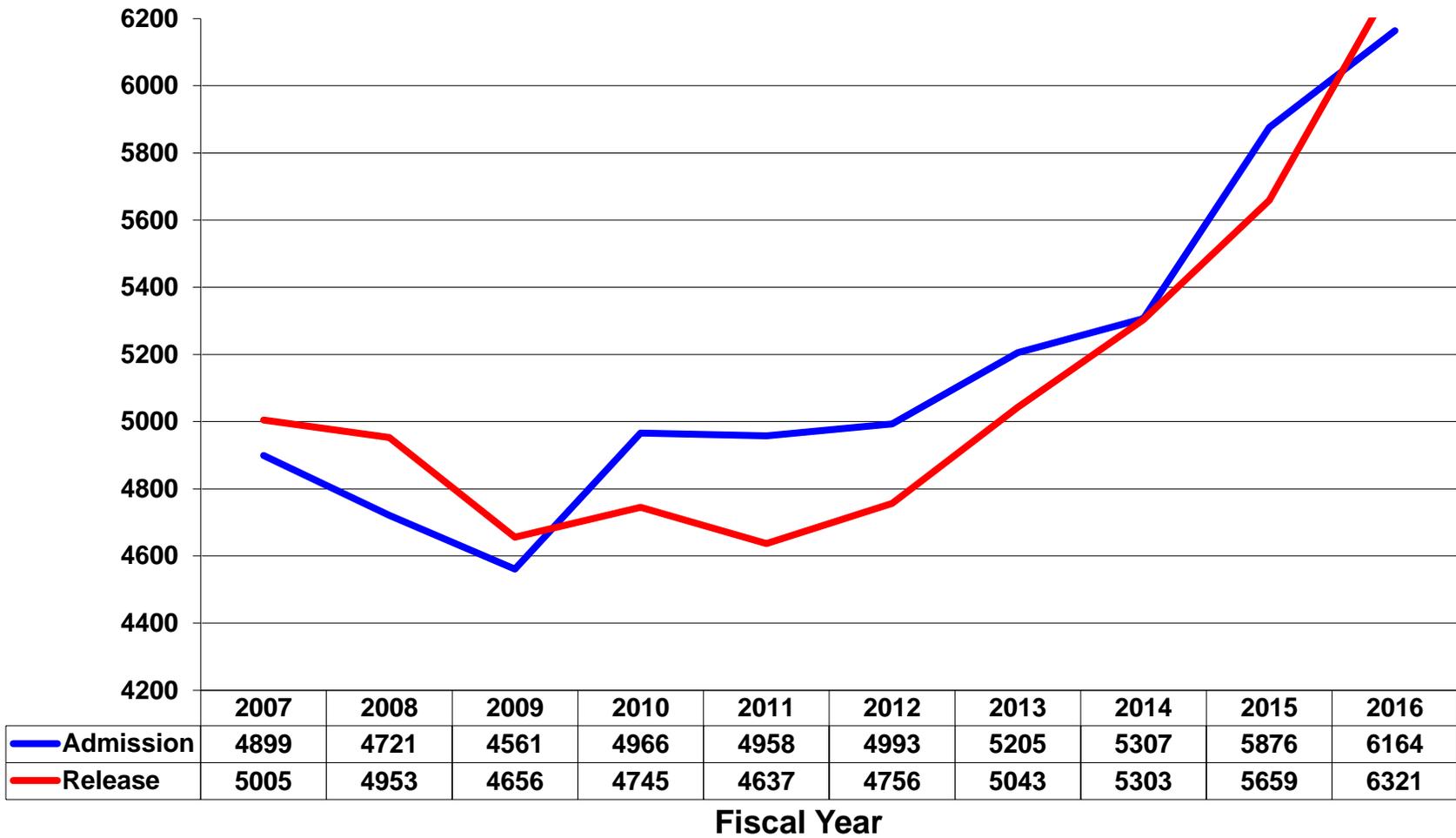
\*. Probation violator with new conviction has been separated from probation condition violator since FY 2014.

Note: FY 2014 to FY 2016 parole violator with new sentence includes parole violator pending new sentence.

