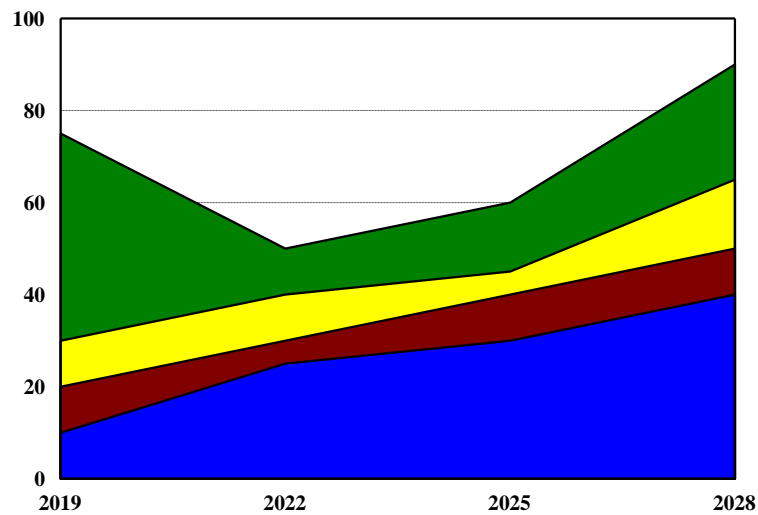


# KANSAS SENTENCING COMMISSION

## Fiscal Year 2019 Adult Inmate Prison Population Projections

Prison Population Projections



August 2018



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# OVERVIEW OF FY 2019 PRISON POPULATION PROJECTIONS

## Prison Population and Admission

Kansas prison population in FY 2018 indicated an increase of 170 inmates or 1.7% when compared with that in FY 2017. In review of Kansas ten-year prison population trend, the FY 2018 prison population represented the largest increase since FY 2009. In FY 2018, 9,973 inmates were incarcerated in state prison, indicating an increase of 1,371 inmates from FY 2009 prison population<sup>1</sup>.

When comparing the offender groups incarcerated in prison between FY 2017 and FY 2018, the largest increase in FY 2018 was probation condition violators, showing a 10% increase or 102 inmates. Nondrug severity levels 1 to 3, offgrid offenders and nonviolent offenders (N4 to N4) indicated an increase by 61, 52, and 39 respectively. Drug offenders increased by 45 inmates. Prison sanctions from probation offenders remained unchanged. Pre-guideline (old law) inmates indicated a decrease of 20 inmates. Parole/postrelease condition violators also indicated a decrease of 27 inmates.

In FY 2018, the total prison admissions indicated an increase of 0.7% or 45 admissions from last year and 23.3% or 1,235 admissions when compared with that in FY 2014.<sup>2</sup> The increase in admission was due to the admissions of probation condition violators, indicating an increase of 229 admissions or 18.6% from last year, representing the largest increase since FY 2014. The admission of prison sanctions from probation in FY 2018 remained nearly the same as that in FY 2017, indicating no significant increase for the first time since the Justice Reinvestment Initiative bill (HB 2170) passed in 2013.

When compared with FY 2017, direct new court commitments in FY 2018 displayed a decrease of 52 admissions or 2.5%, but an increase of 9.5% from five years ago. In FY 2018, probation violators with new sentences and probation violators with new convictions indicated a decrease of 11.2% and 18.11% from last year, but an increase of 17.5% and 11.2% respectively when compared with FY 2014.

Further examining the admission types, the number of parole/postrelease condition violators admitted to prison demonstrated a decrease in FY 2018. When compared with last year and five years ago, parole/postrelease condition violators admitted to prison decreased by 9.9% and 3.6% respectively, representing the lowest admissions since FY 2014.

Parole/postrelease violators with new sentences admitted to prison in FY 2018 indicated an increase of 8.7% from last year and 15.1% from FY 2014, the largest increase since FY 2014.

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<sup>1</sup> See Figure 12, Page 36.

<sup>2</sup> See Table 13, Page 34.

## Length of Sentence and Stay

The average of length of sentence and stay of each severity level in FY 2018 varied. When compared with FY 2017, the average length of sentence of drug offenders indicated a decrease of a half month. However, when compared with that from 5 years ago, it showed a 2.6 month increase. The average length of sentence of nondrug severity level 2 demonstrated the largest increase in FY 2018 by 25 months when compared with FY 2017. Since FY 2014, the average length of sentence of this group has increased by 34 months. The average length of nondrug severity level 1 indicated the largest decrease by 31.6 months in FY 2018, but a decrease of 6.7 months when compared with FY 2014. The average length of sentence of nondrug severity levels 3 and 4 showed a decrease of 4.6 and 17 months respectively when compared with FY 2017 and 46.3 and 8.6 months from five years ago. The average length of sentences of other nondrug severity levels stayed relatively stable during the last five years.<sup>3</sup>

When compared with FY 2017 inmate prison length of stay, the average length of stay in prison in FY 2018 for drug offenders was 23 months (22.9 vs. 21.9), indicating an increase by a month; the average length of stay of nonviolent offenders (N7 to N10) increased by less than a half month (11.3 vs. 10.9 months); the average length of stay of violent crime offenders (offgrid and N1 to N3) was 114.7 months, increasing by 10 months (114.7 vs. 104.8); the average length of stay of less violent offenders (N4 to N6) displayed a decrease by a month (35.5 vs. 36.4); the average length of stay for guideline postrelease supervision condition violators indicated no change (4.4 vs. 4.4); and the average length of stay for pre-guideline parole condition violators was 40 months, indicating an increase of 6.2 months (40 vs. 33.8)<sup>4</sup>. Probation condition violators stayed in prison for an average 10.2 months, a decrease of a half month when compared with that in FY 2017 (10.2 vs. 10.8).

Based on the 6,389 inmates released from prison in FY 2018, 44% of them (2,824 inmates) were eligible for program credits and 89.3% of those eligible inmates earned program credits. The average program credit earned was 112 days, which reduced the length of sentence by 3.7 months on average.

## Forecast

In examining the estimated prison bed needs by offender group, the largest increase in number is found in the violent inmate group (N1 to N3) with an increase of 742 inmates over the ten-year forecast period. This is due to the longer length of sentences to serve. The second largest increase of prison population is the drug offender group over the ten-year forecast period with an increase of 439 inmates. The third largest increase of prison population is found in the group of the probation condition violators with an increase of 319 inmates over the ten-year forecast period. The fourth largest increase in the prison population for the ten-year forecast period is the group of nonviolent inmates (N7 to N10) with an increase of 252 inmates<sup>5</sup>. The increase of this group is due to the special sentencing rules that have played an important role in this group.

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<sup>3</sup> See Table 5, Page 12.

<sup>4</sup> See Table 8, Page 14.

<sup>5</sup> See table 9, Page 16.

The prison population of offgrid is forecasted to see the fifth largest increase with 251 inmates over the ten-year forecast period. The increase of the offgrid prison population is the continuous impact of Jessica's Law (2006 Senate Substitute for House Bill 2567). According to Jessica's Law, some child sex offenses previously classified in nondrug severity levels 1, 2, 3 and 5 are reclassified as offgrid offenses with a minimum sentence of not less than 300 months (Hard 25). This reclassification also increases the offgrid admissions to prison. The increase of prison population of the less violent offenders (N4 to N6) over the ten-year forecast period is accounted as the sixth group with an increase of 109 inmates in FY 2028.

Parole/postrelease condition violators and prison sanctions from probation indicate the least increase over the ten-year forecast period with an increase of 33 and 36 inmates respectively. Pre-guideline (old law) offenders will decrease by 100 inmates in FY 2028.<sup>6</sup>

A significant change is noted for probation condition violators over the ten-year forecast period. Previously, probation condition violators admitted to prison were required to serve their underlying prison sentence. HB 2170 enacted on July 1, 2013 requires probation condition violators to serve graduated sanctions instead of the underlying prison sentence, which includes: the intermediate sanction of confinement in jail for 2-3 days at a time and up to a total of 18 days. If the violator already has at least one intermediate sanction of confinement in jail, the court may remand the defendant to the custody of the Kansas Department of Corrections (KDOC) for a period of 120 days or 180 days, which the Secretary may reduce by up to 60 days or 90 days (this penalty cannot be imposed more than once during the term of supervision). If the violator already has been remanded to KDOC custody for a period of 120 or 180 days, the court may revoke probation, assignment to community corrections, suspension of sentence, or nonprison sanction and require the defendant to serve the sentence imposed or any lesser sentence. Graduated sanctions for probation condition violators would reduce the prison population of this offense group while the prison sanction from probation would require additional prison beds for this group. However, it is estimated that during the ten-year forecast period, the prison population of sanction from probation will increase by 36 inmates, while the probation condition violators will increase by 319 additional inmates in FY 2028.

HB 2170 also requires that probation condition violators who are released from prison after July 1, 2013, will receive postrelease supervision term. As a result, parole/postrelease condition violator population will slowly increase during the ten-year forecast period with an increase of 33 inmates in FY 2028.

Pre-guideline (old law) inmate population, excluding old law offgrid, will gradually decrease over the ten-year forecast period. It is estimated that the population of this group will be reduced by 100 inmates in FY 2028.

Overall, the FY 2019 prison population projections indicate that prison population will increase during the forecast period. In FY 2028, the total prison population will reach 12,054 inmates, an increase of 2,081 inmates or 20.9% over the current population level.<sup>7</sup> Offgrid and nondrug severity levels 1, 2 and 3 inmates will account for 40.8% of the projected prison

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<sup>6</sup> See Table 9, Page 16.

<sup>7</sup> See Table 9, Page 16.

population in FY 2028. Nondrug severity levels 4, 5 and 6 inmates will make up 15.5% and nonviolent inmates (N7 to N10) will consist of 9.3% of the projected prison population in FY 2028. The projected drug inmate prison population will represent 16.2% while parole/postrelease supervision condition violators will make up 4.6% of the forecasted prison population in FY 2028. Pre-guideline (old law) population, not including old law offgrid offenders, will account for 0.3% in FY 2028. Probation condition violators will make up 11.8% while prison sanction from probation offenders will account for 1.4 % of the projected population in FY 2028.

In FY 2028, male prison population will increase to 10,934 inmates, an increase of 20.7% or 1,874 inmates from the FY 2018 population. Female prison population will increase to 1,120 inmates, an increase of 207 inmates or 22.7% in FY 2028. Male inmates will account for 91% while female inmates will consist of 9% of the forecasted prison population in FY 2028.<sup>8</sup>

## **METHODS AND ASSUMPTIONS**

### **Source of Data Used for the Projections**

Data utilized for the FY 2019 prison population projections are based on the most recent felony sentencing information and current prison information from FY 2018. This data includes the automated and non-automated data files collected from the Kansas Department of Corrections (KDOC) and the FY 2018 felony journal entry sentencing information collected by the Kansas Sentencing Commission (KSSC). Data provided by KDOC includes:

1. Prison admissions
2. Prison populations
3. Prison releases
4. Parole/postrelease supervision populations
5. Parole/postrelease supervision discharges
6. Parole hearing decisions
7. KDOC monthly offender population reports
8. Prison and jail sanctions from probation

Data collected by the KSSC includes:

1. Prison sentences
2. Probation sentences
3. Probation revocations

The above combined data sources provide the information for the Prison Projection Consensus Group to make the final decisions regarding assumptions that must be built into the model. The sentencing journal entry databases from the KSSC provide sentencing trends that impact policy changes. The prison admission file contains each individual admission event with the type of admission, the length of sentence, jail credit, special sentencing rule applied, departure information, and concurrent or consecutive sentences applied. The prison population stock file provides additional information which is used by the Prison Projection Consensus Group as well as characteristics of the June 30 incarceration population. The prison release file informs the Consensus Group of the type of release and the actual length of stay for each

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<sup>8</sup> See Figures 2 & 3, Page 18 & 19.



individual inmate. Parole/postrelease supervision and parole hearing files provide information regarding parole population, parole discharges, parole hearing decisions, and waiting time between each parole hearing. KDOC Monthly Offender Population Reports are utilized to monitor actual prison monthly population compared to the projections.

### **Consensus Group**

In an attempt to formulate the most accurate assumptions, the Sentencing Commission utilizes a Prison Population Consensus Group to review and establish the final set of assumptions that are utilized in building the simulation model. Members of the Consensus Group represent criminal justice agencies which play a role in processing an individual through the criminal justice system. Members contribute their agencies' expertise regarding formal and informal procedures and provide relevant information and data on specific issues or practices which may affect prison population.

### **Members of the FY 2019 Prison Population Projection Consensus Group:**

Browne, Ebo	Kansas Sentencing Commission
Chang, Kunlun	Kansas Sentencing Commission
Cooper, Hope	Kansas Department of Corrections
Grube, John	Kansas Sentencing Commission
Keating, Mark	Kansas Department of Corrections
Madden, Tim	Kansas Department of Corrections
McNeal, Marie	Kansas Department of Corrections
Norwood, Secretary Joe	Kansas Department of Corrections
Ogletree, Jonathan	Kansas Department of Corrections
Rice, Liz	Kansas Department of Corrections
Schultz, Scott	Kansas Sentencing Commission

The Consensus Group held two meetings to review sentencing trends, identify policy changes that may affect future prison bed needs and identify assumptions to be incorporated into the forecast model.

## **FY 2019 Prison Population Projection Assumptions**

1. The model begins on July 1, 2018.
2. The model is based on FY 2018 data (July 1, 2017 - June 30, 2018).
3. This prison population projection is for a ten-year forecasting period (FY 2019 to FY 2028).
4. The projection model is designed to simulate all new commitments to prison, from FY 2019 and forward, under sentencing guidelines, with a determinate sentence length.
5. Admission Trends:
  - a) New Court Commitments. Direct new court commitments to prison in FY 2018 (offenders not on any type of supervision at the time of conviction and subsequent admission to prison) indicated a decrease of 2.5% or 52 admissions less when compared to FY 2017. Compared with FY 2014, the admissions to prison indicate an increase of 9.5% or 175 admissions. FY 2014 showed a total of 1,844 admissions; FY 2015 indicated 1,922 admissions; FY 2016 indicated a total of 1,986 admissions; FY 2017 demonstrated a total of 2,071 admissions and FY 2018 displayed a total of 2,019 admissions.
  - b) Probation Condition Violators. In FY 2018, 1,458 probation condition violators were admitted to prison, indicating an increase of 18.6% or 229 admissions from FY 2017 and an increase of 6.6% or 90 admissions from FY 2014. Probation condition violators admitted to prison during the five years were: 1,368 in FY 2014; 1,321 in FY 2015; 1,180 in FY 2016; 1,229 in FY 2017 and 1,458 in FY 2018. Of the 1,458 probation condition violators, 150 or 10.3% offenders received prison sanctions before full revocation at the same year. One hundred and five of them received 120-day and 45 received 180-day sanctions
  - c) Prison Sanctions for Probation Condition Violators. In FY 2018, 1,167 probation condition violators (302 females and 895 males) received 1,197 prison sanctions. Twenty-nine of the 1,167 offenders received two prison sanctions, including eight females and 20 males. One male received three sanctions. Twenty-four of them received one 120-day and one 180-day sanctions and four received two 120-day sanctions. Of the 1,197 prison sanctions, 759 were 120 days; 437 were 180 days; one was 540 days. The average length of stay in prison was 34 days for the 120 days and 61 days for the 180 days. The number of prison sanctions in FY 2018 indicated nearly the same as last year, less than half percent increase.
  - d) Probation Violators with New Sentence. Probation violators with a new sentence in FY 2018 indicated an 11.2% decrease, a decrease of 38 violators from last year. When compared with FY 2014 number, it indicated an increase of 17.5% or 45 admissions. The number of probation violator with new sentence in the past five years were: 257 in FY 2014, 331 in FY 2015 and FY 2016, 340 in FY 2017 and 302 in FY 2018.
  - e) Probation Violators with New Conviction. In FY 2018, probation violators with new conviction decreased by 18.1% or 33 admissions when compared with that of FY 2017.

