

## MEMORANDUM

**To:** Kansas Sentencing Commission Workshop  
**From:** Scott M. Schultz, Executive Director  
**Date:** September 18, 2024  
**Re:** Prison Bed Space Impact Assessment – **Retroactive Program Credit (D1-D2, N1-N3, and Offgrid)**

### IMPACT ASSESSMENT PART 1

- **Impact on Prison Admissions:** This bill will **not** impact prison admissions during the 10-year projection period.
- **Impact on Prison Bed Space:** This bill would **reduce** prison beds by **2, 3, 13, or 14** in FY 2025 and **94, 200, 338, or 468** in FY 2034, depending upon each scenario.
- **Impact on the Commission Workload:** This bill will have **no** impact on workload of the Commission.

### SUMMARY OF THE BILL

For discussion purposes, these scenarios would allow offenders not currently eligible for program credit under statute (D1-D2, N1-N3, and Offgrid) to earn program credit up to 5%, 10%, 15%, or 20% of their sentence, depending on the chosen scenario. The proposed bill's application would be retroactive.

**Note:** Because these offenders, in general, are serving long sentences, the bed impact is minimal in the first year of the simulation.

### FINDINGS

- In FY 2024, **4,505 offenders** were incarcerated in KDOC for offenses falling under Drug 1-2; Nondrug 1-3; and Offgrid Offenses. The following is a breakdown of the stock population by severity levels with the average remaining sentence included:
  - **Drug Severity Level One – 129**
    - **67 months remaining**

- **Drug Severity Level Two – 295**
  - **52 months remaining**
- **Nondrug Severity Level One – 1235**
  - **173 months remaining**
- **Nondrug Severity Level Two – 246**
  - **122 months remaining**
- **Nondrug Severity Level Three – 1128**
  - **77 months remaining**
- **Offgrid – 1517**
  - **189 months remaining**

### **Scenarios**

- **Scenario 1:** The first scenario would allow offenders in the above-referenced groups to earn up to 5% of their sentence in program credit.
- **Scenario 2:** The first scenario would allow offenders in the above-referenced groups to earn up to 10% of their sentence in program credit.
- **Scenario 3:** The first scenario would allow offenders in the above-referenced groups to earn up to 15% of their sentence in program credit.
- **Scenario 4:** The first scenario would allow offenders in the above-referenced groups to earn up to 20% of their sentence in program credit.

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