

## MEMORANDUM

**To:** KSSC Members  
**From:** Scott M. Schultz, Executive Director  
**Date:** September 15, 2021  
**Re:** Prison Bed Space Impact Assessment, **HB 2139 - Changing the criminal penalties for certain drug crimes**

### IMPACT ASSESSMENT

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- **Impact on Prison Admissions:** This bill will have **no** impact on prison admissions.
- **Impact on Prison Beds:** This bill would save **44** prison beds in FY 2023 and **47** prison beds in FY 2032.
- **Impact on the Workload of the Commission:** This bill will result in **no** additional journal entry

### 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 2139 Proposed 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 2020, **332** 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	84	25.3
B	64	19.3
C	60	18.1
D	8	2.4
E	69	20.8
F	20	6.0
G	12	3.6
H	1	0.3
I	14	4.2
<b>Total</b>	<b>332</b>	<b>100.0</b>

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### Prison Bed Space Impact Assessment

<b>Fiscal Year</b>	<b>Current Policy Unchanged Beds Needed</b>	<b>D5 New Sentencing Ranges Beds Needed</b>	<b>Prison Bed Savings</b>
2023	335	291	44
2024	339	296	43
2025	342	300	42
2026	345	299	46
2027	349	302	47
2028	352	307	45
2029	356	312	44
2030	360	315	45
2031	363	319	44
2032	367	320	47