Probation violators with new conviction were separated from probation condition violators in FY 2014 due to KDOC's new computation rules.

- f) Total New Commitments: Rate of Growth<sup>9</sup>. The total new commitments of the above groups in FY 2018 increased by 2.2% or 111 admissions when compared with that of 2017. The growth rates for new commitments in the past ten years are as follows:

FY 2008 to FY 2009	-0.1%
FY 2009 to FY 2010	13.3%
FY 2010 to FY 2011	0.1%
FY 2011 to FY 2012	3.4%
FY 2012 to FY 2013	-3.0%
FY 2013 to FY 2014	5.5%
FY 2014 to FY 2015	3.9%
FY 2015 to FY 2016	5.8%
FY 2016 to FY 2017	7.0%
FY 2017 to FY 2018	2.2%
<i>Average yearly growth rate (FY 2009 to FY 2018)</i>	<b>3.8%</b>

Last year, the consensus group agreed to use 1.5% annual growth for male and 2.5% for female in FY 2018 model. The consensus group agreed to use 1.5% annual growth rate for male and 2.5% for female in the FY 2019 Model.

6. Guideline postrelease supervision condition violators may serve up to 180 days. The average length of stay for this group was 132 days in FY 2014; 123 days in FY 2015; 128 days in FY 2016 and 132 in FY 2017. The consensus group agreed to use 132 days for this group in FY 2018 model. The actual average length of stay in FY 2018 was 135 days. The consensus group agreed to use the 132 days average length of stay for this group in the FY 2019 model.
7. In FY 2018, a total of 1,082 parole/postrelease and conditional release condition violators were returned to prison, indicating a decrease of 119 offenders when compared to last year. The consensus group agreed to use the return rate of 100 offenders per month for this group last year. The actual average rate of parole/postrelease and conditional release condition violators was 90 offenders per month, indicating a decrease of ten admissions per month. The consensus group agreed to use the return rate of 100 offenders per month for this group in the FY 2019 Model.
8. In FY 2018, a total of 213 parole/postrelease violators with new sentences were admitted to prison, representing an increase of 8.7% or 193 admissions when compared with the admissions of FY 2017. In review of the past five years' data, parole/postrelease violators with new sentence in FY 2018 indicated the highest in numbers. (FY 2014-185, FY 2015-151, FY 2016-146, FY 2017-196 and FY 2018-213). Last year, the consensus group agreed to use 195 returns in FY 2018 model. The consensus group agreed to use 195 returns with new sentence in the FY 2018 Model.

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<sup>9</sup> Growth rate includes prison sanctions.

## KEY FINDINGS OF FISCAL YEAR 2018 DATA

1. A total number of 9,973 offenders were incarcerated in KDOC on June 30, 2018, representing an increase of 170 offenders when compared with that of FY 2017. Of the total number, 9,531 were guideline offenders and 442 were pre-guideline offenders. Nearly all the pre-guideline offenders were offgrid, nondrug severity levels 1 to 3 offenders and parole condition violators, presenting 98% of this group.
2. In FY 2018, 6,542 offenders were admitted to prison, representing the highest number in the past five years. Of those 6,542 offenders, new commitments (including prison sanction from probation) accounted for 78.4% or 5,125 admissions, which included 30.9% direct new court commitments, 22.3% probation condition violators, 18.3% prison sanctions, 4.6% probation violators with new sentence and 2.3% new conviction.
3. Compared with FY 2017, the total number of new commitments sentenced to prison in FY 2018 increased by 2.2% or 111 admissions. Among the total of new commitments to prison, direct new court commitments accounted for 2,019 admissions, demonstrating a decrease of 2.5% or 52 admissions. Probation condition violators indicated an increase of 18.6% or 229 admissions. This was the largest increase of probation condition violators since the implementation of HB 2170. Prison sanctions from probation increase by 0.4% or 5 sanctions. Probation violators with new sentence showed a decrease of 11.2% or 38 offenders. Probation violators with new conviction displayed a decrease of 18.1% or 33 admissions.
4. In FY 2018, 1,167 probation condition violators (294 females and 873 males) received a total of 1,197 prison sanctions. Of the 1,197 sanctions, 759 were 120 days; 437 were 180 days and one was 540 days. Twenty-eight offenders received two prison sanctions, including eight females and 20 males. One male offender received three sanctions in the same year. The average length of stay in prison was 34 days for the 120 days and 61 days for the 180 days sanction.
5. Parole/post-release condition violators and conditional release violators made up 9.9% or 1,082 admissions of the total admissions in FY 2018, indicating a decrease of 119 admissions from last year or the lowest admissions over the last five years.
6. The average length of sentence of probation condition violators in FY 2018 was 22.2 months. The average jail credit was 190 days or 6.3 months and the average length of stay in prison was 10.2 months. These numbers had no significant changes from last year. Further examination of this group displayed that 91% of them were offenders ranging from drug severity levels 3 to 5 and nondrug severity levels 5 to 10. This trend has not been changed from previous years.
7. The average length of stay in prison for pre-guideline parole condition violators in FY 2018 was calculated to be 40 months, indicating an increase of 6.2 months from the length of stay observed during FY 2017 (33.8 months). The average length of stay for the guideline

postrelease supervision condition violators in FY 2018 was 4.4 months (135 days), 1 day more than the average length of stay in FY 2017 (4.4 months or 134 days).

8. Compared with FY 2017, the average lengths of sentence of the guideline nondrug sentences in FY 2018 decreased by 31.6 months at severity level 1, 4.6 months at severity level 3, 17.1 months at severity level 4, 3.3 months at severity level 5, 1.5 months at severity level 8, 1.1 months at severity level 9 and 0.6 months at severity level 10. The average sentence lengths increased by 1.1 months for severity level 6 and 1.7 months for severity level 7. The number of admissions of nondrug severity levels 1, 2, 3, 4, 7, and 8 increased by 15, 3, 19, 10, 19 and 22 respectively. The number of admissions of severity levels 6, 9 and 10 decreased by 23, 41 and 20 respectively. The number of admissions for nondrug severity level 5 was the same in FY 2018 as in FY 2017 (332 vs 332).
9. During FY 2018, the admissions of parole/postrelease violators with new sentences (including conditional release violators with new felony sentences) indicated an increase of 16 admissions or 8% when compared with the returns in FY 2017 (212 vs. 196).
10. In FY 2018, 1,256 drug offenders were admitted to prison, indicating an increase of 122 admissions when compared with that of FY 2017. Of this number, 530 were new court commitments, 563 probation condition violators, 106 probation violators with new sentence and 57 probation violators with new conviction. The average length of the drug sentences was 35 months, indicating a decrease of a half month (35 vs. 35.5).

**Table 1: Prison Population Characteristics  
6/30/2018**

Severity Level	Pre-Guideline		Guideline		Total	
	Number	Percent	Number	Percent	Number	Percent
D1	0	0.0%	192	1.9%	192	1.9%
D2	0	0.0%	244	2.4%	244	2.4%
D3	0	0.0%	416	4.2%	416	4.2%
D4	0	0.0%	165	1.7%	165	1.7%
D5	0	0.0%	502	5.0%	502	5.0%
N1	70	0.7%	1070	10.7%	1140	11.4%
N2	54	0.5%	228	2.3%	282	2.8%
N3	43	0.4%	1179	11.8%	1222	12.3%
N4	3	0.0%	352	3.5%	355	3.6%
N5	2	0.0%	1088	10.9%	1090	10.9%
N6	0	0.0%	313	3.1%	313	3.1%
N7	2	0.0%	558	5.6%	560	5.6%
N8	0	0.0%	130	1.3%	130	1.3%
N9	0	0.0%	174	1.7%	174	1.7%
N10	0	0.0%	8	0.1%	8	0.1%
Offgrid	173	1.7%	1239	12.4%	1412	14.2%
Probation Condition Violators	0	0.0%	1106	11.1%	1106	11.1%
Sanction from Probation	0	0.0%	138	1.4%	138	1.4%
Parole/Postrelease Condition Violators	95	1.0%	425	4.3%	520	5.2%
<b>Subtotal</b>	<b>442</b>	<b>4.4%</b>	<b>9527</b>	<b>95.5%</b>	<b>9969</b>	<b>100.0%</b>
Nongrid/Unknown					4	0.1%
<b>Total</b>					<b>9973</b>	<b>100.0%</b>

Source: DOC prison population file.

**Table 2: Comparison of Actual Prison Population between FY 2017 And FY 2018**

<b>Offender Group</b>	<b>2017</b>	<b>2018</b>	<b>Difference</b>
Drug	1474	1519	45
N1 to N3	2416	2477	61
N4 to N6	1714	1753	39
N7 to N10	957	874	-83
Sanction from Probation	137	138	1
Probation Condition Violators	1004	1106	102
Offgrid Including Old Law Lifer	1360	1412	52
Parole/Post Release Violators	547	520	-27
Old Law Inmates	194	174	-20
<b>Total</b>	<b>9803</b>	<b>9973</b>	<b>170</b>

\*. Old law inmates include inmates who were convicted of both old and new law crimes.

**Table 3: Guideline Admission Characteristics - FY 2018**

<b>Severity Level</b>	<b>Number Admitted</b>	<b>Percent Admitted</b>	<b>Average Sentence (Months)</b>	<b>Jail Credit (Days)</b>	<b>Probation Condition Violators (%)</b>	<b>Probation Violators w/New Sentence (%)</b>	<b>Probation Violators w/New Conviction (%)</b>
D1	20	0.4%	122.3	255.5	10.0	5.0	0.0
D2	70	1.4%	93.9	197.9	17.1	8.6	1.4
D3	155	3.0%	57.9	200.2	20.6	10.3	0.6
D4	159	3.1%	30.5	171.8	34.5	5.8	4.7
D5	852	16.6%	24.8	172.2	55.6	8.7	6.1
N1	100	2.0%	342.0	481.4	1.0	0.0	0.0
N2	19	0.4%	195.6	397.4	10.5	0.0	0.0
N3	184	3.6%	111.0	319.9	4.9	3.8	0.0
N4	95	1.9%	63.0	280.1	7.4	7.4	1.0
N5	332	6.5%	57.5	272.6	16.9	9.0	2.7
N6	187	3.7%	38.8	236.2	24.1	11.2	6.4
N7	604	11.8%	30.4	218.7	44.7	12.3	4.5
N8	344	6.7%	17.1	170.9	48.8	7.6	5.5
N9	682	13.3%	13.3	138.6	46.8	3.8	3.1
N10	39	0.8%	9.4	125.1	41.0	5.1	7.7
Offgrid	79	1.5%	-	-	N/A	N/A	N/A
Sanction	1197	23.4%	-	-	N/A	N/A	N/A
Nongrid/ Unknown	5	0.1%					
<b>Total</b>	<b>5123</b>	<b>100.0%</b>					

Source: DOC admission file.

**Table 4: Comparison of Guideline New Commitments  
Admissions to Prison by Severity Level and Drug Offense  
FY 2014, FY 2017 and FY 2018**

<b>Severity Level &amp; Offense</b>	<b>FY 2014</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>Difference Between 2014 &amp; 2018</b>	<b>Difference Between 2017 &amp; 2018</b>
N1	77	85	100	23	15
N2	19	16	19	0	3
N3	166	165	184	18	19
N4	74	85	95	21	10
N5	383	332	332	-51	0
N6	120	210	187	67	-23
N7	610	585	604	-6	19
N8	332	322	344	12	22
N9	670	723	682	12	-41
N10	76	59	39	-37	-20
Drug	985	1134	1256	271	122
<b>Total</b>	<b>3512</b>	<b>3716</b>	<b>3842</b>	<b>330</b>	<b>126</b>

Note: New commitments include direct new court admissions, condition probation violators, and probation violators with new sentence/new conviction.

**Table 5: Comparison Of Guideline New Commitments  
Average Length Of Sentence By Severity Level and Drug Offense  
FY 2014, FY 2017 And FY 2018**

<b>Severity Level &amp; Offense</b>	<b>FY2014</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>Difference Between 2014 &amp; 2018 (Month)</b>	<b>Difference Between 2017 &amp; 2018 (Month)</b>
N1	251.2	276.1	244.5	-6.7	-31.6
N2	161.4	170.4	195.6	34.2	25.2
N3	157.3	115.6	111.0	-46.3	-4.6
N4	71.6	80.1	63.0	-8.6	-17.1
N5	58.8	60.8	57.5	-1.3	-3.3
N6	38.9	37.7	38.8	-0.1	1.1
N7	28.3	28.7	30.4	2.1	1.7
N8	17.2	18.6	17.1	-0.1	-1.5
N9	12.8	14.4	13.3	0.5	-1.1
N10	8.7	10.0	9.4	0.7	-0.6
Drug	32.4	35.5	35.0	2.6	-0.5



**Table 6: Comparison Between FY 2017 and FY 2018 Prison Admission By Type  
Female**

<b>Admission Type</b>	<b>2017</b>	<b>2018</b>	<b>Number Change</b>	<b>Percent Change</b>
New Court Commitment	223	232	9	4.0%
Probation Condition Violator	300	377	77	25.7%
Prison Sanction	300	302	2	0.7%
Probation Violator With New Sentence	40	20	-20	-50.0%
Probation Violator With New Conviction	45	45	0	0.0%
Parole/Post-release Condition Violator	105	111	6	5.7%
Parole/Post-release Violator With New Sentence	13	15	2	15.4%
Other	20	24	4	20.0%
<b>Total Admission</b>	<b>1046</b>	<b>1126</b>	<b>80</b>	<b>7.6%</b>
<b>End of Year Population</b>	<b>864</b>	<b>913</b>	<b>49</b>	<b>5.7%</b>

**Table 7: Comparison Between FY 2017 and FY 2018 Prison Admission By Type  
Male**

<b>Admission Type</b>	<b>2017</b>	<b>2018</b>	<b>Number Change</b>	<b>Percent Change</b>
New Court Commitment	1848	1787	-61	-3.3%
Probation Condition Violator	929	1081	152	16.4%
Prison Sanction	892	895	3	0.3%
Probation Violator With New Sentence	300	282	-18	-6.0%
Probation Violator With New Conviction	137	104	-33	-24.1%
Parole/Post-release Condition Violator	1096	971	-125	-11.4%
Parole/Post-release Violator With New Sentence	182	197	15	8.2%
Other	66	99	33	50.0%
<b>Total Admission</b>	<b>5450</b>	<b>5416</b>	<b>-34</b>	<b>-0.6%</b>
<b>End of Year Population</b>	<b>8939</b>	<b>9060</b>	<b>121</b>	<b>1.4%</b>

**Table 8: Comparative Analysis of  
Condition Parole/Post Release Supervision Violators  
Between FY 2017 and FY 2018**

<b>Law</b>	<b>Number of Admission</b>				<b>Average Length of Stay in Month</b>			
	<b>FY 2017</b>	<b>FY 2018</b>	<b>Change #</b>	<b>Change %</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>Change #</b>	<b>Change %</b>
Guideline	1164	1047	-117	-10.1%	4.4	4.4	0	0.0%
Pre-guideline	36	35	-1	-2.8%	33.8	40.0	6.2	18.3%
<b>Total</b>	<b>1200</b>	<b>1082</b>	<b>-118</b>	<b>-9.8%</b>				

Source: DOC admission and release files.

