

MEMORANDUM

To: Commission Members
From: Scott M. Schultz, Executive Director
Date: September 17, 2020
Re: Prison Bed Space Impact Assessment, **2019 HB 2052 – Allowing earned discharge credit for people on probation and parole/postrelease supervision-UPDATE**

IMPACT ASSESSMENT- UPDATE

- **Impact on Prison Admissions:** This bill will **reduce 152, 229 or 305** prison admissions by 2021 and **187, 280 or 374** prison admissions by 2030, respectively depending on which scenario plays out.
- **Impact on Prison Beds:** This bill will **save 89, 147 or 196** prison beds by FY 2021 and **150, 225 or 300** prison beds in FY 2030 respectively depending on which scenario plays out.
- **Impact on the Commission Workload:** This bill has **no** impact on the journal entry workload of the Commission.

SUMMARY OF THE BILL

Section 1. This section amends K.S.A. 2020 Supp. 21-6608 by stating that a defendant may be discharged early from probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction if such defendant is found to be in substantial compliance with the conditions of such supervision. The section states that the court shall set a hearing at sentencing for the date when the defendant will have served 50% of such defendant's term of supervision to determine if a defendant has been in substantial compliance. The requirements that the defendant have a risk assessment of low risk, have all restitution paid, and have been supervised 12 months are removed from the statute.

This section creates law by stating that the defendant, if in substantial compliance with the conditions of supervision, shall earn credit to reduce such supervision term at the rate of seven days earned discharge credit for each full calendar month. This section defines the term "substantial compliance."

This section states the Kansas sentencing commission shall adopt procedures and forms to standardize the process of calculating earned discharge credit. The section states that the state of Kansas or any

agents or employees of the state shall not be liable for damages caused by a negligent or wrongful act or omission in making the earned discharge calculations.

Section 2. This section states that K.S.A. 2020 Supp. 21-6608 is hereby repealed.

Section 3. This section states that the act shall take effect and be in force from and after its publication in the statute book.

KEY ASSUMPTIONS

- The target population of this bill will include probationers and parole/postrelease supervision offenders.
- It is assumed that the effective date is on July 1, 2021.
- **Scenario One:** It is assumed that **10%** of the probationers and parole/postrelease supervision offenders who receive program credits will be discharged early and will not be admitted to prison.
- **Scenario Two:** It is assumed that **15%** of the probationers and parole/postrelease supervision offenders who receive program credits will be discharged early and will not be admitted to prison.
- **Scenario Three:** It is assumed that **20%** of the probationers and parole/postrelease supervision offenders who receive program credits will be discharged early and will not be admitted to prison.

FINDINGS

- According to KDOC admission file, in FY 2020:
 - **1,226 probation condition violators** were admitted to prison. The average length of stay in prison was **10.4 months**.
 - **792 parole/postrelease condition violators** were admitted to prison. The average length of stay for **guideline violators** was **5.3 months** and for **pre-guideline violators** was **29.6 months**.

IMPACT ASSESSMENT

- **Scenario One:** If **10%** of the probationers and parole/postrelease supervision offenders who receive program credits are discharged early and are not admitted to prison, by FY 2021, **98** prison beds would be saved and by FY 2030, **150** prison beds would be saved.
- **Scenario Two:** If **15%** of the probationers and parole/postrelease supervision offenders who receive program credits are discharged early and are not admitted to prison, by FY 2021, **147** prison beds would be saved and by FY 2030, **225** prison beds would be saved.
- **Scenario Three:** If **20%** of the probationers and parole/postrelease supervision offenders who receive program credits are discharged early and not admitted to prison, by FY 2021, **196** prison beds would be saved and by FY 2030, **300** prison beds would be saved.

SUMMARY

- **Impact on Prison Admissions:** This bill will reduce **152, 229 or 305** prison admissions by 2021

and **187, 280 or 374** prison admissions by 2030, respectively depending on which scenario plays out.

- **Impact on Prison Beds:** This bill will save **89, 147 or 196** prison beds by FY 2021 and **150, 225 or 300** prison beds in FY 2030 respectively depending on which scenario plays out.
- **Impact on the Commission Workload:** This bill has **no** impact on the journal entry workload of the Commission.

Prison Admission Impact Assessment

Fiscal Year	Scenario 1: If 10% Admission Reduction	Scenario 2: If 15% Admission Reduction	Scenario 3: If 20% Admission Reduction
2021	152	229	305
2022	177	266	354
2023	178	267	356
2024	179	269	359
2025	181	271	361
2026	182	273	364
2027	183	275	366
2028	184	276	369
2029	185	278	371
2030	187	280	374

Prison Bed Space Impact Assessment

Fiscal Year	Scenario 1: If 10% Reduction - Beds Saved	Scenario 2: If 15% Reduction - Beds Saved	Scenario 3: If 20% Reduction - Beds Saved
2021	98	147	196
2022	112	168	225
2023	123	184	245
2024	133	200	266
2025	142	213	284
2026	145	217	289
2027	145	218	291
2028	145	218	290
2029	150	225	299
2030	150	225	300