

MEMORANDUM

To: KSSC Members
From: Scott M. Schultz, Executive Director
Date: September 15, 2021
Re: Prison Bed Space Impact Assessment, **HB 2092 - Removing drug offenders from the registration requirements of the Kansas offender registration act and removing the felony penalty for multiple non payments of fees under the act.**

IMPACT ASSESSMENT

- **Impact on Prison Admissions:** This bill will reduce **34** prison admissions in FY 2023 and **38** prison admissions in FY 2032.
- **Impact on Prison Bed Space:** This bill would save **34** prison beds in FY 2023 and **65** prison beds in FY 2032.
- **Impact on the Commission Workload:** This bill would reduce the workload of the Commission by **34** journal entries each year.

SUMMARY OF THE BILL

Section 1. K.S.A. 22-4902 is amended to remove drug offender from the Kansas offender registration act.

Section 2. K.S.A. 22-4903 is amended to remove the enhanced penalty for failure to remit payment to the sheriff's office as require in the Kansas offender registration act which is a class A misdemeanor if, within 15 days of registration, full payment is not remitted to the sheriff's office and a severity level 9 felony if, within 15 days of the most recent registration, two or more full payments have not been remitted to the sheriff's office.

Section 4. K.S.A. 22-4906 is amended to remove the 15-year registration requirement for convictions for unlawful manufacture or attempting such of any controlled substance or controlled substance analog and possession of ephedrine, pseudoephedrine, red phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized ammonia or phenylpropanolamine, or their salts, isomers or salts of isomers with intent to use the product to manufacture a controlled substance.

FINDINGS

- In FY 2020, **1,019** offenders were **required** to register by the court for a total of 1,536 registrations. Of these registrations:
 - 253 were due to sex offender status,
 - 250 were for any act which at sentencing was determined to be sexually motivated,
 - 337 were due to violent offender status,
 - 258 were due to conviction of person felony with a deadly weapon, and
 - **438** were due to drug offender status.

- In FY 2020, **310** offenders were **convicted** of the crime of failure to register under Kansas Offender Registration Act. Of these offenders:
 - **125 (40.3%)** were sentenced to prison; and
 - **185 (59.7%)** were sentenced to probation.

- According to KDOC in FY 2021, **130** offenders were admitted to prison and **34** offenders were admitted to prison for the crime of **failure to register as a drug offender, specifically**. The average length of stay in prison was **20.4 months** based on KDOC's release for the same group of offenders in FY 2020.
 - 100 – First violation and
 - 24 – Second violation.
 - 6 – Third or subsequent violation.
 - Of the 130 offenders,
 - 11 - severity level 3
 - 23 – severity level 5
 - 86 - severity level 6
 - 1 - severity level 7
 - 9 – severity level 8

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HB 2092 Prison Bed Space Impact Assessment

Fiscal Year	Prison Admission Reduction	Prison Bed Space Saving
2023	34	34
2024	35	59
2025	35	59
2026	35	60
2027	36	61
2028	36	62
2029	36	62
2030	37	63
2031	37	64
2032	38	65