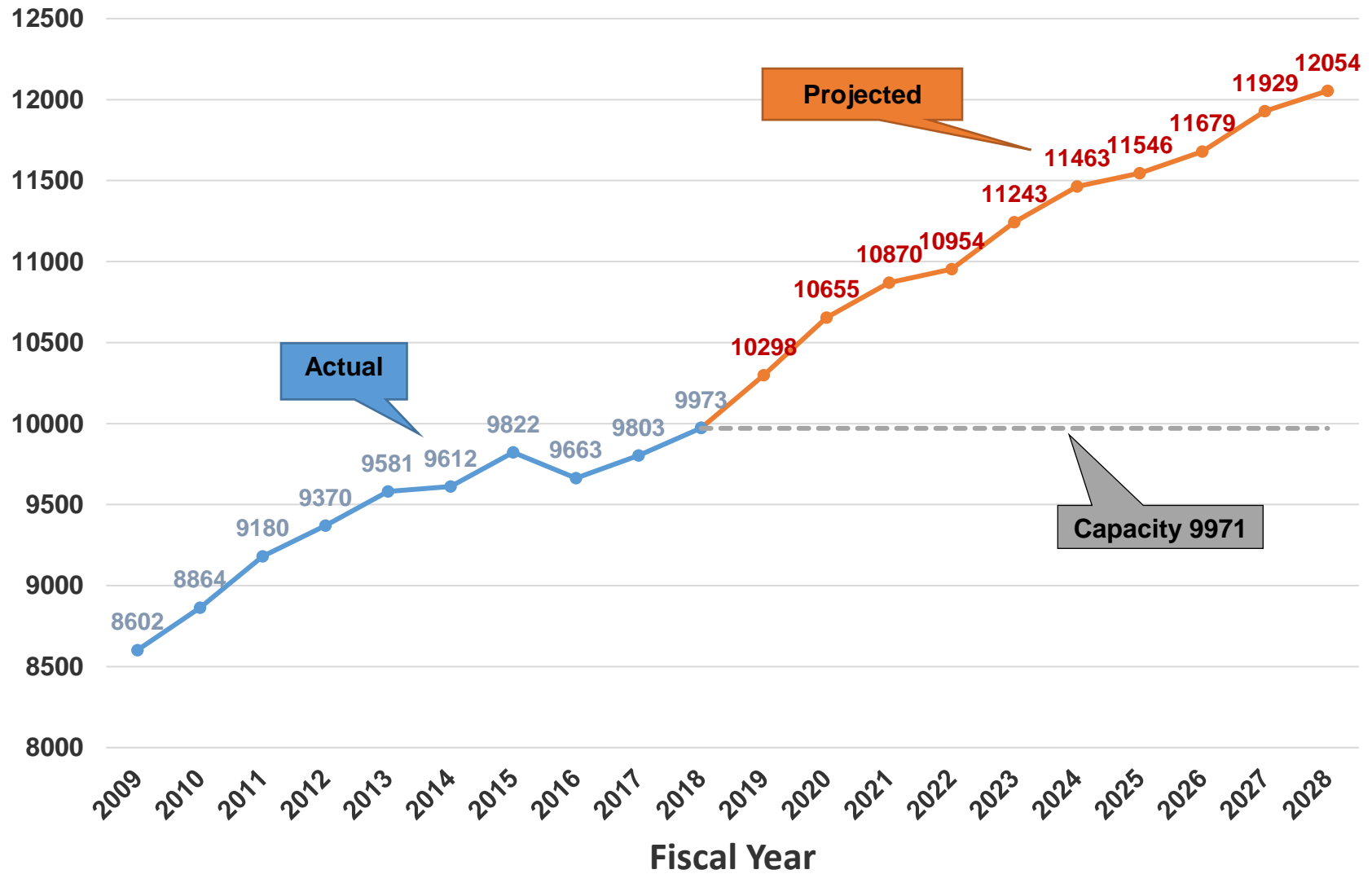
**FY 2019 PRISON POPULATION PROJECTIONS**

**Table 9: FY 2019 Prison Population Projection by Offender Group**

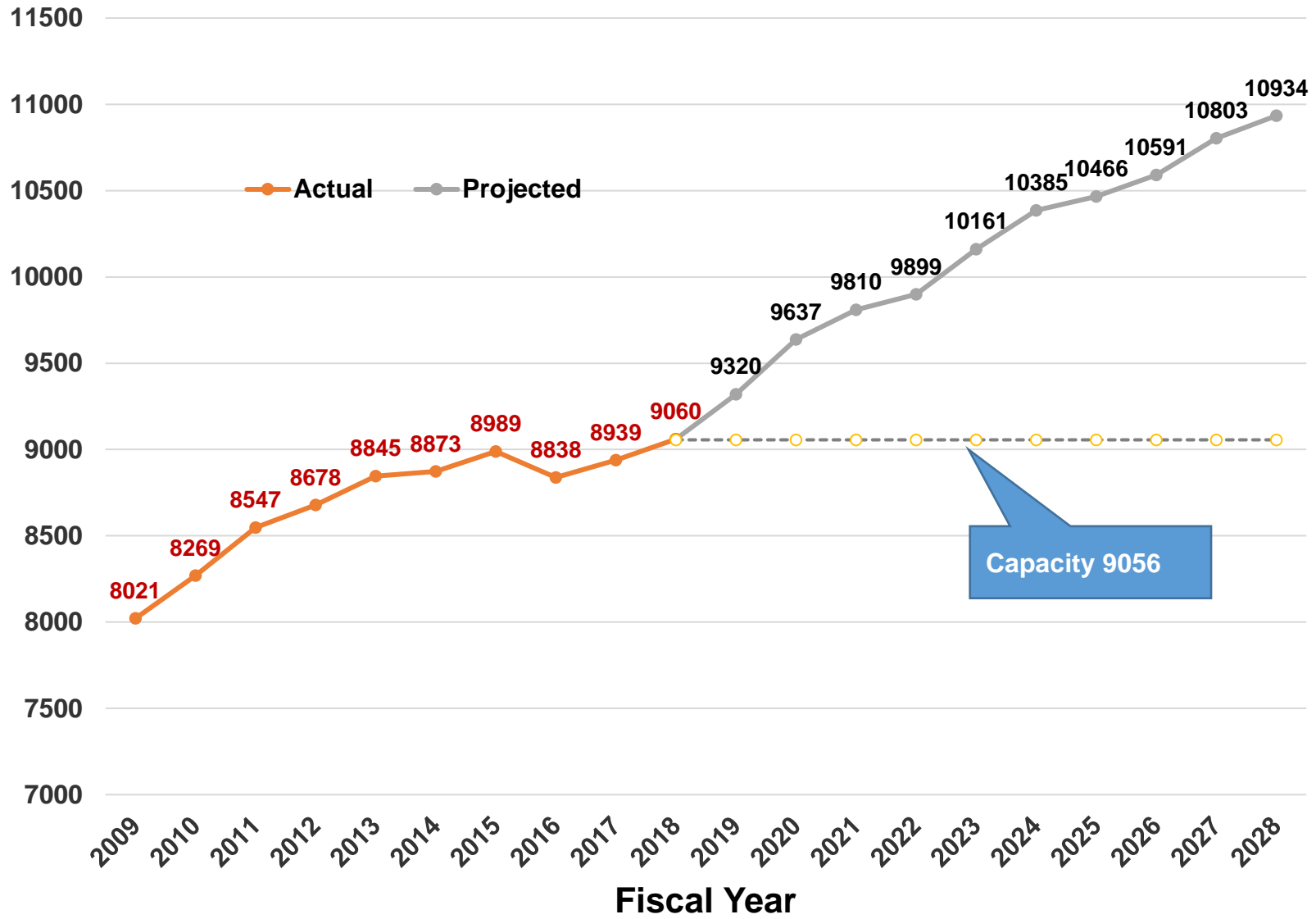
<b>Offender Group</b>	<b>2018*</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>	<b>2028</b>	<b># Change</b>	<b>% Change</b>
Drug	1519	1613	1671	1755	1776	1819	1851	1874	1896	1965	1958	<b>439</b>	<b>28.9%</b>
N1 to N3	2516	2584	2665	2754	2851	2927	3003	3062	3124	3187	3258	<b>742</b>	<b>29.5%</b>
N4 to N6	1754	1774	1814	1810	1831	1813	1851	1849	1847	1857	1863	<b>109</b>	<b>6.2%</b>
N7 to N10	874	951	995	988	971	1017	1048	1060	1062	1123	1126	<b>252</b>	<b>28.8%</b>
Sanction	138	141	148	151	144	160	151	148	159	161	174	<b>36</b>	<b>26.1%</b>
Probation Condition Violators	1106	1210	1306	1318	1311	1368	1377	1353	1377	1383	1425	<b>319</b>	<b>28.8%</b>
Offgrid Including Old Law Lifer	1412	1408	1439	1474	1498	1530	1557	1597	1629	1652	1663	<b>251</b>	<b>17.8%</b>
Parole/Post Release Violators	520	497	516	532	495	541	564	550	538	560	553	<b>33</b>	<b>6.3%</b>
Old Law Inmates	134	120	101	88	77	68	61	53	47	41	34	<b>-100</b>	<b>-74.6%</b>
<b>Total</b>	<b>9973</b>	<b>10298</b>	<b>10655</b>	<b>10870</b>	<b>10954</b>	<b>11243</b>	<b>11463</b>	<b>11546</b>	<b>11679</b>	<b>11929</b>	<b>12054</b>	<b>2081</b>	<b>20.9%</b>

\*. Actual prison population on June 30, 2018.

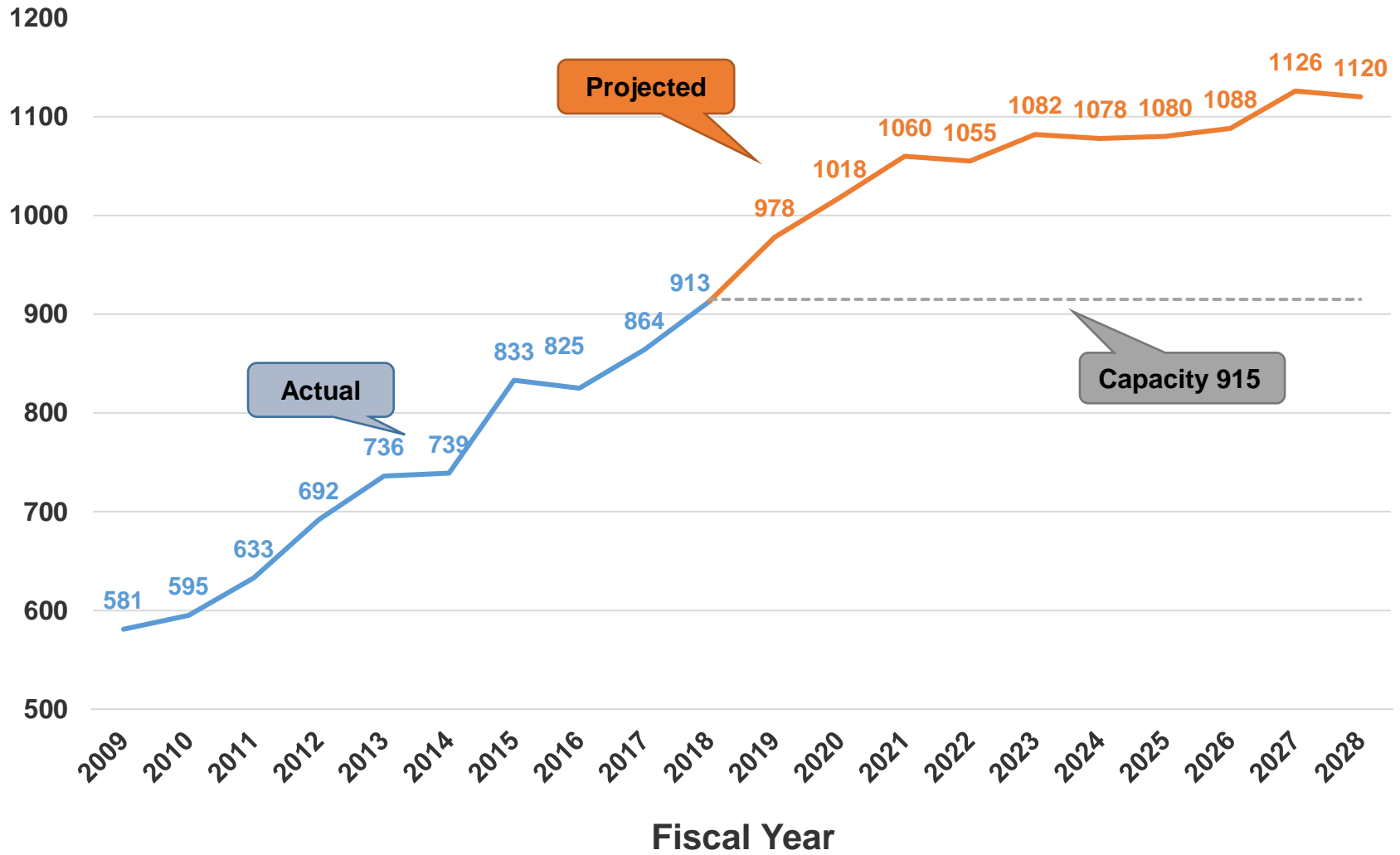
Figure 1: Kansas Prison Population - Actual and Projected