**Figure 12: Prison Population Trend**

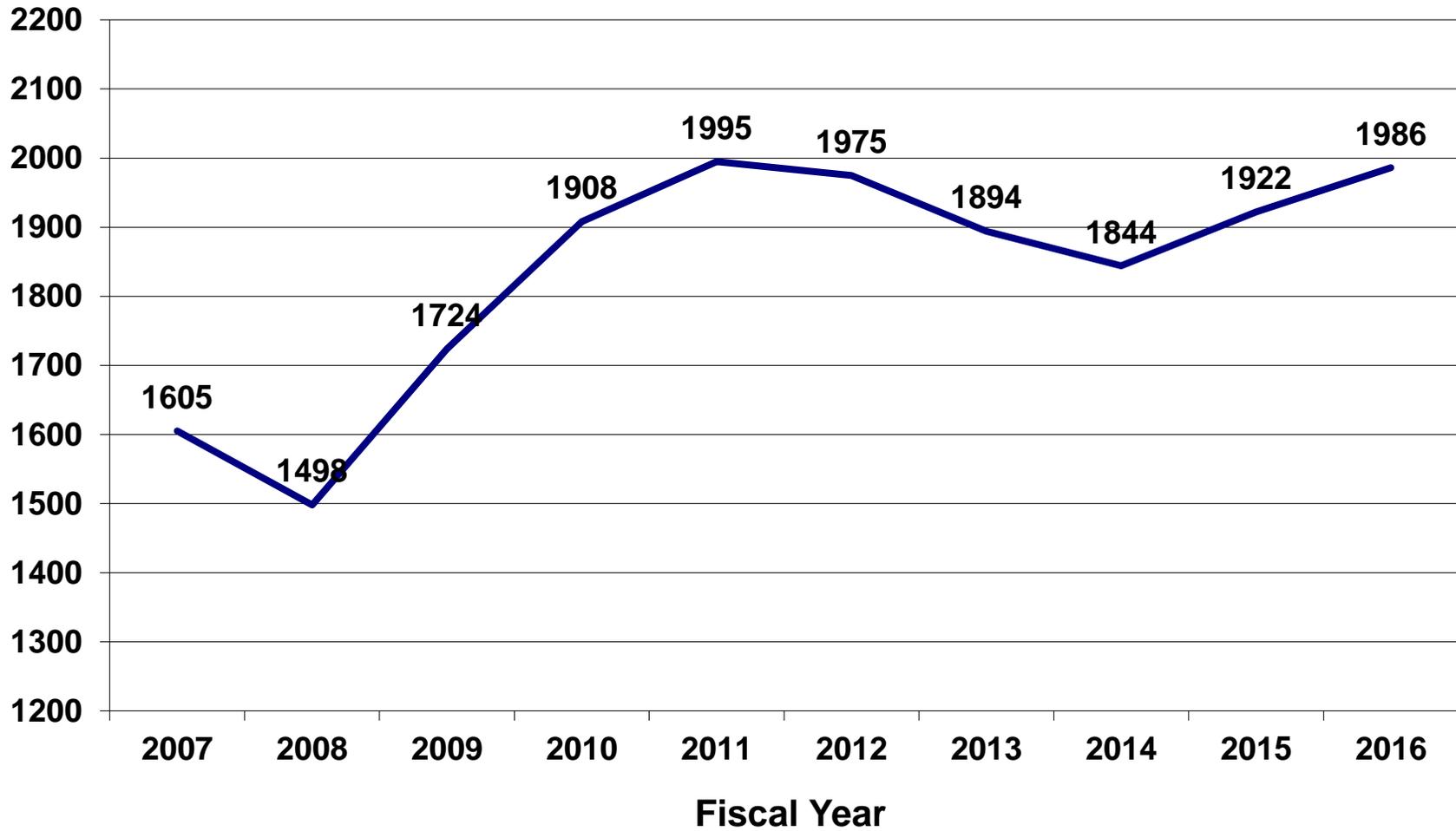


**Figure 13: Prison