

MEMORANDUM

To: Leyton Gunn, Division of Budget
From: Scott M. Schultz, Executive Director
Date: January 20, 2021
Re: Prison Bed Impact Assessment - **HB 2030 - Extending terminal medical release to inmates in the custody of the department of corrections with a condition likely to cause death within 120 days.**

IMPACT ASSESSMENT

- **Impact on Prison Admissions:** This bill will have **no** impact on prison admissions.
- **Impact on Prison Beds:** This bill **may** have an impact on prison beds, but cannot be determined at this time.
- **Impact on the Commission Workload:** This bill would result in **no** additional workload of the Commission.

SUMMARY OF THE BILL

This bill amends K.S.A. 2020 Supp. 22-3729 to increase the time the Prisoner Review Board may grant release to an inmate that has a terminal medical condition likely to cause death within 120 days rather than the current 30 days.

FINDINGS

- According to KDOC data, on June 30, 2021, there were **473** (5.5%) inmates who were age 61 or older. Of these offenders,
 - **80.3%** (372) were between the ages of 61 and 70 years old.
 - **18.8%** (93) were between the ages of 71 and 80 years old.
 - **1.9%** (9) were 81 years old and above.
- The breakdown of inmates between the **ages of 61-70** years are as follows:
 - **Latest Admission type:**
 - New Court Commitments:
 - D1=6 inmates (1.6%)
 - D2=10 inmates (2.7%)
 - D3=7 inmates (1.9%)
 - D5=11 inmates (3.0%).
 - N1=97 inmates (26.1%)
 - N2=27 inmates (7.3%).
 - N3=50 inmates (13.4%)
 - N4=9 inmates (2.4%).

- N5=18 inmates (4.8%)
 - N6=5 inmate (1.3%).
 - N7=5 inmates (1.3%)
 - N9=2 inmate (0.5%).
 - Offgrid=125 inmates (33.6%).
- Probation Technical Violators=15 inmates
 - Parole Technical Violators=23 inmates

Primary Offense Type

Offense	Total	%
Agg Battery - Bodily Harm Ddly Weapon/Manner	1	.3
Agg Battery State,County/City LEO w/motor vehicle	1	.3
Agg Battery-Int, Grt Bodly Hrm	3	.8
Agg Criminal Sodomy; < 14 off<18 w/persn or animal	1	.3
Agg Criminal Sodomy; Noncon Vic forcefear	3	.8
Agg Criminal Sodomy; Noncon Vic Uncon Powrls	1	.3
Agg Domestic battery; impede breathing/choke	1	.3
Agg Escape; Escape From Prison Custody SOC	1	.3
Agg Indecent Liberties/Child <14;Offender>18	1	.3
Agg violation of the KS offender registration act	1	.3
Agg. Indecent Liberties,chld<14; off>=18,lewd f/t	10	2.7
Agg. Indecent Liberties,chldLT14; offGE18,lewd f/t	8	2.2
Aggravated Arson; Substantial Risk of Bodily Harm	1	.3
Aggravated Assault on a Law Enforcement Officer	1	.3
Aggravated Battery	1	.3
Aggravated Battery Against Law Enforcement Officer	1	.3
Aggravated Burglary	1	.3
Aggravated Criminal Sodomy	2	.5
Aggravated Criminal Sodomy Vic<14 offndr >=18	2	.5
Aggravated Criminal Sodomy; Child <14	3	.8
Aggravated Criminal Sodomy; no consent; forced	1	.3
Aggravated Criminal Sodomy; w/child < 14 off<18	1	.3
Aggravated Criminal Sodomy; w/child LT 14 offGE18	1	.3
Aggravated Criminal Sodomy; w/child LT 14 offLT18	1	.3
Aggravated Indecent Liberties GE14LT16; Fondling	2	.5
Aggravated Indecent Liberties w/child GE 14 > 16	1	.3
Aggravated Indecent Liberties,GE14<16,Sex Intercou	1	.3
Aggravated Indecent Liberties/Child < 14 yoa	2	.5
Aggravated Indecent Liberties/Child <14;Fondling	12	3.2
Aggravated Indecent Liberties/Child LT14;Fondling	9	2.4
Aggravated Kidnapping	20	5.4
Aggravated Robbery	8	2.2
Aggravated Sex Battery;Intentional Touching GE16	4	1.1
Aggravated Sodomy	3	.8
Attempted Murder 1st	1	.3
Attempted Murder in 1st Degree	4	1.1
Battery - Corrections offcr or emply by cnfnd prsn	1	.3
Battery on a mental health employee	1	.3