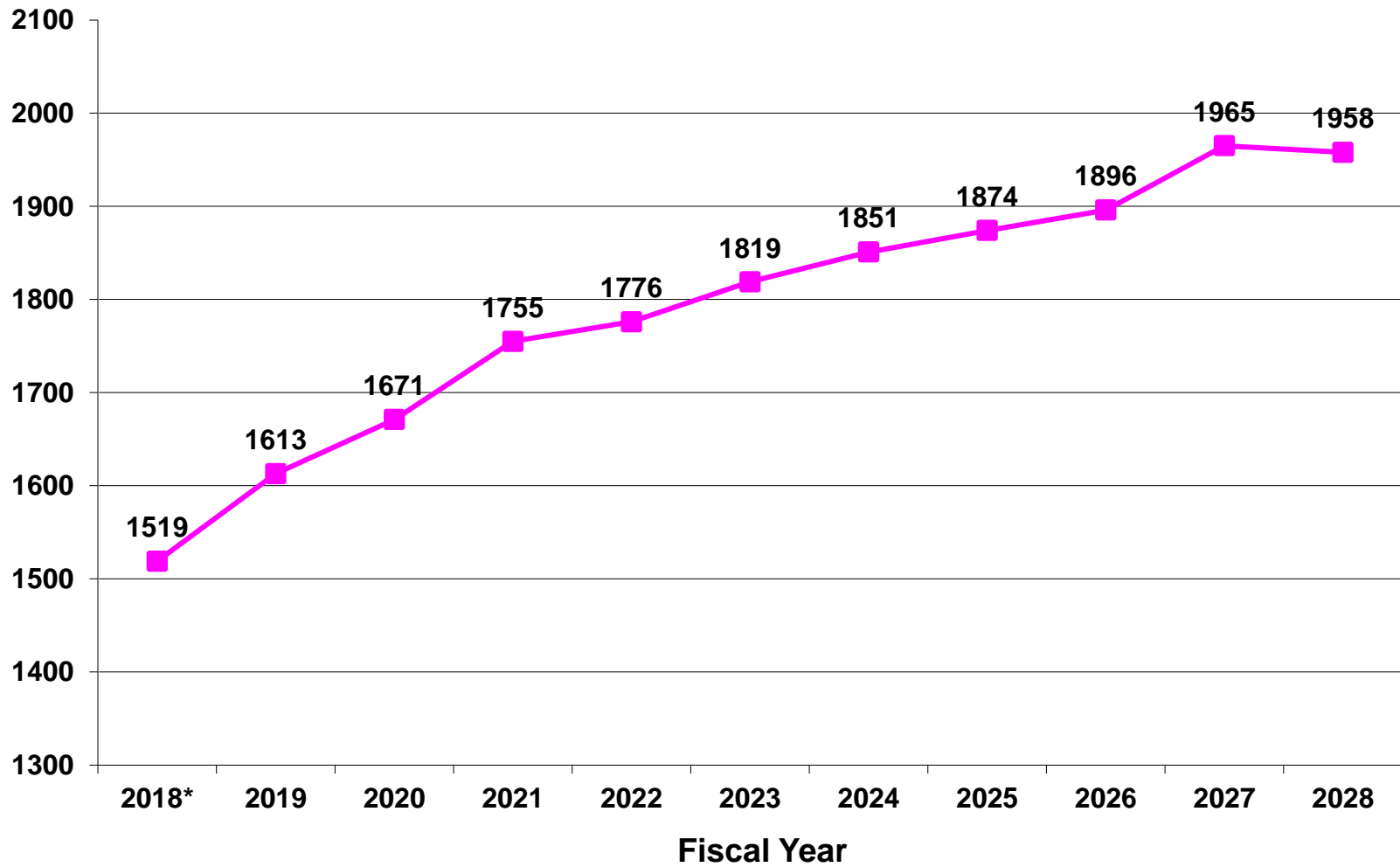
# Male Prison Population - Actual and Projected



## Female Prison Population - Actual and Projected



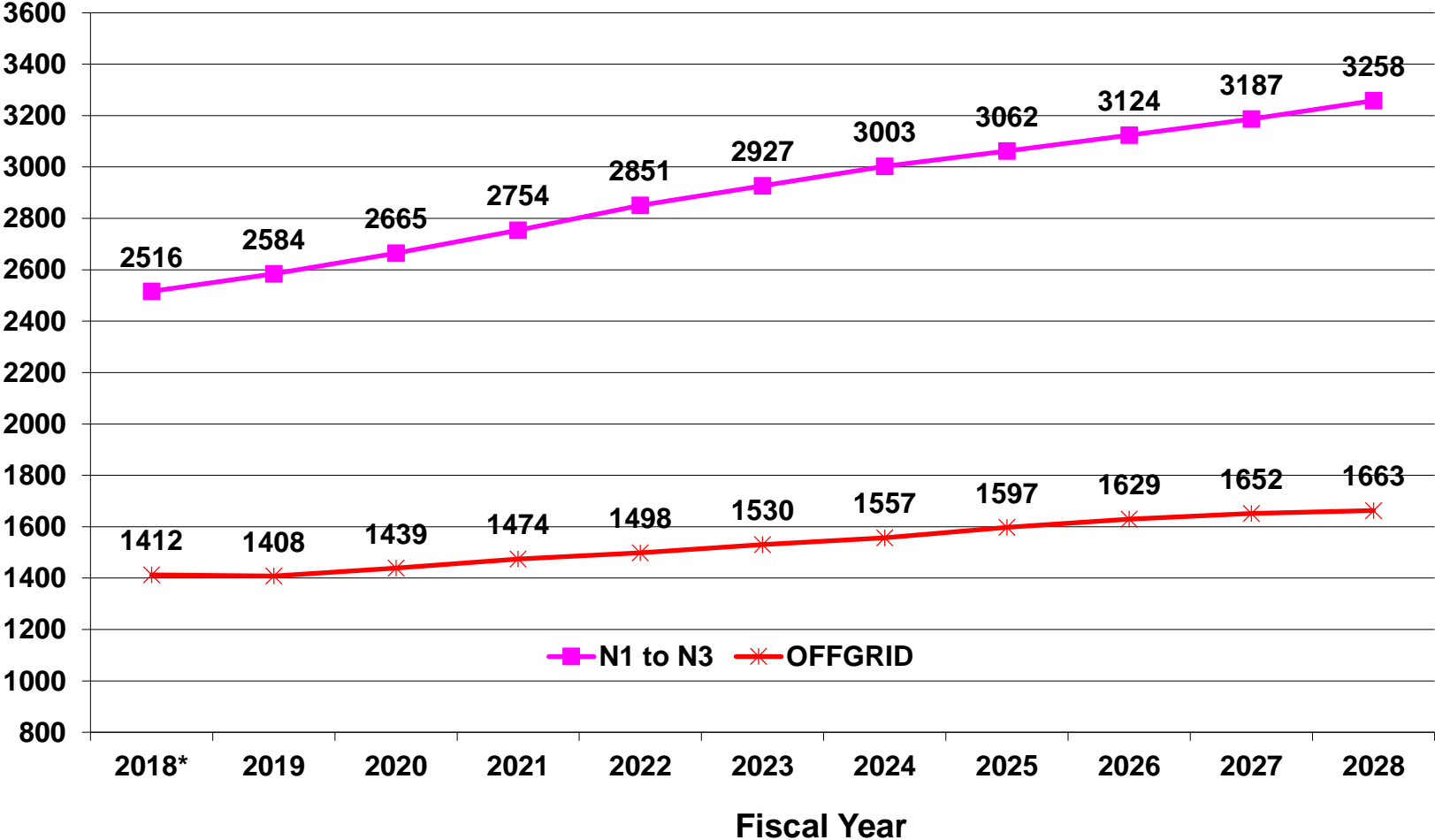
**Figure 4: Projected Drug Inmate Prison Population**



\* Actual prison population on June 30, 2018.  
This group accounts for 16.2% of the total projected prison population in FY 2028.

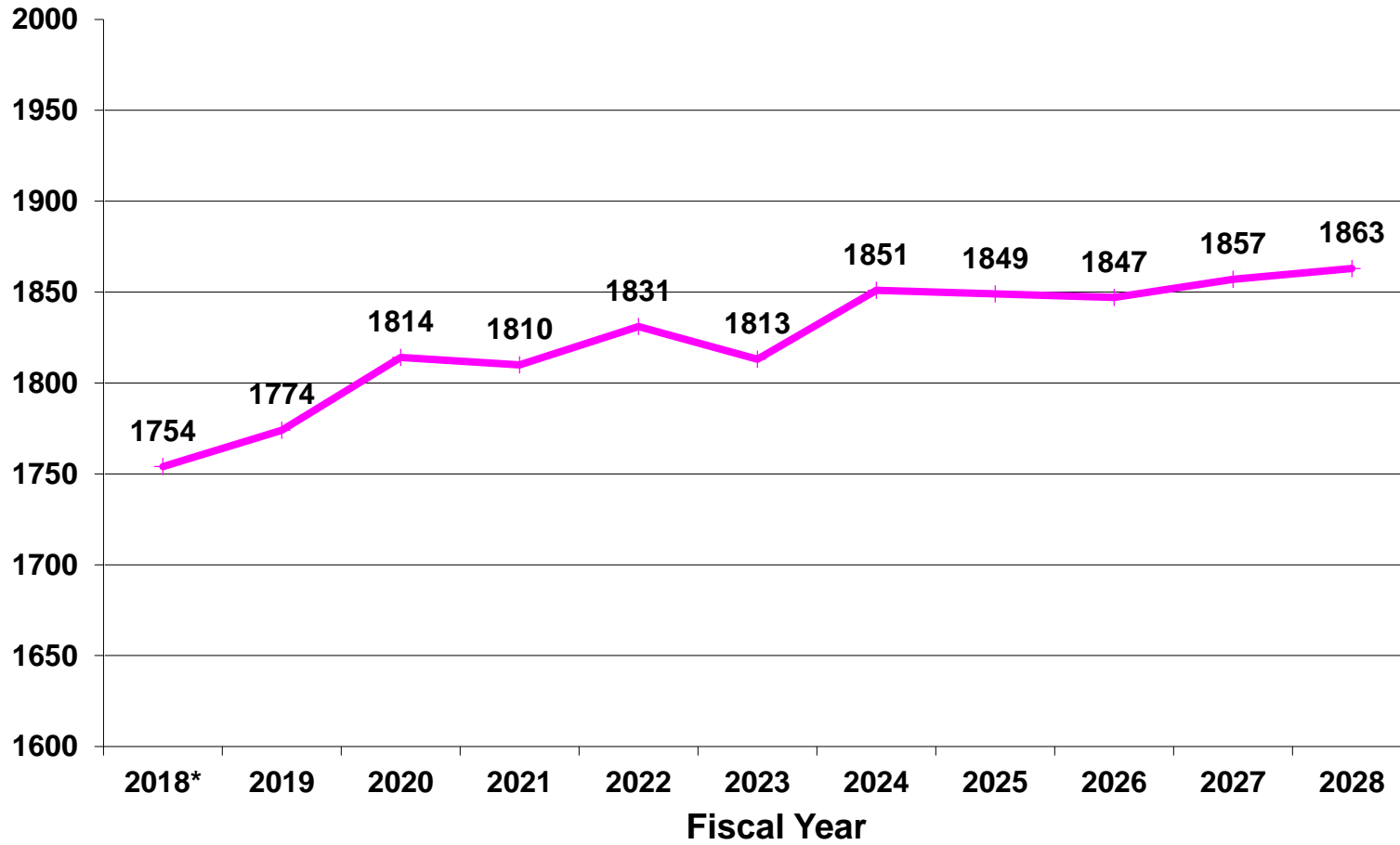


**Figure 5: Projected Violent Inmate Prison Population**



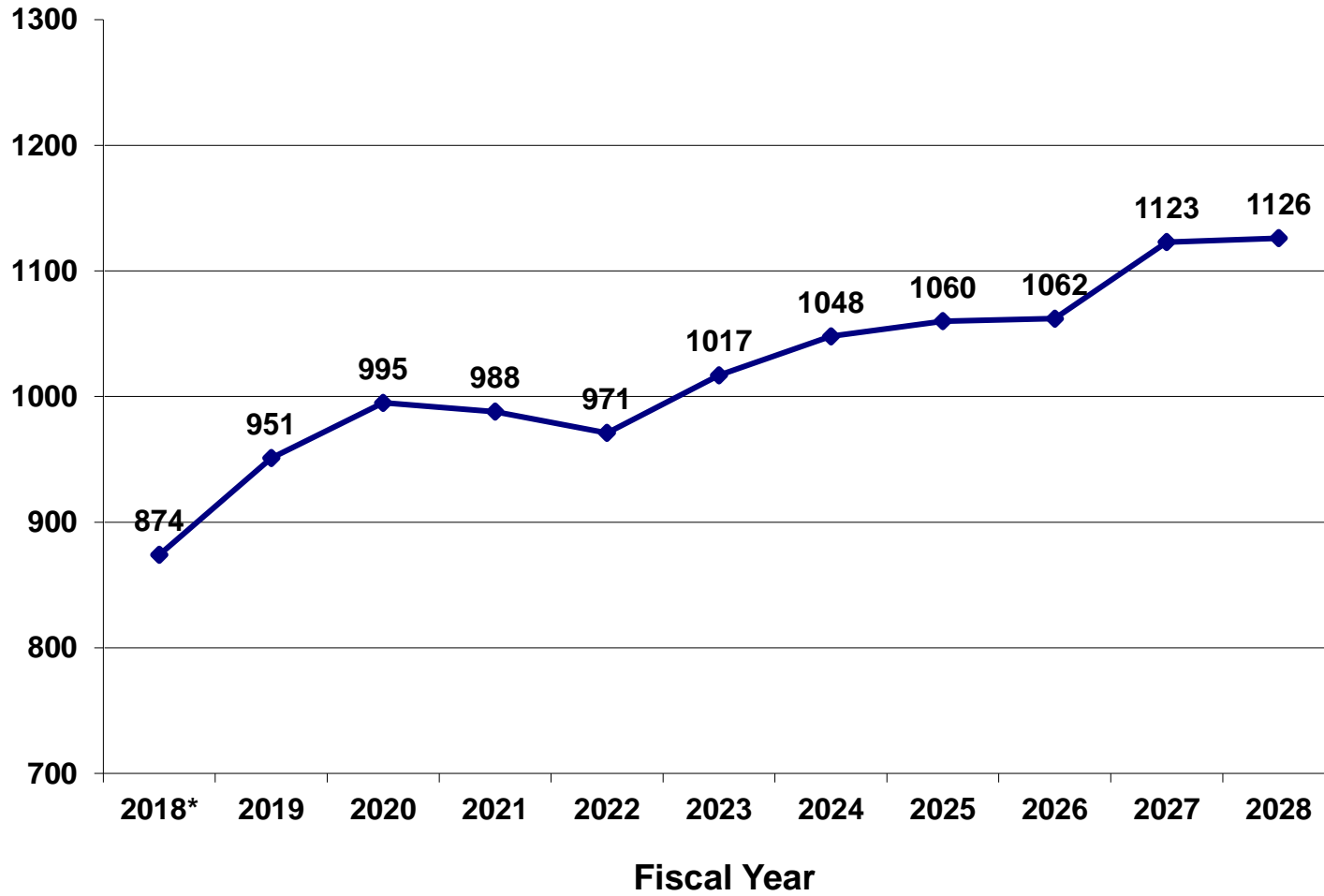
\* Actual prison population on June 30, 2018.  
 This group accounts for 40.8% of the total projected prison population in FY 2028.