Admissions Vs. Releases**



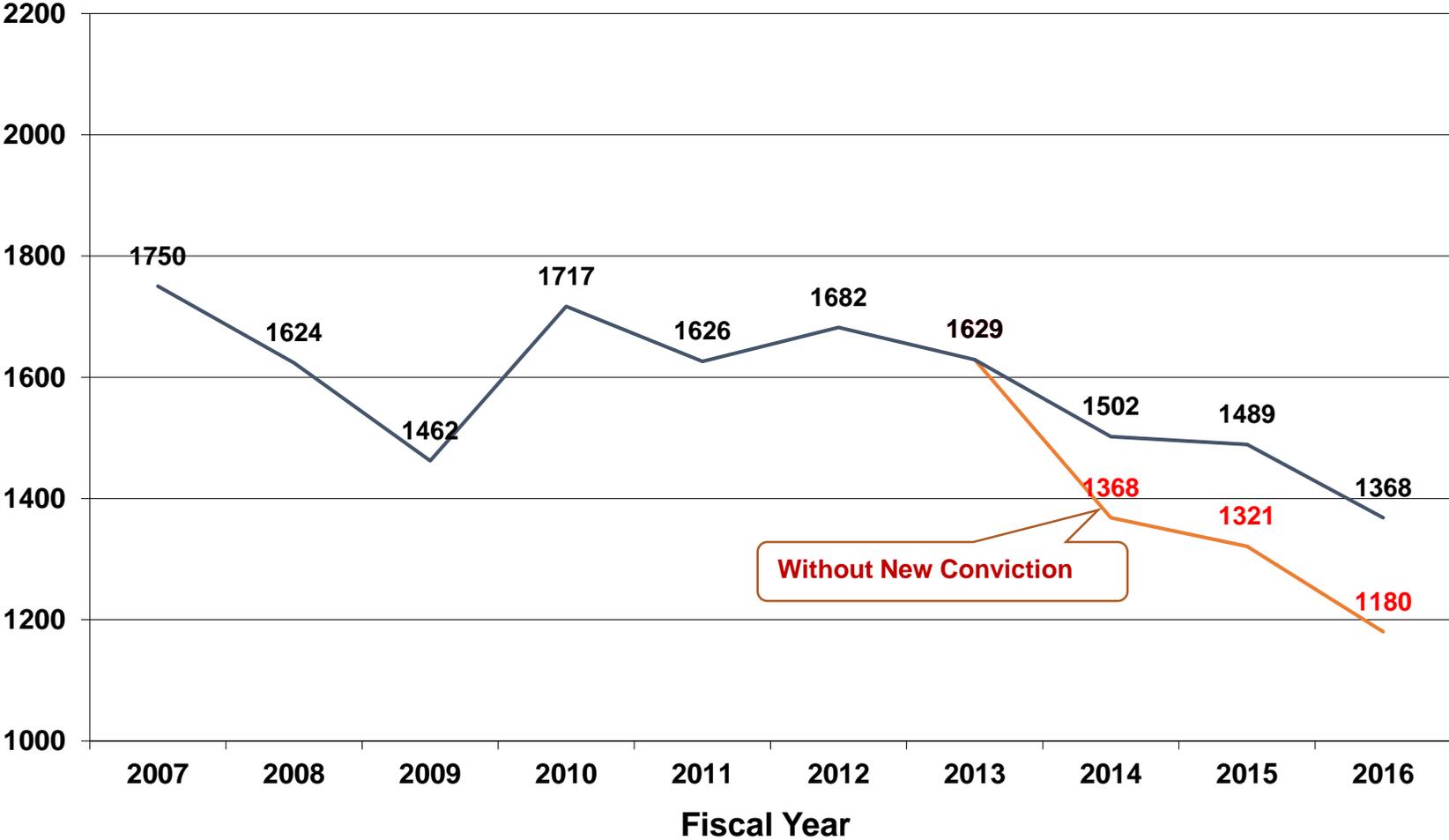
Source: KDOC admission and release files

