

MEMORANDUM

To: Kansas Sentencing Commission Workshop
From: Scott M. Schultz, Executive Director
Date: September 18, 2024
Re: Prison Bed Space Impact Assessment – **Offender Registration Repeal**

IMPACT ASSESSMENT PART 1

- **Impact on Prison Admissions:** This bill would reduce **85** prison admissions in **FY 2025** and **96 in FY 2034**.
- **Impact on Prison Bed Space:** This bill would reduce prison beds by **85** in FY 2025 and **218** in FY 2034.
- **Impact on the Commission Workload:** This bill would reduce the workload of the Commission by **202** journal entries in FY 2025 and **230** in FY 2034.

IMPACT ASSESSMENT PART 2

- **Impact on Prison Admissions:** This bill would reduce **28** prison admissions (per type of registration) in **FY 2025** and **32 in FY 2034**.
- **Impact on Prison Bed Space:** This bill would reduce prison beds by **28** in FY 2025 and **71** in FY 2034.
- **Impact on the Commission Workload:** This bill would reduce the workload of the Commission by **67** journal entries in FY 2025 and **76** in FY 2034.

IMPACT ASSESSMENT PART 3

- **Impact on Prison Admissions:** **Impact on Prison Admissions:** This bill would reduce **85** prison admissions in **FY 2025** and **96 in FY 2034**.
- **Impact on Prison Bed Space:** This bill would reduce prison beds by **384** in FY 2025 and **71** in FY 2034.
- **Impact on the Commission Workload:** This bill would reduce the workload of the Commission by **67** journal entries in FY 2025 and **76** in FY 2034.

SUMMARY OF THE BILL

For discussion purposes these scenarios would repeal offender registration requirements for all offender types (drug, sex, and violent) in **part 1**. This bill would repeal one specific type of registration (drug or sex or violent) in **part 2**. This bill would release all offenders currently incarcerated for violation of K.S.A. 22-4903 in **part 3**.

FINDINGS

- In FY 2024, **202 offenders** were convicted of failing to register under K.S.A. 22-4903. Offenders were convicted at the following severity levels:
 - **Severity Level Three – 33**
 - **Prison – 18 (54.5%)**
 - **Probation – 15 (45.5%)**
 - **Severity Level Five – 23**
 - **Prison – 16 (69.6%)**
 - **Probation – 7 (30.4%)**
 - **Severity Level Six – 126**
 - **Prison – 45 (35.7%)**
 - **Probation – 81 (64.3%)**
 - **Severity Level Eight – 19**
 - **Prison – 6 (31.6%)**
 - **Probation – 13 (68.4%)**
 - **Severity Level Nine**
 - **Prison – 0 (0.0%)**
 - **Probation – 1 (100%)**
- In **FY 2024**, the **average prison sentence** for offenders convicted under K.S.A. 22-4903 and sentenced to prison after jail credit was **32.1 months**.

ASSUMPTIONS

- **Part 1:** This scenario assumes that no offenders must register under K.S.A. 22-4903 going forward.
- **Part 2:** This scenario assumes each group of offenders (sex, drug, violent) will make up 1/3 of the offender registry violations. Therefore, the impact totals can be applied evenly to each group of offenders.
 - The KSSC does not have readily available data regarding the underlying conviction for the offender registration requirement. Thus, the KSSC cannot make an exact determination of the category of crime for which each offender was required to register (sex, drug, or violent).

- **Part 3:** This scenario assumes KORA is repealed and applied retroactively. This may trigger the release of all offenders currently incarcerated in KDOC. On June 30, 2024, there were **359** offenders incarcerated for violation of K.S.A. 22-4903.

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- **Impact on the Commission Workload:** This bill would reduce the workload of the Commission by **202** journal entries in FY 2025 and **230** in FY 2034.

IMPACT ASSESSMENT PART 2

- **Impact on Prison Admissions:** This bill would reduce **28** prison admissions (per type of registration) in **FY 2025** and **32** in **FY 2034**.
- **Impact on Prison Bed Space:** This bill would reduce prison beds **by 28** in FY 2025 and **71** in FY 2034.
- **Impact on the Commission Workload:** This bill would reduce the workload of the Commission by **67** journal entries in FY 2025 and **76** in FY 2034.

IMPACT ASSESSMENT PART 3

- **Impact on Prison Admissions:** This bill would reduce **85** prison admissions in **FY 2025** and **96** in **FY 2034**.
- **Impact on Prison Bed Space:** This bill would reduce prison beds **by 384** in FY 2025 and **71** in FY 2034.
- **Impact on the Commission Workload:** This bill would reduce the workload of the Commission by **67** journal entries in FY 2025 and **76** in FY 2034.