**Figure 6: Projected N4-N6 Inmate Prison Population**



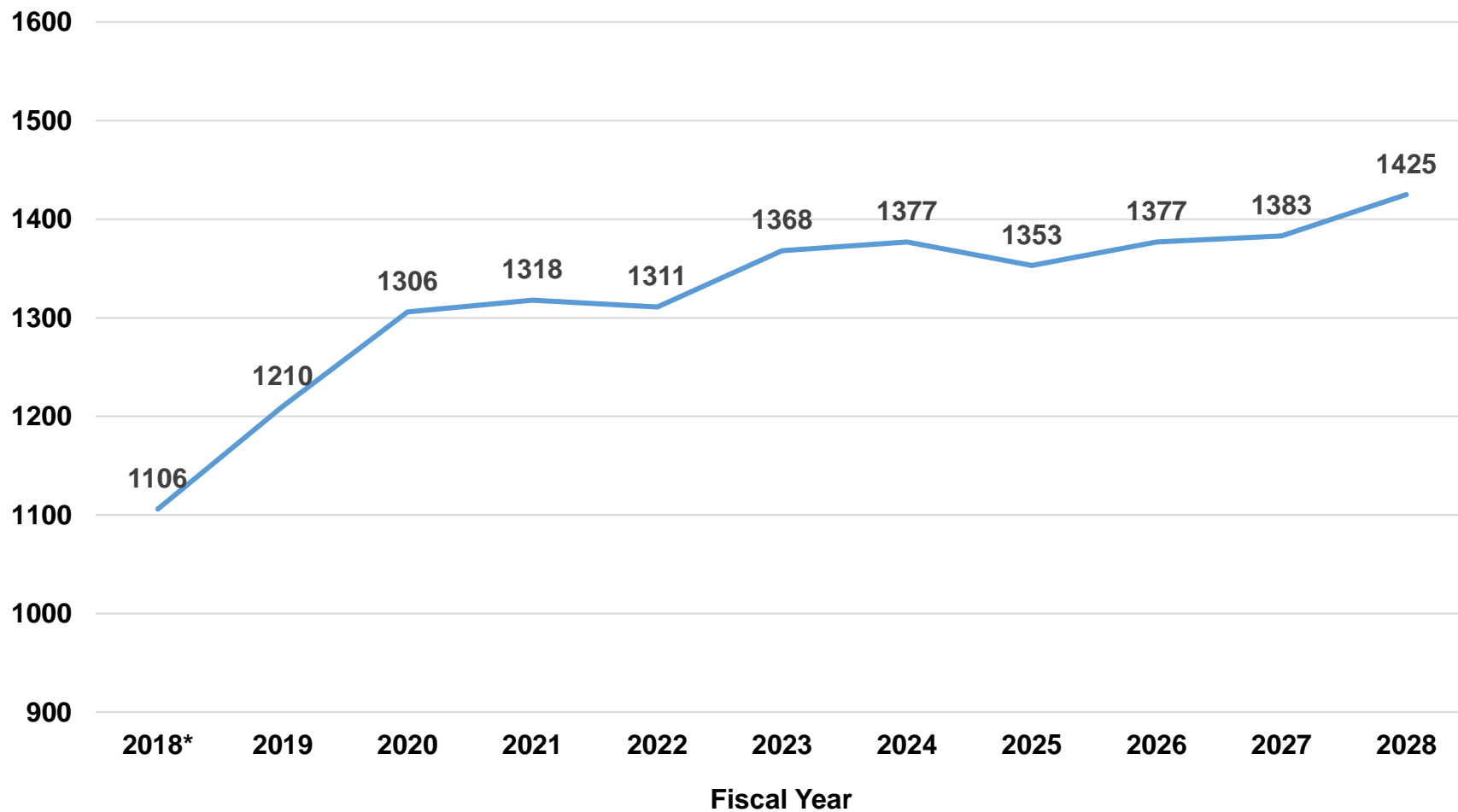
\* Actual prison population on June 30, 2018.  
This group accounts for 15.5% of the total projected prison population in FY 2028.

**Figure 7: Projected Nonviolent Inmate Prison Population**



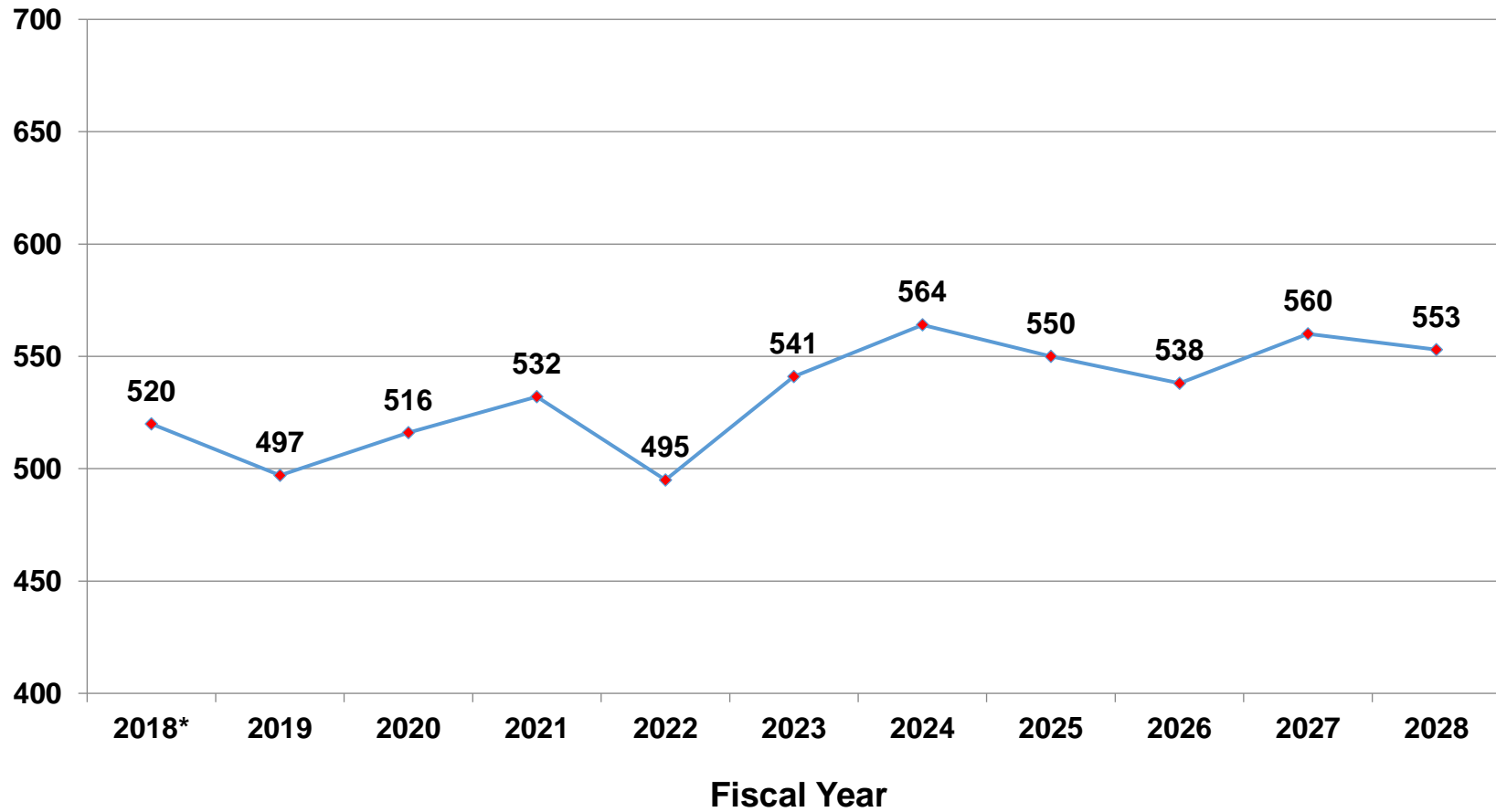
\* Actual prison population on June 30, 2018.  
This group accounts for 9.3% of the total projected prison population in FY 2028.

**Figure 8: Projected Probation Condition Violator Inmate Population**



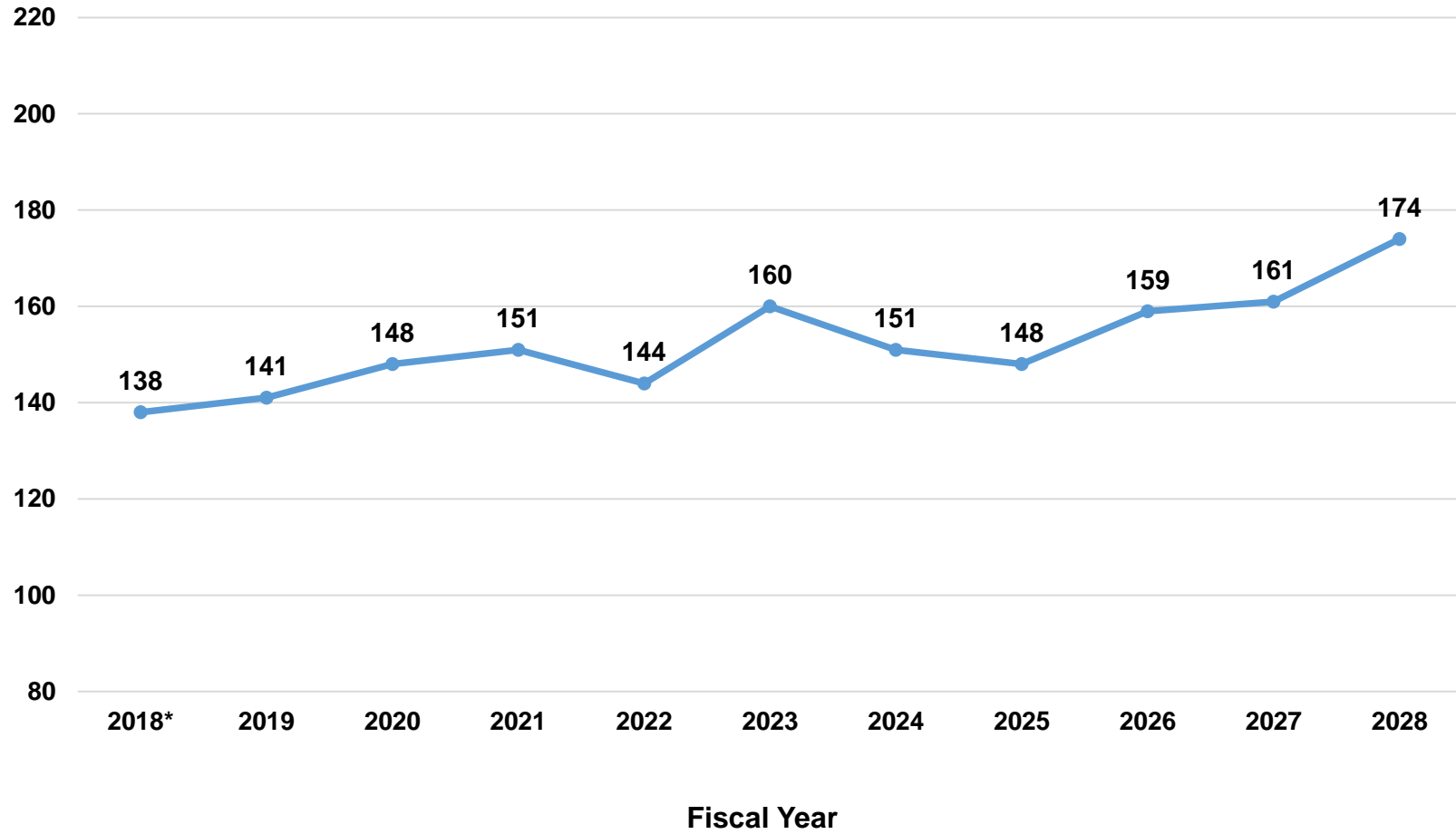
\* Actual prison population on June 30, 2018.  
This group accounts for 11.8% of the total projected prison population in FY 2028.

**Figure 9: Projected Parole/Postrelease Condition Violator Inmate Population**



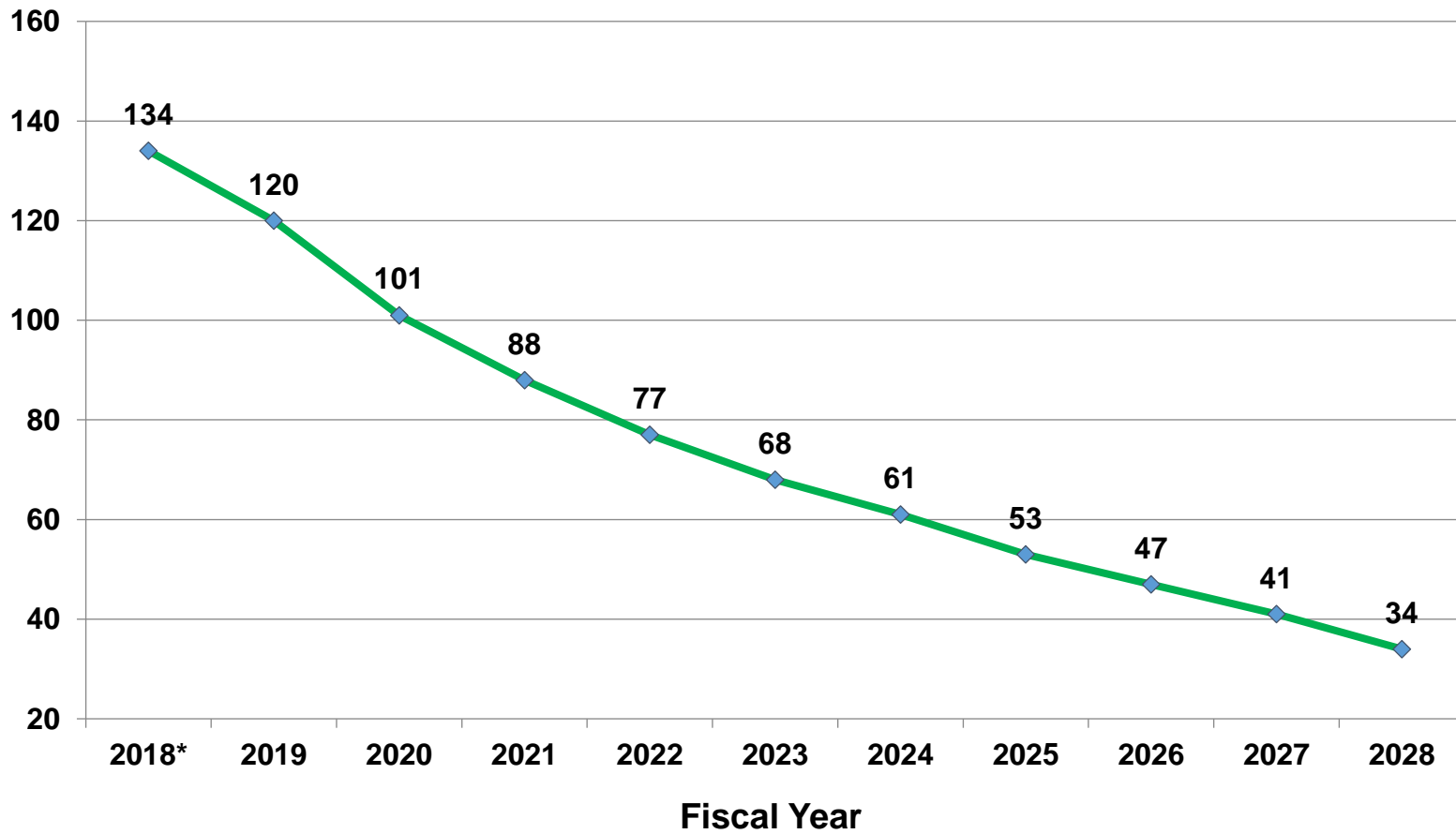
\* Actual prison population on June 30, 2018.  
This group accounts for 4.6% of the total projected prison population in FY 2028.