**Table 14: Direct New Court Commitments**



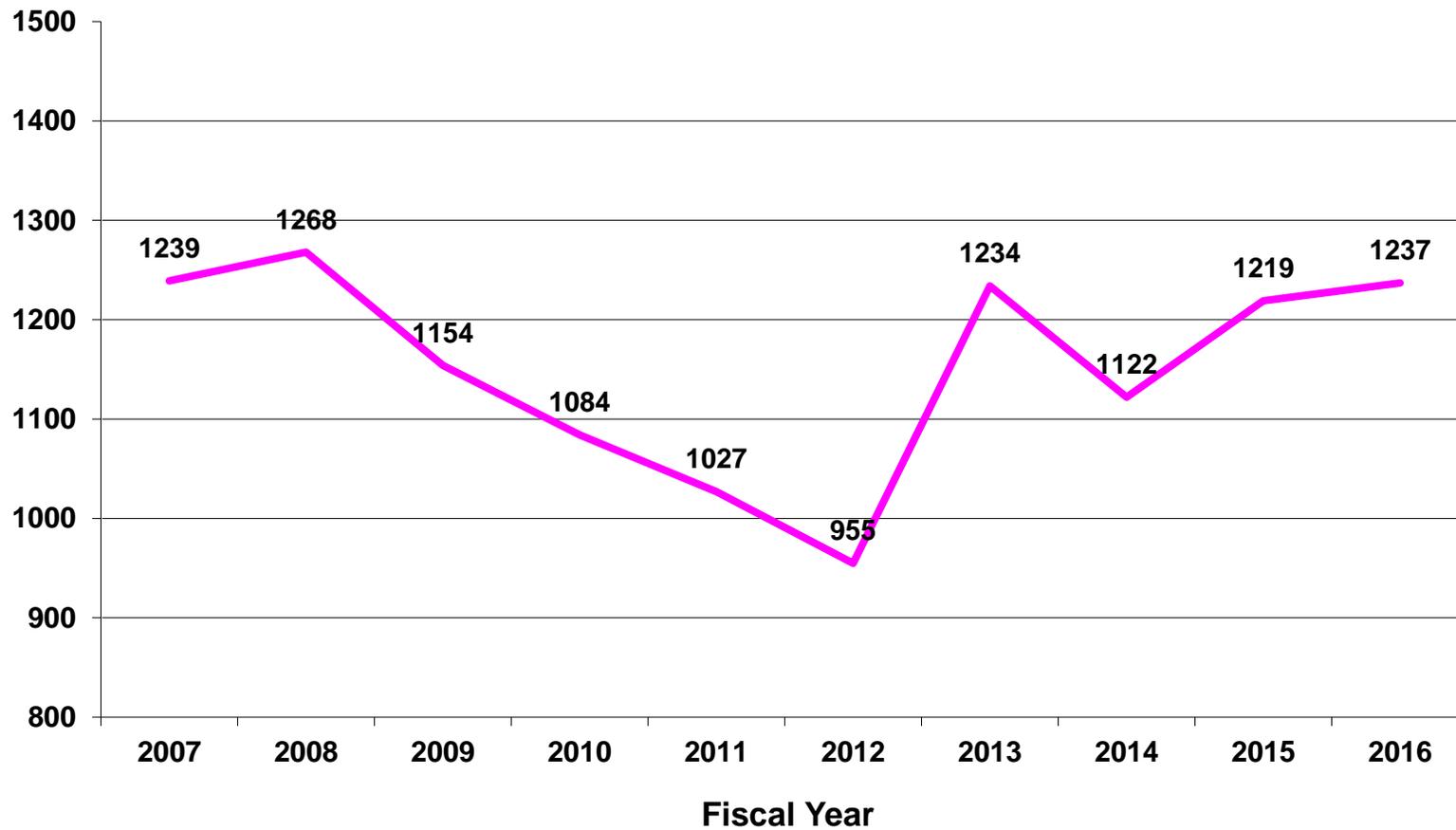
Source: KDOC admission files

**Figure 15: Probation Condition Violators**



Note: New conviction has been separated from probation condition violators since FY 2014.