Burglary; Build not used as dwell;theft or sex.mot	2	.5
Burglary; Build used as dwell.;excpt thft firearm	1	.3
Criminal Sodomy; w/ Child GE14, LT16	1	.3
Dist/poss int dis heroin or meth >=3.5g <100g	4	1.1
Dist/poss int dis heroin or meth GE 3.5g LT100g	3	.8
Dist/poss int dis heroin or meth GE1g LT3.5g	3	.8
Dist/poss int dis heroin or meth lt1g w/in1000ft	1	.3
Dist/poss int dis marijuana GE450g LT30Kilo	1	.3
Dist/poss int dis nonspec dgs >=100g <1Kilo	1	.3
Dist/poss int dis nonspec dgs GE3.5g LT100g	2	.5
Dist/poss int dis sch I,II,III,IV GE10LT100 dsg ut	1	.3
Dist/poss int ds nonsc dgs GE100gLT1Kilo 1000ftscl	1	.3
Drugs; Controlled Substance GE\$250k LT\$500k	1	.3
Electronic Solicitation	1	.3
Indecent Liberties w/Child GE14 LT16 Lewd Fondling	1	.3
Indecent Liberties With A Child	2	.5
Indecent Solicitation of a Child	1	.3
Intentional Viol Invest Adviser Rep Reg Req GT100K	1	.3
Intentional/Premeditated Killing - > 1 Person	1	.3
Intentional/Premeditated Killing - Contract	1	.3
Intentional/Premeditated Killing - LEO	1	.3
Intentional/Premeditated Killing - Rape/Sodomy	1	.3
Involuntary Manslaughter DUI or Drugs	1	.3
Kidnapping	6	1.6
Kidnapping in Commission of a Crime	1	.3
Murder in the 2nd Degree (intentional)	1	.3
Murder in the 2nd Degree (Intentional)	5	1.3
Murder in the 2nd Degree (Reckless)	7	1.9
Murder in the First Degree	39	10.5
Murder in the second degree - intent	7	1.9
Murder, 1st degree	37	9.9
Murder, 2nd degree	6	1.6
Poss of opiates,opium, narc drugs or desig stim	11	3.0
Rape	12	3.2
Rape; Sex Interc w/Victim <14 yrs & Off. >= 18 yrs	11	3.0
Rape; Sex Interc w/Victim LT14 yrs and Off. GE18	2	.5
Rape; Sex Interc w/Victim LT14 yrs Offndr GE18 yrs	1	.3
Rape; Sex Intercourse w/ Child <14	3	.8
Rape; Sex Intercourse w/Out Consent	19	5.1
Rape; Sex Intercourse W/Out Consent	1	.3
Rape; Sex Intercourse With Child <14	12	3.2
Rape; Sex Intercourse With Child LT14	2	.5
Robbery	3	.8
Theft obt exert lt \$1500 w/in 5 yrs 2 or more x	1	.3
Unlawful Manufacturing Controlled Substance	4	1.1
Unlawful Manufacturing Controlled Substance; 1st	1	.3
Violtn KS Offndr Registration Act 3rd or more	2	.5
Violtn of the KS Offndr Registration Act 1st cnv	3	.8
Violtn of the KS Offndr Registration Act 3rd +	1	.3
Voluntary Manslaughter; Quarrel	1	.3
Total	372	100.0

- **Custody Classification**
 - Special Management=16 inmates (4.3%).
 - Maximum=34 inmates (9.1%).
 - Medium High=67 inmates (18.0%).
 - Medium Low=154 inmates (41.4%).
 - Minimum=95 inmates (25.6%).
 - Unclassified=6 inmates (1.6%)

- The breakdown of inmates between the **ages of 71-80** years are as follows:
 - **Latest Admission Type**
 - New Court Commitments
 - D4=1 inmate (1.1%)
 - D5=1 inmate (1.1%)
 - N1=14 inmates (15.2%)
 - N2=10 inmates (10.9%).
 - N3=10 inmates (10.9%)
 - N4=1 inmates (1.1%).
 - N5=5 inmate (5.4%)
 - N7=3 inmate (3.3%)
 - N9=1 inmate (2.1%).
 - Offgrid=47 inmates (51.1%).