**Figure 10: Projected Prison Sanction Inmate Population**



\* Actual prison population on June 30, 2018.  
This group accounts for 1.4% of the total projected prison population in FY 2028.

**Figure 11: Projected Old Law (Exclude Offgrid) Inmate Population**



\* Actual prison population on June 30, 2018.  
This group accounts for 0.3% of the total projected prison population in FY 2028.

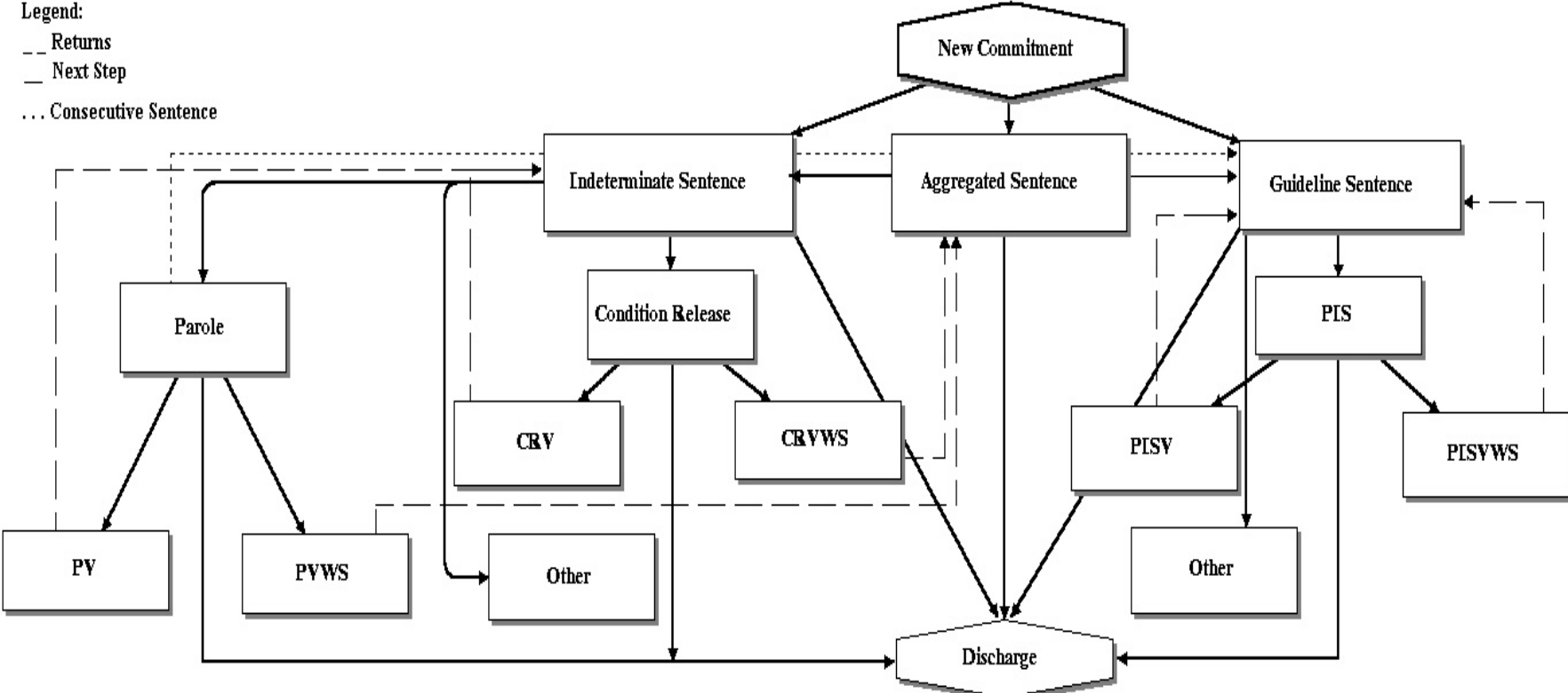
**ATTACHMENT A - KANSAS PRISONER MOVEMENT SIMULATION MODEL**



# Kansas Prison Inmate Movement Simulation Model

Legend:

- Returns
- Next Step
- ... Consecutive Sentence



Note: PV=condition parole violator; PVWS=parole violator with new sentence; CRV=condition release violator; CRVWS=condition release violator with new sentence; PIS=post incarceration supervision; PISV=post incarceration supervision violator; PISVWS=post incarceration supervision violator with new sentence.

**ATTACHMENT B - PRISON POPULATION PROJECTION MONITORING REPORT**

**Table 10: Prison Population Monthly Monitoring Report  
FY 2018 Model**

<b>Month/Year</b>	<b>Projected</b>	<b>Actual</b>	<b>Difference</b>	<b>Percent Error</b>
July 2017	9895	9878	17	0.17%
August 2017	9959	9975	-16	-0.16%
September 2017	9968	9923	45	0.45%
October 2017	10016	10007	9	0.09%
November 2017	10045	9921	124	1.25%
December 2017	10042	9836	206	2.09%
January 2018	10067	9880	187	1.89%
February 2018	10068	9836	232	2.36%
March 2018	10122	9901	221	2.23%
April 2018	10126	9935	191	1.92%
May 2018	10111	10038	73	0.73%
June 2018	10130	9973	157	1.57%

**Table 11: Male Prison Population Monthly Monitoring Report  
FY 2018 Model**

<b>Month/Year</b>	<b>Projected</b>	<b>Actual</b>	<b>Difference</b>	<b>Percent Error</b>
July 2017	9016	9001	15	0.17%
August 2017	9068	9084	-16	-0.18%
September 2017	9087	9013	74	0.82%
October 2017	9128	9080	48	0.53%
November 2017	9160	9011	149	1.65%
December 2017	9141	8945	196	2.19%
January 2018	9159	8966	193	2.15%
February 2018	9158	8933	225	2.52%
March 2018	9197	8990	207	2.30%
April 2018	9207	9022	185	2.05%
May 2018	9184	9121	63	0.69%
June 2018	9212	9060	152	1.68%

**Table 12: Female Prison Population Monthly Monitoring Report**

**FY 2018 Model**

<b>Month/Year</b>	<b>Projected</b>	<b>Actual</b>	<b>Difference</b>	<b>Percent Error</b>
July 2017	879	877	2	0.23%
August 2017	891	891	0	0.00%
September 2017	881	910	-29	-3.19%
October 2017	888	927	-39	-4.21%
November 2017	885	910	-25	-2.75%
December 2017	901	891	10	1.12%
January 2018	908	914	-6	-0.66%
February 2018	910	903	7	0.78%
March 2018	925	911	14	1.54%
April 2018	919	913	6	0.66%
May 2018	927	917	10	1.09%
June 2018	918	913	5	0.55%

**ATTACHMENT C - TREND ANALYSES**

**Table 13: Five Year Prison Admission Trend By Admission Type  
FY 2014 through FY 2018**

<b>Admission Type</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>% Change FY 2014-FY 2018</b>	<b>% Change FY 2017-FY 2018</b>
New Court Commitment	1844	1922	1986	2071	2019	9.5%	-2.5%
Probation Condition Violator	1368	1321	1180	1229	1458	6.6%	18.6%
Probation Prison Sanction	323	691	1003	1192	1197	270.6%	0.4%
Probation Violator With New Sentence	257	331	331	340	302	17.5%	-11.2%
Probation Violator With New Conviction	134	168	188	182	149	11.2%	-18.1%
Inmate Received on Interstate Compact	16	8	15	6	6	-62.5%	0.0%
Parole/Post-release/CR Condition Violator	1122	1219	1237	1201	1082	-3.6%	-9.9%
Parole/Post-release/CR Violator With New Sentence*	185	151	146	196	213	15.1%	8.7%
Paroled to Detainer Returned With New Sentence	34	27	29	28	33	-2.9%	17.9%
Non Violator Return- New Sentence	20	35	49	48	73	265.0%	52.1%
Non Violator Return- No New Sentence	4	3	0	4	10	150.0%	150.0%
<b>Total</b>	<b>5307</b>	<b>5876</b>	<b>6164</b>	<b>6497</b>	<b>6542</b>	<b>23.3%</b>	<b>0.7%</b>

Source: DOC admission files.

\*. Parole/postrelease/CR violator with new sentence in FY 2018 included one CR violator pending new sentence.

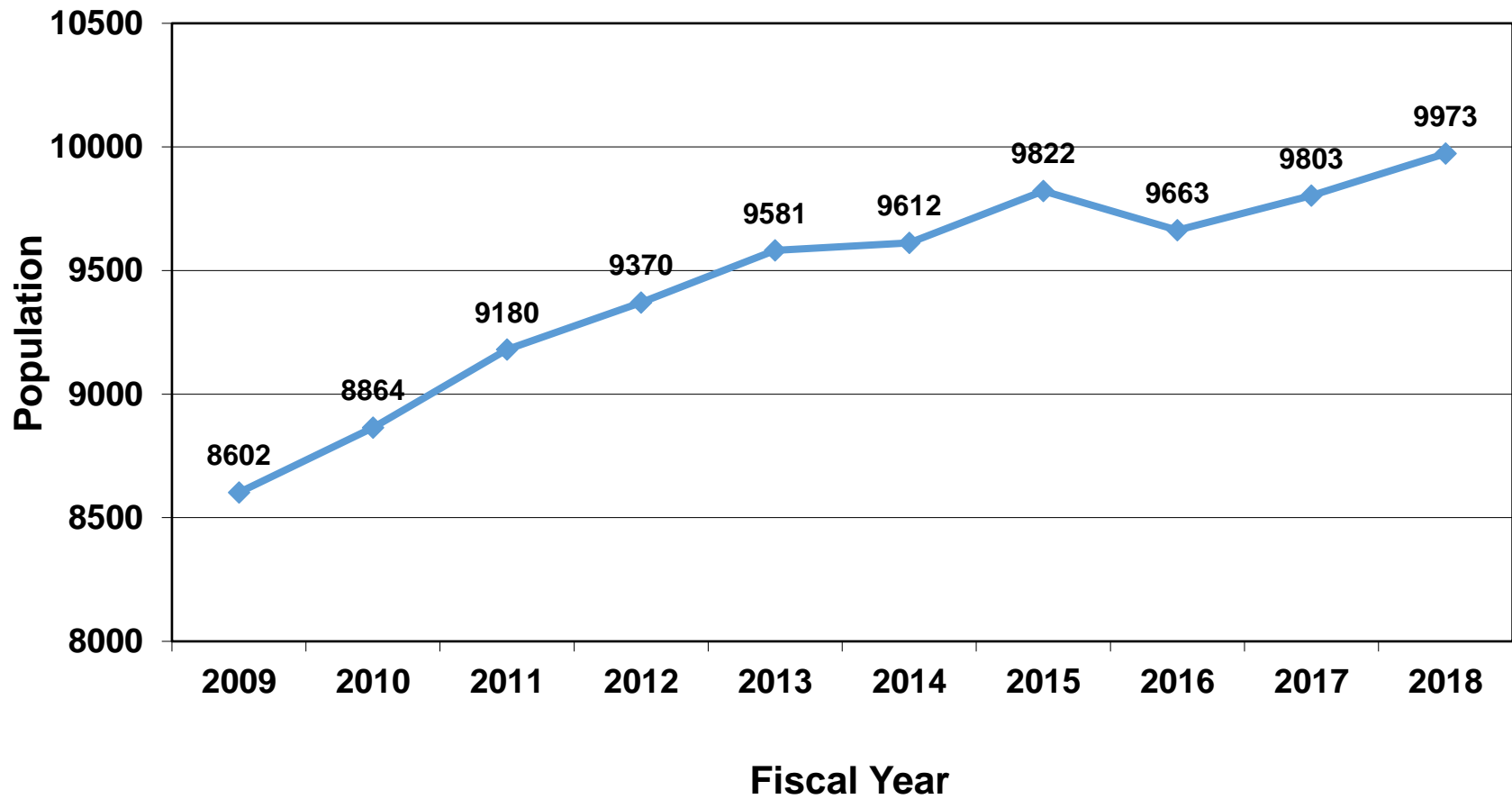
**Table 14: Comparative Analysis on Admission Type by Percentage Distribution  
FY 2014 through FY 2018**

Admission Type	FY 2014		FY 2015		FY 2016		FY 2017		FY 2018	
	N	%	N	%	N	%	N	%	N	%
New Court Commitment	1844	34.7	1922	32.7	1986	32.2	2071	31.9	2019	30.9
Probation Condition Violator	1368	25.8	1321	22.5	1180	19.1	1229	18.9	1458	22.3
Sanction from Probation	323	6.1	691	11.8	1003	16.3	1192	18.3	1197	18.3
Probation Violator With New Sentence	257	2.5	331	5.6	331	5.4	340	5.2	302	4.6
Probation Violator With New Conviction	134	0.3	168	2.9	188	3.0	182	2.8	149	2.3
Inmate Received on Interstate Compact	16	0.3	8	0.1	15	0.2	6	0.1	6	0.1
Parole/Post-release/CR Condition Violator	1122	21.2	1219	20.8	1237	20.1	1201	18.5	1082	16.5
Parole/Post-release/CR Violator With New Sentence*	185	3.5	151	2.6	146	2.4	196	3.0	213	3.2
Paroled to Detainer Returned With New Sentence	34	0.6	27	0.5	29	0.5	28	0.4	33	0.5
Non Violator Return- New Sentence	20	0.4	35	0.4	49	0.8	48	0.7	73	1.0
Non Violator Return- No New Sentence	4	0.1	3	0.1	0	0.0	4	0.1	10	0.2
<b>Total</b>	<b>5307</b>	<b>100</b>	<b>5876</b>	<b>100</b>	<b>6164</b>	<b>100</b>	<b>6497</b>	<b>100</b>	<b>6542</b>	<b>100</b>

Source: DOC admission files.

\*. Parole/postrelease/CR violator with new sentence in FY 2018 included one CR violator pending new sentence.