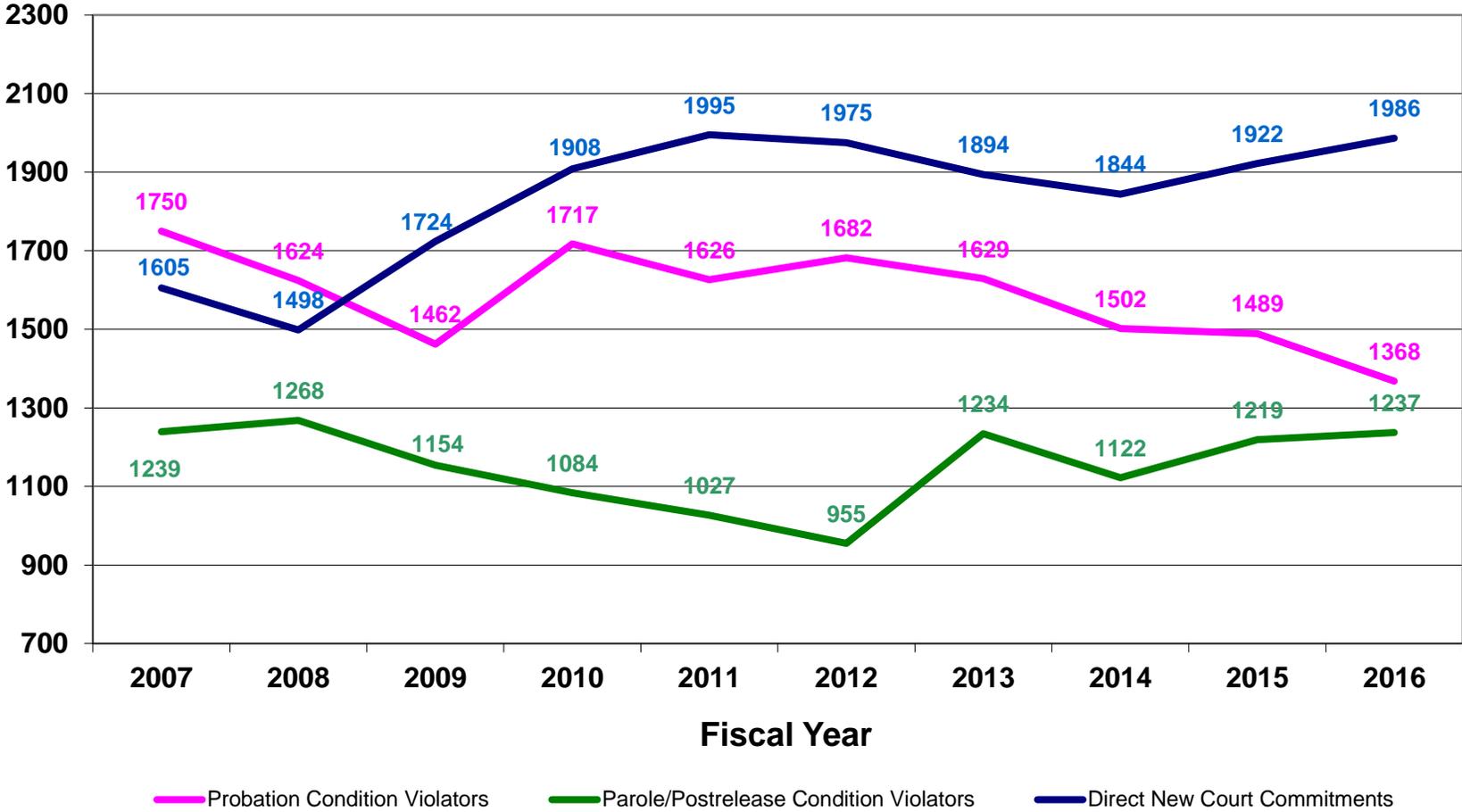
**Figure 16: Parole/Postrelease Condition Violators**



