

MEMORANDUM

To: Commission Members
From: Scott M. Schultz, Executive Director
Date: September 16, 2020
Re: Prison Bed Space Impact Assessment, **2019 HB 2051 - Amending the requirements for offender registration - UPDATE**

IMPACT ASSESSMENT

- **Impact on Prison Admissions:** This bill will **reduce 75** prison admissions in FY 2021 and **82** prison admissions in FY 2030.
- **Impact on Prison Bed Space:** This bill would **save 75** prison beds in FY 2021 and **129** prison beds in FY 2030.
- **Impact on the Commission Workload:** This bill would reduce the workload of the Commission by **187** journal entries each year.

SUMMARY OF THE BILL

Section 1. This section amends K.S.A. 2020 Supp. 22-4902 to remove the term “drug offender” from the definitions in the Kansas offender registration act. This section removes references to “drug offender” throughout the statute, while also removing the offenses listed that would require such person to register as a drug offender.

Section 2. This section amends K.S.A. 2020 Supp. 22-4903 to state that a violation of the Kansas offender registration act consisting of only failing to remit payment as required is a class A *nonperson* misdemeanor if, within 15 days of registration, full payment is not made. **Currently violation of the act, consisting of only failing to remit payment, is a class A misdemeanor if full payment is not made within 15 days of registration and a severity level 9, nonperson or person felony (depending on the underlying crime for which the offender is required to register) if two or more full payments have not been remitted to the sheriff’s office.**

Section 3. This section amends K.S.A. 2020 Supp. 22-4905, the statute that describes the duties of the offender to register, by removing the term “drug offender.”

Section 4. This section amends K.S.A. 2020 Supp. 22-4906, the statute that describes the duration and termination of registration, to remove offenses listed that would require a person to register as a drug offender.

Section 5. This section amends K.S.A. 2020 Supp. 22-4909, the statute describing disclosure of certain information regarding the Kansas offender registration act, to remove the term “drug offender.”

FINDINGS

- In FY 2019, **1,378** offenders were **required** to register by the court for a total of 2,115 registrations. Of these registrations:
 - 354 were due to sex offender status;
 - 350 were for any act which at sentencing was determined to be sexually motivated;
 - 466 were due to violent offender status;
 - 1 was due to the victim being less than 18 years of age;
 - 369 were due to conviction of person felony with a deadly weapon; and
 - 575 were due to drug offender status.
- In FY 2019, **327** offenders were **convicted** of the crime of failure to register under Kansas Offender Registration Act. Of these offenders:
 - **123 (37.6%)** were sentenced to prison; and
 - 204 (62.4%) were sentenced to probation.
- According to KDOC in FY 2019, **74** offenders were admitted to prison for the crime of **failure to register**. The average length of stay in prison was **19 months** based on KDOC’s release for the same group of offenders in FY 2019.
 - 4 – Aggravated violation
 - 3 – Third violation
 - 9 – Second violation
 - 59 – First violation
 - 4 - severity level 3
 - 7 - severity level 5
 - 52 - severity level 6
 - 4 - severity level 7
 - 7 - severity level 8

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HB 2051 Prison Bed Space Impact Assessment

Fiscal Year	Prison Admission Reduction	Prison Bed Space Saving
2021	75	75
2022	75	119
2023	76	120
2024	77	121
2025	78	123
2026	79	125
2027	79	125
2028	80	126
2029	81	128
2030	82	129