Primary Offense Type

Offense	Total	Percent
Agg Battery-Int, Grt Bodly Hrm	1	1.1
Agg Battery-Int, recklessly Grt Bodly Hrm	1	1.1
Agg Criminal Sodomy; LT14 off LT8 w/persn or animal	1	1.1
Agg. Indecent Liberties, chld<14; off>=18, lewd f/t	5	5.4
Agg. Indecent Liberties, chldLT14; offGE18, lewd f/t	3	3.3
Aggravated Assault	1	1.1
Aggravated Battery Against Law Enforcement Officer	1	1.1
Aggravated Criminal Sodomy	1	1.1
Aggravated Criminal Sodomy Vic<14 offndr >=18	2	2.2
Aggravated Criminal Sodomy; Child <14	2	2.2
Aggravated Criminal Sodomy; no consent; forced	1	1.1
Aggravated Criminal Sodomy; w/child < 14 off>=18	1	1.1
Aggravated Criminal Sodomy; w/child < 14 yoa	1	1.1
Aggravated Indecent Liberties/Child < 14 yoa	1	1.1
Aggravated Indecent Liberties/Child <14; Fondling	7	7.6
Aggravated Indecent Liberties/Child LT14; Fondling	1	1.1
Aggravated Kidnapping	1	1.1
Aggravated Sex Battery; Intentional Touching GE16	1	1.1
Aggravated Sodomy	3	3.3
Arson	1	1.1
Attempted Murder 1st	1	1.1
Attempted Murder in 1st Degree	2	2.2
Burglary; Build used as dwell.; except thft firearm	1	1.1
Dist/poss int dis heroin or meth lt1g	1	1.1

Electronic Solicitation	1	1.1
Intentional/Premeditated Killing - GT 1 Person	1	1.1
Kidnapping	2	2.2
Murder in the 2nd Degree (intentional)	1	1.1
Murder in the First Degree	10	10.9
Murder, 1st degree	14	15.2
Poss of opiates,opium, narc drugs or desig stim	1	1.1
Rape	2	2.2
Rape; Sex Interc w/Victim <14 yrs & Off. >= 18 yrs	4	4.3
Rape; Sex Intercourse w/Out Consent	5	5.4
Rape; Sex Intercourse With Child <14	3	3.3
Robbery	1	1.1
Theft;Obtain Control Prpty value \$100,000 or more	1	1.1
Total	92	100

- **Custody Classification**

- Special Management=4 inmates (4.3%)
- Maximum=6 inmates (6.5%).
- Medium High=11 inmates (12.0%).
- Medium Low=51 inmates (55.4%).
- Minimum=19 inmates (20.7%).
- Unclassified=1 inmate (1.1%).

- The breakdown of inmates **81 years old and above** are as follows:

- **Latest Admission Type**

- N1=2 inmates (22.2%)
- N2=1 inmates (11.1%)
- Offgrid=6 inmates (66.7%).

Primary Offense Type

Offense	Total	Percent
Agg. Indecent Liberties,chld<14; off>=18,lewd f/t	1	11.1
Aggravated Criminal Sodomy Vic<14 offndr >=18	1	11.1
Aggravated Criminal Sodomy; Child <14	1	11.1
Murder in the First Degree	1	11.1
Murder in the second degree - intent	1	11.1
Murder, 1st degree	3	33.3
Murder, 2nd degree	1	11.1
Total	9	100.0

- **Custody Classification**

- Medium High=3 inmate (33.3%).
- Medium Low=4 inmate (44.4%).
- Minimum=2 inmates (22.2%)

IMPACT ASSESSMENT

- **Impact on Prison Admissions:** This bill will have **no** impact on prison admissions.
- **Impact on Prison Beds:** This bill **may** have an impact on prison beds, but cannot be determined at this time.
- **Impact on the Commission Workload:** This bill would result in **no** additional workload of the Commission.