

MEMORANDUM

To: Commission Members
From: Scott M. Schultz, Executive Director
Date: September 17, 2020
Re: Prison Bed Impact Assessment, **2020 HB 2494** – Amending the criminal penalties for unlawfully tampering with electronic monitoring equipment - **UPDATE**

IMPACT ASSESSMENT

- **Impact on Prison Admissions:** The impact of this bill would **reduce 6** prison admissions each year during the ten-year forecasting period.
- **Impact on Prison Beds:** The impact of this bill would **save 9** prison beds in FY 2021 and **10** prison beds in FY 2030.
- **Impact on the Commission Workload:** This bill would result in **no** additional workload of the Commission.

SUMMARY OF THE BILL

This bill would amend K.S.A. 2020 Supp. 21-6322 to make unlawfully tampering with electronic monitoring equipment a class A, nonperson misdemeanor if the underlying crime is a misdemeanor. If the underlying crime is a felony, this offense would be a **severity level 8, nonperson felony**. Currently, this offense is a severity level 6, nonperson felony regardless of the severity level of the underlying crime.

KEY ASSUMPTIONS

- The target population of this bill includes offenders who are convicted of the crime of unlawfully tampering with electronic monitoring equipment.
- The severity level of unlawfully tampering with electronic equipment would be changed from a 6, nonperson felony to an 8, nonperson felony, if the underlying crime is a felony. If the underlying crime is a misdemeanor, the offense would be to a class A, nonperson misdemeanor.
- Projected admission to prison for the target offenders is assumed to increase by an annual average of 1%, which is the same percentage used in relation to the baseline prison population forecast produced in August 2019 by the Kansas Sentencing Commission.
- The percentage of sentence served in prison for severity level 8 is assumed to be 80%, less jail

credit, good time and program credit, which is consistent with the projections released in August 2019.

- It is assumed that the effective date is on July 1, 2021.

FINDINGS

- In FY 2019, **46** offenders were convicted of the crime of unlawfully tampering with electronic monitoring equipment. Of this number:
 - 42 (91.3%) were sentenced at severity level 6,
 - **16** (38.1%) were sentenced to prison with an average length of **21.6 months** and
 - 26 (61.9%) were sentenced to probation.
 - 4 (8.7%) were sentenced at severity level 8,
 - **2** (50%) were sentenced to prison with an average length of **16.5 months** and
 - 2 (50%) were sentenced to probation.

IMPACT ASSESSMENT

- If the severity level of unlawfully tampering with electronic monitoring equipment is changed from a severity level 6 to 8, nonperson felony, by:
 - FY 2021, there would be **9** prison beds saved; and
 - FY 2030, there would be **10** prison beds saved.

Prison Admission and Bed Space Impact Assessment

Fiscal Year	Prison Admission Reduced	Prison Bed Saved
2021	6	9
2022	6	8
2023	6	9
2024	6	10
2025	6	11
2026	6	11
2027	6	9
2028	6	10
2029	6	10
2030	6	10

SUMMARY

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- **Impact on Prison Beds:** The impact of this bill would save **9** prison beds in FY 2021 and **10** prison beds in FY 2030.
- **Impact on the Commission Workload:** This bill would result in **no** additional workload of the Commission.