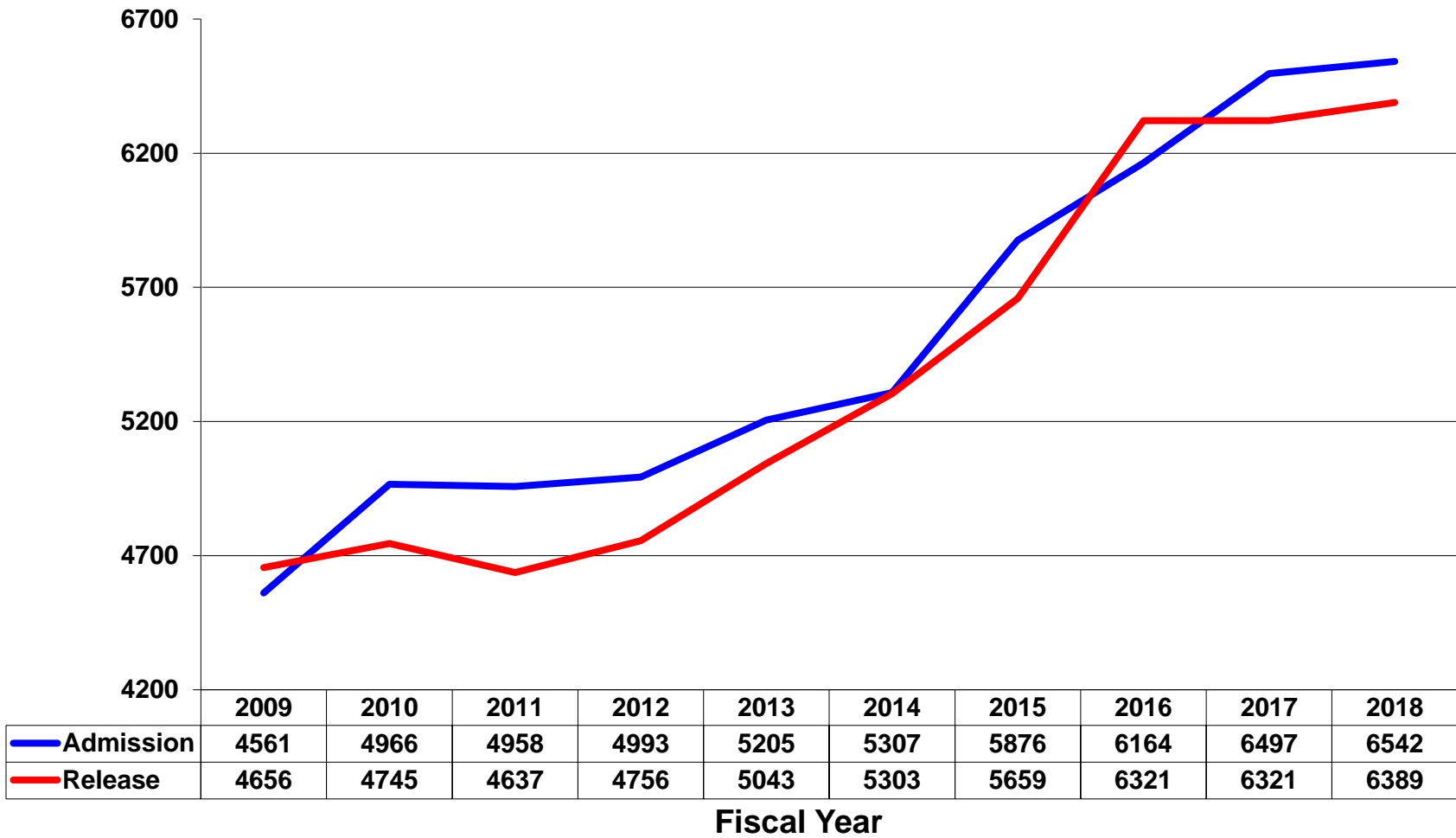
Figure 12: Prison Population Trends



Source: KDOC prison population files.

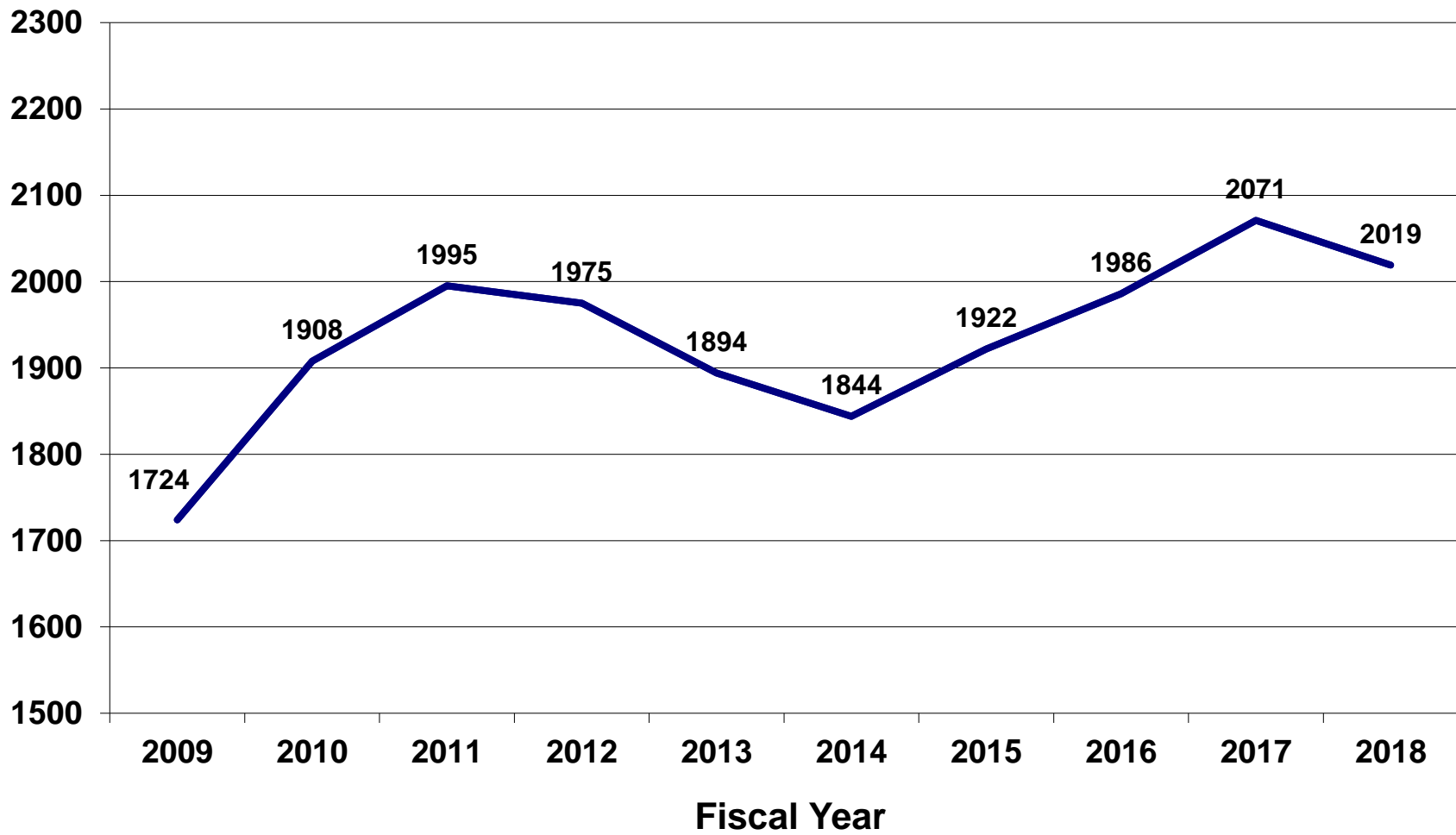


**Figure 13: Prison Admissions and Releases**



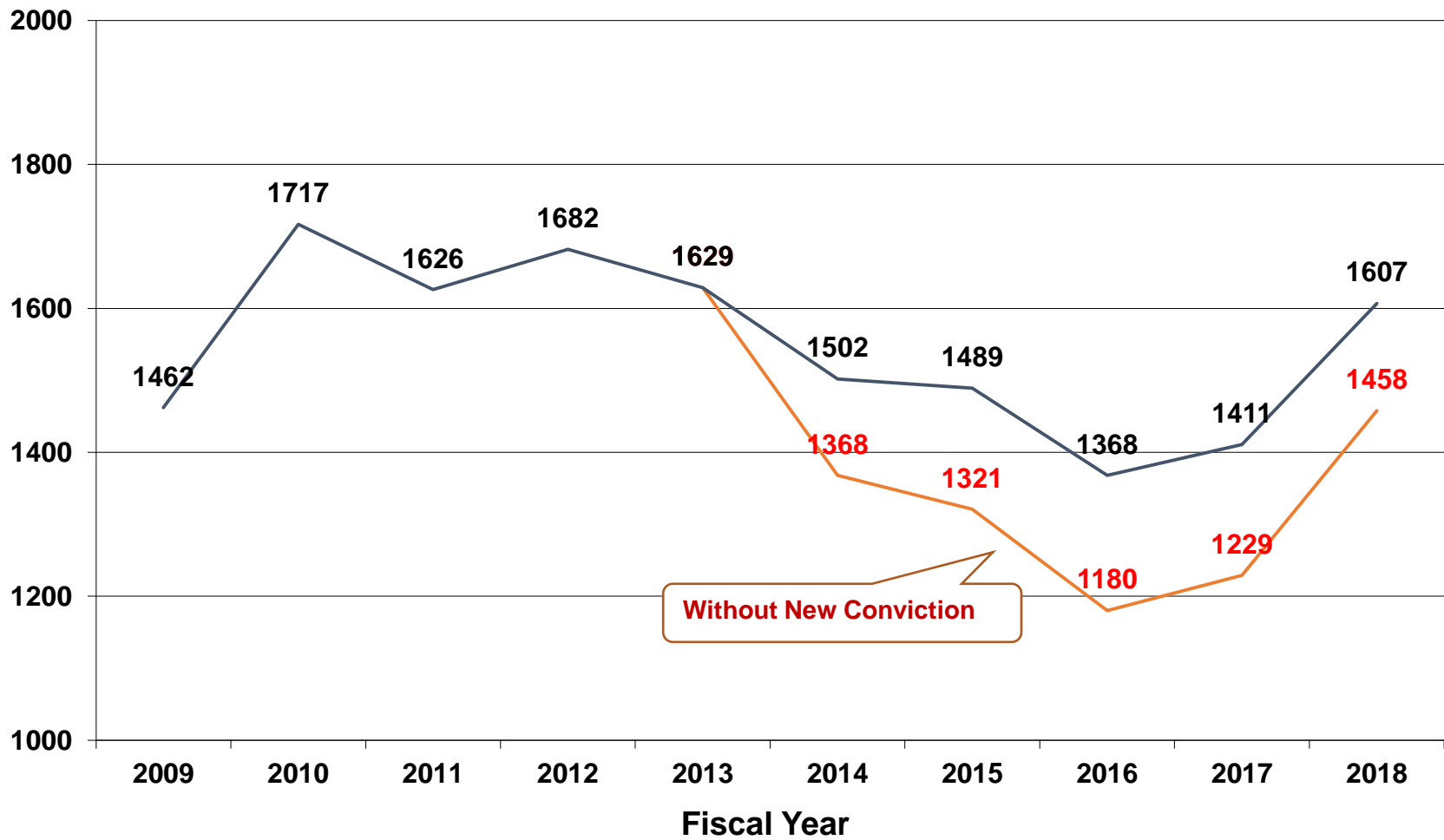
Source: KDOC admission and release files.

**Figure 14: Direct New Court Commitments**



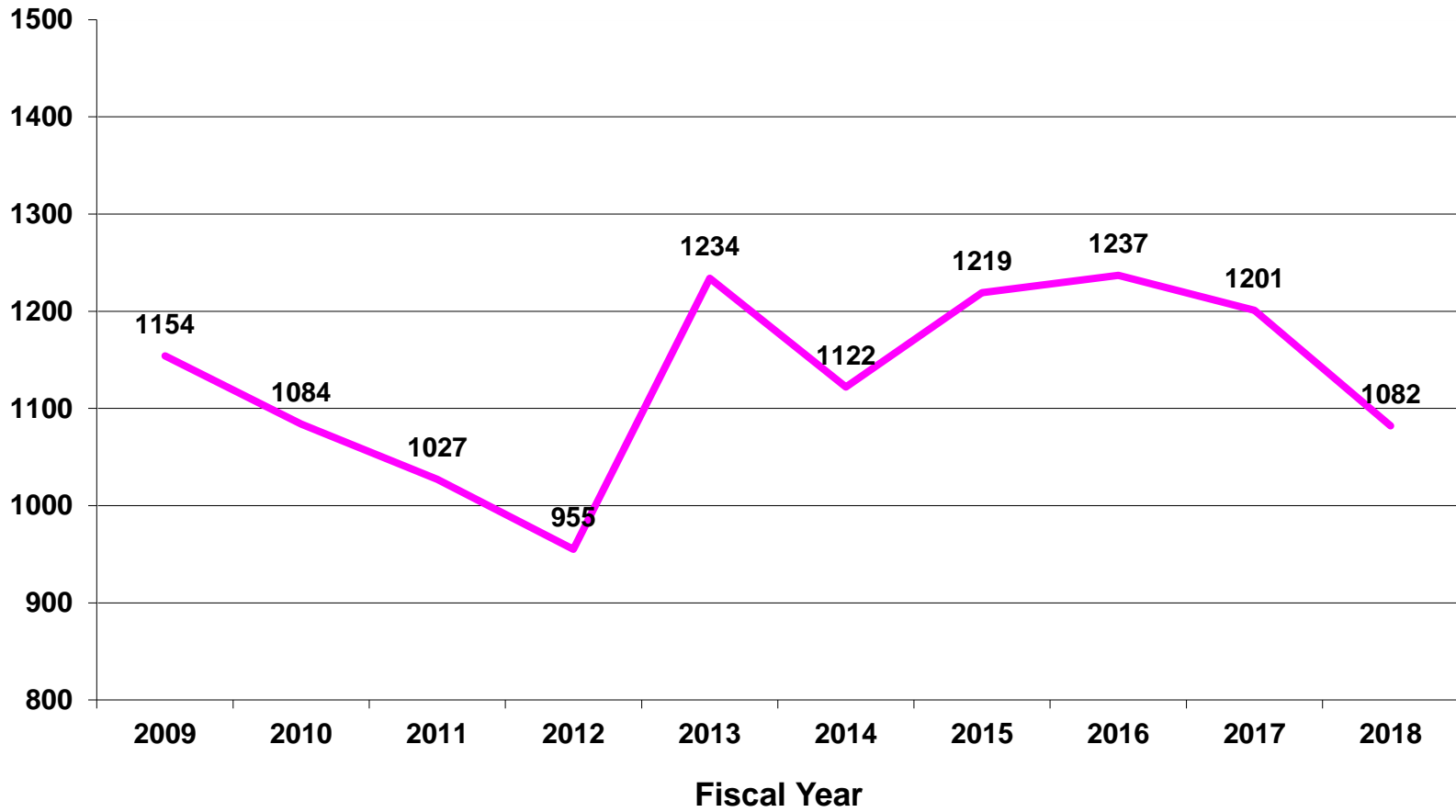
Source: KDOC admission files.

