

## MEMORANDUM

**To:** Leyton Gunn, Division of the Budget  
**From:** Scott M. Schultz, Executive Director  
**Date:** September 15, 2021  
**Re:** Prison Bed Impact Assessment, **HB 2031 - Increasing good time and program credits for certain offenders.**

### IMPACT ASSESSMENT

- **Impact on Prison Admissions:** This bill would have **no** impact on prison admissions.
- **Impact on Prison Beds:** This bill would save **40** prison beds in FY 2023 and **381** prison beds in FY 2032.
- **Impact on the Commission Workload:** This bill would result in **no** additional workload for the Commission.

Section 1. K.S.A. 21-6821 is amended to authorize the secretary of corrections to adopt rules and regulations providing a system of good time credit. Such rules and regulations shall provide circumstances upon which an inmate may earn good time credits and for the forfeiture of earned credits. **For crimes committed on or after July 1, 2022, good time credit will be calculated as 25% of the prison part of the sentence for a person felony and 40% of the prison part of the sentence for a nonperson felony.**

For a crime committed on or after July 1, 1993, but prior to June 30, 2022, an amount equal to 15% of the prison part of the sentence; for a nondrug severity level 7 through 10 crime committed on or after January 1, 2008, but prior to June 30, 2021, an amount equal to 20% of the prison part of the sentence; or for a drug severity level 3 or 4 crime committed on or after January 1, 2008, but prior to July 1, 2012, or a drug severity level 3 through 5 crime committed on or after July 1, 2012, but prior to June 30, 2022, an amount equal to 20% of the prison part of the sentence.

This bill would also increase the amount of program credit from **120 days to 150 days** for inmates successfully completing the programs offered by KDOC.

## FINDINGS

- In FY 2021, **1,260 offenders** were directly sentenced to KDOC. Of this number, **711** were convicted of a **person** felony and **549** were a **nonperson** felony. The severity levels and the average length of prison sentence were:
  - 15 D1 – 94 months;
  - 29 D2 – 72 months;
  - 65 D3 – 55 months;
  - 28 D4 – 33 months;
  - 133 D5 – 29 months;
  - 42 N1 – 250 months;
  - 7 N2 - 283 months;
  - 105 N3 – 103 months;
  - 51 N4 – 57 months;
  - 132 N5 – 61 months;
  - 88 N6 – 36 months;
  - 215 N7 – 34 months;
  - 88 N8 – 19 months;
  - 249 N9 – 15 months; and
  - 11 N10 – 11 months.
- In FY 2021, 703 (56%) of the **1,260 offenders** were eligible for program credits
- Based on KDOC FY 2021 release file, the average program credit earned was **112** days, accounting for **93%** of the maximum 120 days.

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### Prison Bed Space Impact Assessment

| <b>Fiscal Year</b> | <b>Current Policy<br/>Unchanged<br/>Beds Needed</b> | <b>Good Time and Program<br/>Credits Increased<br/>Beds Needed</b> | <b>Beds Saved</b> |
|--------------------|---|--|-------------------|
| 2023               | 954   | 914  | 40                |
| 2024               | 1513  | 1389   | 124               |
| 2025               | 1912  | 1737   | 175               |
| 2026               | 2196  | 2001   | 195               |
| 2027               | 2470  | 2225   | 245               |
| 2027               | 2660  | 2396   | 264               |
| 2029               | 2840  | 2569   | 271               |
| 2030               | 3016  | 2714   | 302               |
| 2031               | 3191  | 2876   | 315               |
| 2032               | 3347  | 2966   | 381               |