Source: KDOC admission files

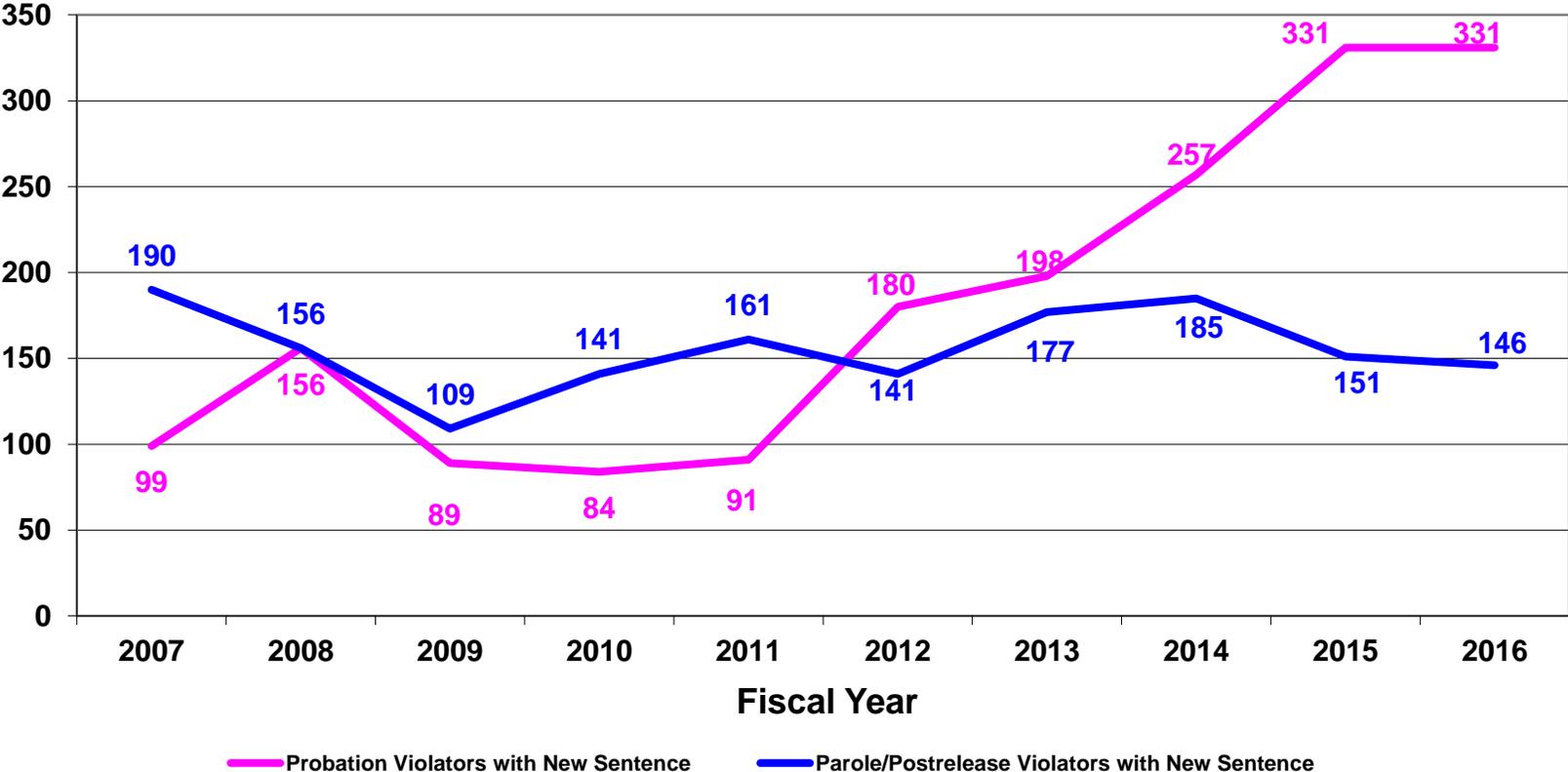
Note: Including condition conditional-release violators

**Figure 17: Prison Admissions by Three Major Types**



Note: FY 2014 through FY 2016 probation condition violators include probation violators with new conviction.

**Figure 18: Probation and Parole/Postrelease Violators with New Sentence**



Source: KDOC admission files.  
KDOC has changed probation violator with new sentence coding policy since FY 2011.

**ATTACHMENT D - GUIDELINE SENTENCING GRIDS**

**Table 15: Sentencing Range - Nondrug Offenses**

Category →	A	B	C	D	E	F	G	H	I
Severity Level ↓	3 + Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3 + Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2 + Misdemeanor	1 Misdemeanor No Record
I	653 620 592	618 586 554	285 272 258	267 253 240	246 234 221	226 214 203	203 195 184	186 176 166	165 155 147
II	493 467 442	460 438 416	216 205 194	200 190 181	184 174 165	168 160 152	154 146 138	138 131 123	123 117 109
III	247 233 221	228 216 206	107 102 96	100 94 89	92 88 82	83 79 74	77 72 68	71 66 61	61 59 55
IV	172 162 154	162 154 144	75 71 68	69 66 62	64 60 57	59 56 52	52 50 47	48 45 42	43 41 38
V	136 130 122	128 120 114	60 57 53	55 52 50	51 49 46	47 44 41	43 41 38	<b>38</b> <b>36</b> <b>34</b>	<b>34</b> <b>32</b> <b>31</b>
VI	46 43 40	41 39 37	38 36 34	36 34 32	32 30 28	29 27 25	<b>26</b> <b>24</b> <b>22</b>	<b>21</b> <b>20</b> <b>19</b>	<b>19</b> <b>18</b> <b>17</b>
VII	34 32 30	31 29 27	<b>29</b> <b>27</b> <b>25</b>	<b>26</b> <b>24</b> <b>22</b>	<b>23</b> <b>21</b> <b>19</b>	<b>19</b> <b>18</b> <b>17</b>	<b>17</b> <b>16</b> <b>15</b>	<b>14</b> <b>13</b> <b>12</b>	<b>13</b> <b>12</b> <b>11</b>
VIII	23 21 19	20 19 18	<b>19</b> <b>18</b> <b>17</b>	<b>17</b> <b>16</b> <b>15</b>	<b>15</b> <b>14</b> <b>13</b>	<b>13</b> <b>12</b> <b>11</b>	<b>11</b> <b>10</b> <b>9</b>	<b>11</b> <b>10</b> <b>9</b>	<b>9</b> <b>8</b> <b>7</b>
IX	17 16 15	15 14 13	<b>13</b> <b>12</b> <b>11</b>	<b>13</b> <b>12</b> <b>11</b>	<b>11</b> <b>10</b> <b>9</b>	<b>10</b> <b>9</b> <b>8</b>	<b>9</b> <b>8</b> <b>7</b>	<b>8</b> <b>7</b> <b>6</b>	<b>7</b> <b>6</b> <b>5</b>
X	13 12 11	12 11 10	<b>11</b> <b>10</b> <b>9</b>	<b>10</b> <b>9</b> <b>8</b>	<b>9</b> <b>8</b> <b>7</b>	<b>8</b> <b>7</b> <b>6</b>	<b>7</b> <b>6</b> <b>5</b>	<b>7</b> <b>6</b> <b>5</b>	<b>7</b> <b>6</b> <b>5</b>

