

## MEMORANDUM

**To:** Commission Members  
**From:** Scott M. Schultz, Executive Director  
**Date:** September 17, 2020  
**Re:** Prison Bed Impact Assessment, **2019 HB 2046 - Clarifying concurrent or consecutive sentencing for persons convicted of new crimes while on release for a felony - UPDATE**

### IMPACT ASSESSMENT

- This bill **may** have an impact on prison admissions and bed space, but it cannot be determined at this time.
- This bill will **not** have an impact on the workload of the Commission.

### SUMMARY OF THE BILL

**Section 1.** This section amends K.S.A. 2020 Supp. 21-6606 to state that any person who is convicted and sentenced for a crime committed while on release for a felony pursuant to article 28 of chapter 22 of the K.S.A. shall serve the sentence *concurrently* or consecutively to the term or terms under which the person was released, *as the court directs*. This bill adds the term “concurrently” and the phrase “as the court directs” to the statute.

**Section 2.** This section states that K.S.A. 2020 Supp. 21-6606 is hereby repealed.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.

### FINDINGS

- According to KSSC data, in FY 2019, **Special Sentencing Rule 10 (K.S.A. 21-6604(f)(4)) was applied to 884 offenders**. Of these offenders:
  - **246 (27.8%)** were sentenced to prison;
    - **35 (14.2%)** of these offenders’ sentences ran concurrent with another case.
    - **125 (50.8%)** of these offenders’ sentences ran consecutive with another case.
    - **21 (8.5%)** of these offenders’ sentences ran both concurrent and consecutive with another case.
    - **65 (26.4%)** concurrent/consecutive status was not indicated.
  - **502 (56.8%)** were sentenced to probation.
    - **40 (8.0%)** of these offenders’ sentences ran concurrent with another case.

- **329 (65.5%)** of these offenders' sentences ran consecutive with another case.
- **7 (1.4%)** of these offenders sentences ran both concurrent and consecutive with another case.
- **126 (25.1%)** concurrent/consecutive status was not indicated.
- **136 (15.4%)** were sentenced to SB 123 drug treatment.
  - **14 (10.3%)** offender's sentences ran concurrent with another case.
  - **92 (67.6%)** offender's sentences ran consecutive with another case.
  - **3 (2.2%)** of these offenders sentences ran both concurrent and consecutive with another case.
  - **27 (19.9%)** concurrent/consecutive status was not indicated.

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