

MEMORANDUM

To: Commission Members
From: Scott M. Schultz, Executive Director
Date: September 17, 2020
Re: Prison Bed Space Impact Assessment, **2019 HB 2047 - Changing the criminal penalties for certain drug crimes - UPDATE**

IMPACT ASSESSMENT

- **Impact on Prison Admissions:** This bill will have **no** impact on prison admissions.
- **Impact on Prison Beds:** This bill would **save 20** prison beds in FY 2021 and **143** prison beds in FY 2030.
- **Impact on the Workload of the Commission:** This bill will result in **no** additional journal entry workload of the Commission.

SUMMARY OF THE BILL

Section 1. This section amends K.S.A. 2020 Supp. 21-6805 by amending the sentencing guidelines grid for drug crimes as follows:

- If an offense is classified in grid blocks 5-F, 5-G, 5-H, or 5-I, the underlying prison sentence is 11, 12, or 13 months.
 - **Currently 5-F carries an underlying prison term of 16, 17 or 18 months.**
 - **Currently 5-G carries an underlying prison term of 14, 15, or 16 months.**
 - **Currently 5-H carries an underlying prison term of 12, 13 or 14 months.**
 - **Currently 5-I carries an underlying prison term of 10, 11 or 12 months.**
- If an offense is classified in grid block 5-E, the underlying prison sentence is 13, 14 or 15 months. **Currently, such sentence carries an underlying prison term of 18, 20, or 22 months.**
- If an offense is classified in grid block 5-D, the underlying prison sentence is 15, 16 or 17 months. **Currently, such sentence carries an underlying prison term of 23, 24 or 26 months.**
- If an offense is classified in grid block 5-C, the underlying prison sentence is 17, 18 or 19 months. **Currently, such sentence carries an underlying prison term of 28, 30 or 32 months.**

- If an offense is classified in grid block 5-B, the sentence is 18, 19 or 20 months imprisonment. **Currently such sentence is 32, 34 or 36 months imprisonment.**
- If an offense is classified in grid block 5-A, the sentence is 19, 21 or 23 months imprisonment. **Currently such sentence is 37, 40 or 42 months imprisonment.**

HB 2047 Drug Level 5 Sentencing Ranges

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
V	23 21 19	20 19 18	19 18 17	17 16 15	15 14 13	13 12 11	13 12 11	13 12 11	13 12 11

FINDINGS

- In FY 2019, **236** drug level 5 offenders were directly admitted to prison. The criminal history category of these offenders was as follows:

Criminal History Category	Number of Offenders	Percent
A	49	20.8
B	59	25.0
C	40	16.9
D	4	1.7
E	38	16.1
F	18	7.6
G	17	7.2
H	4	1.7
I	7	3.0
Total	236	100.0

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Prison Bed Space Impact Assessment

Fiscal Year	Current Policy Unchanged Bed Needed	D5 New Sentencing Ranges Beds Needed	Prison Bed Saving
2021	238	218	20
2022	355	222	133
2023	361	223	138
2024	361	226	135
2025	369	229	140
2026	369	231	138
2027	375	232	143
2028	379	235	144
2029	383	237	146
2030	383	240	143