**Figure 15: Probation Condition Violators**



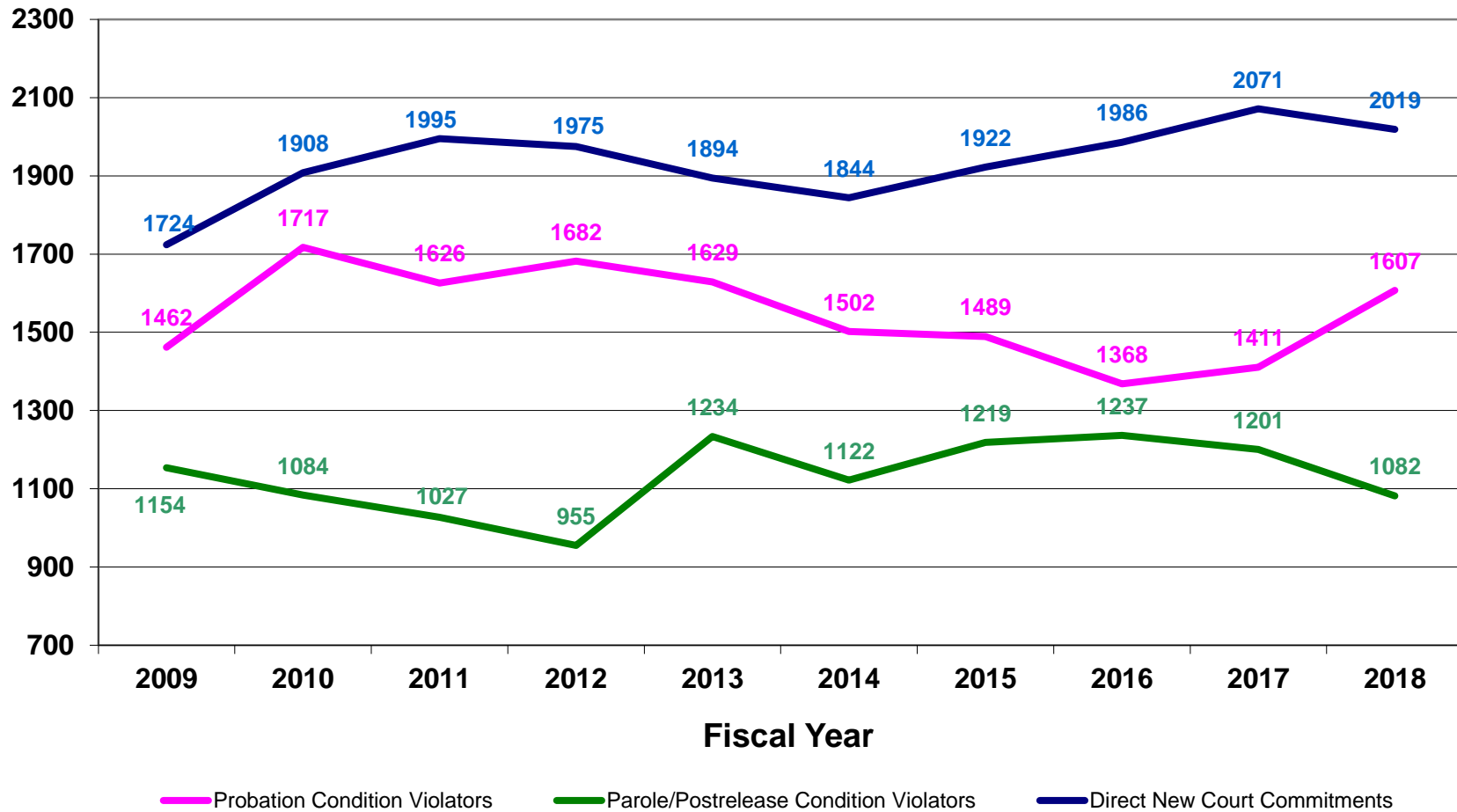
Note: New conviction has been separated from probation condition violators since FY 2014.

**Figure 16: Parole/Postrelease Condition Violators**



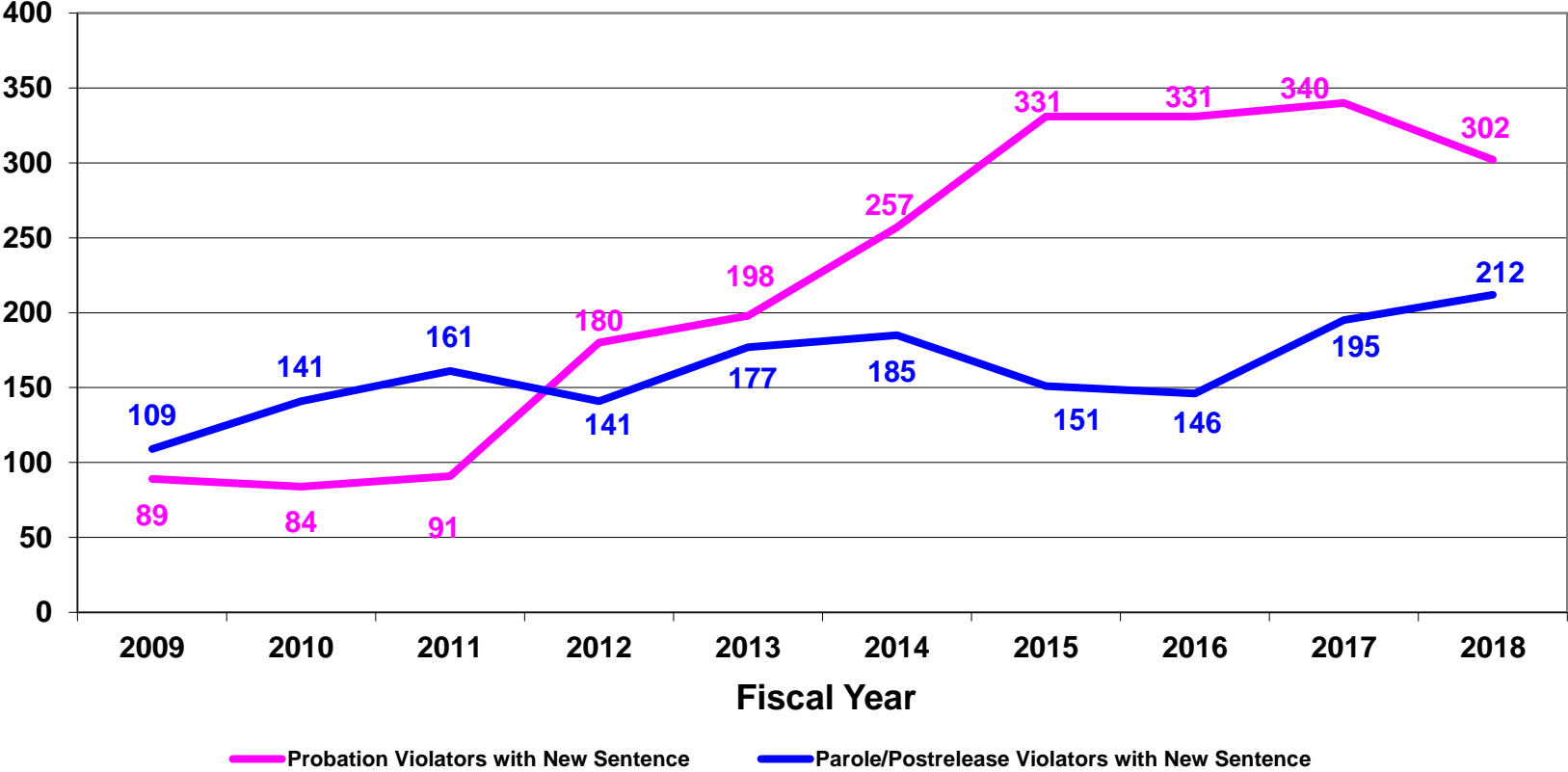
Source: KDOC admission files.  
Note: Including condition conditional-release violators.

**Figure 17: Admissions by Three Major Types**



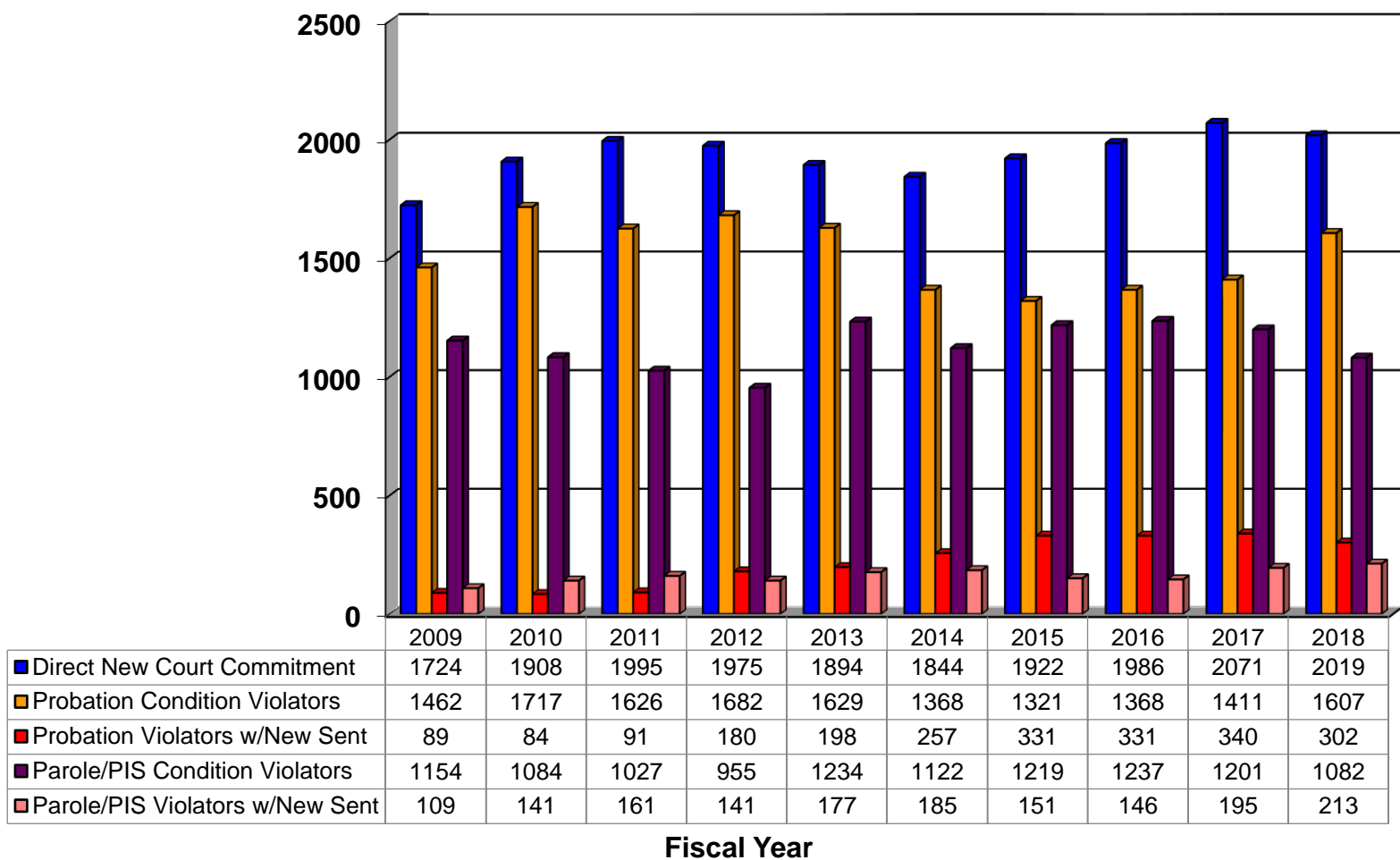
Note: FY 2014 through FY 2018 probation condition violators include probation violators with new conviction.

**Figure 18: Probation and Parole/Postrelease Violators with New Sentence**



Source: KDOC admission files.  
KDOC has changed probation violator with new sentence coding policy since FY 2011.

**Figure 19: Ten Year Prison Admission Trends by Admission Types**



Source: KDOC admission files.

**ATTACHMENT D - GUIDELINE SENTENCING GRIDS**



**Table 15: Sentencing Range - Nondrug Offenses**

Category →	A	B	C	D	E	F	G	H	I
Severity Level ↓	3 + Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3 + Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2 + Misdemeanor	1 Misdemeanor No Record
I	653 620 592	618 586 554	285 272 258	267 253 240	246 234 221	226 214 203	203 195 184	186 176 166	165 155 147
II	493 467 442	460 438 416	216 205 194	200 190 181	184 174 165	168 160 152	154 146 138	138 131 123	123 117 109
III	247 233 221	228 216 206	107 102 96	100 94 89	92 88 82	83 79 74	77 72 68	71 66 61	61 59 55
IV	172 162 154	162 154 144	75 71 68	69 66 62	64 60 57	59 56 52	52 50 47	48 45 42	43 41 38
V	136 130 122	128 120 114	60 57 53	55 52 50	51 49 46	47 44 41	43 41 38	38 36 34	34 32 31
VI	46 43 40	41 39 37	38 36 34	36 34 32	32 30 28	29 27 25	26 24 22	21 20 19	19 18 17
VII	34 32 30	31 29 27	29 27 25	26 24 22	23 21 19	19 18 17	17 16 15	14 13 12	13 12 11
VIII	23 21 19	20 19 18	19 18 17	17 16 15	15 14 13	13 12 11	11 10 9	11 10 9	9 8 7
IX	17 16 15	15 14 13	13 12 11	13 12 11	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5
X	13 12 11	12 11 10	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5	7 6 5	7 6 5

**Probation Terms are:**

- 36 months recommended for felonies classified in Severity Levels 1-5
- 24 months recommended for felonies classified in Severity Levels 6-7
- 18 months (up to) for felonies classified in Severity Level 8
- 12 months (up to) for felonies classified in Severity Levels 9-10

**Postrelease Supervision Terms are:**

- 36 months for felonies classified in Severity Levels 1-4
- 24 months for felonies classified in Severity Level 5-6
- 12 months for felonies classified in Severity Levels 7-10

**Postrelease for felonies committed before 4/20/95 are:**

- 24 months for felonies classified in Severity Levels 1-6
- 12 months for felonies classified in Severity Level 7-10

LEGEND
Presumptive Probation
Border Box
Presumptive Imprisonment

**Table 16: Sentencing Range - Drug Offenses**

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
I	204 194 185	196 186 176	187 178 169	179 170 161	170 162 154	167 158 150	162 154 146	161 150 142	154 146 138
II	144 136 130	137 130 122	130 123 117	124 117 111	116 111 105	113 108 101	110 104 99	108 100 96	103 98 92
III	83 78 74	77 73 68	72 68 65	68 64 60	62 59 55	59 56 52	57 54 51	54 51 49	51 49 46
IV	51 49 46	47 44 41	42 40 37	36 34 32	32 30 28	26 24 23	23 22 20	19 18 17	16 15 14
V	42 40 37	36 34 32	32 30 28	26 24 23	22 20 18	18 17 16	16 15 14	14 13 12	12 11 10

Presumptive Probation
Border Box
Presumptive Imprisonment

•Fines not to exceed \$500,000 (SL1-SL2), \$300,000 (SL3-SL4), \$100,000 (SL5)

•Severity level of offense increases one level if controlled substance or analog is distributed or possessed w/ intent to distribute on or w/in 1000 ft of any school property.

Levels	Distribute or Possess w/ intent to Distribute			Manufacture (all)	Cultivate	Dosage Units	Postrelease	Probation	Good Time
	Cocaine	Meth & Heroin	Marijuana						
I	≥ 1 kg	≥ 100 g	≥ 30 kg	2nd or Meth	>100 plants	>1000	36	36	15%
II	100 g - 1 kg	3.5 g - 100 g	450 g - 30 kg	1st	50-99 plants	100-999	36	36	15%
III	3.5 g - 100 g	1 g - 3.5 g	25 g - 450 g		5-49 plants	10-99	36	36	**20%
IV	< 3.5 g	< 1 g	< 25 g			<10	24	≤ 18	20%
V	Possession		Possession-2nd offense				12	*≤12	20%

\* ≤ 18 months for 2003 SB123 offenders

\*\* Effective on July 1, 2015 - retroactive