**Probation Terms are:**

- 36 months recommended for felonies classified in Severity Levels 1-5
- 24 months recommended for felonies classified in Severity Levels 6-7
- 18 months (up to) for felonies classified in Severity Level 8
- 12 months (up to) for felonies classified in Severity Levels 9-10

**Postrelease Supervision Terms are:**

- 36 months for felonies classified in Severity Levels 1-4
- 24 months for felonies classified in Severity Level 5-6
- 12 months for felonies classified in Severity Levels 7-10

**Postrelease for felonies committed before 4/20/95 are:**

- 24 months for felonies classified in Severity Levels 1-6
- 12 months for felonies classified in Severity Level 7-10

<b>LEGEND</b>
Presumptive Probation
Border Box
Presumptive Imprisonment

**Table 16: Sentencing Range - Drug Offenses**

Categories→	A	B	C	D	E	F	G	H	I
Severity Level ↓	3 + Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felony	1 Person Felony	3 + Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2 + Misdemeanors	1 Misdemeanor No Record
I	204 194 185	196 186 176	187 178 169	179 170 161	170 162 154	167 158 150	162 154 146	161 150 142	154 146 138
II	144 136 130	137 130 122	130 123 117	124 117 111	116 111 105	113 108 101	110 104 99	108 100 96	103 98 92
III	83 78 74	77 73 68	72 68 65	68 64 60	62 59 55	59 56 52	57 54 51	54 51 49	51 49 46
IV	51 49 46	47 44 41	42 40 37	36 34 32	32 30 28	26 24 23	23 22 20	19 18 17	16 15 14
V	42 40 37	36 34 32	32 30 28	26 24 23	22 20 18	18 17 16	16 15 14	14 13 12	12 11 10

Presumptive Probation
Border Box
Presumptive Imprisonment

•Fines not to exceed \$500,000 (SL1-SL2), \$300,000 (SL3-SL4), \$100,000 (SL5)

•Severity level of offense increases one level if controlled substance or analog is distributed or possessed w/ intent to distribute on or w/in 1000 ft of any school property.

Levels	Distribute or Possess w/ intent to Distribute				Cultivate	Dosage Units	Postrelease	Probation	Good Time
	Cocaine	Meth & Heroin	Marijuana	Manufacture (all)					
I	≥ 1 kg	≥ 100 g	≥ 30 kg	2nd or Meth	>100 plants	>1000	36	36	15%
II	100 g - 1 kg	3.5 g - 100 g	450 g - 30 kg	1st	50-99 plants	100-999	36	36	15%
III	3.5 g - 100 g	1 g - 3.5 g	25 g - 450 g		5-49 plants	10-99	36	36	**20%
IV	< 3.5 g	< 1 g	< 25 g			<10	24	≤ 18	20%
V	Possession		Possession-2nd offense				12	*≤12	20%

\* ≤ 18 months for 2003 SB123 offenders

\*\* Effective on July 1, 2015 - retroactive