

MEMORANDUM

To: Kansas Sentencing Commission Workshop
From: Scott M. Schultz, Executive Director
Date: September 18, 2024
Re: Prison Bed Space Impact Assessment, – **Increasing the felony loss thresholds for certain property crimes to match the crime of theft.**

IMPACT ASSESSMENT

- **Impact on Prison Admissions:** This bill would reduce **3** prison admissions each year during the ten-year forecasting period.
- **Impact on Prison Bed Space:** This bill would reduce prison beds **by 2 in FY 2024 and 3 in FY 2033.**
- **Impact on the Commission Workload:** This bill would reduce the workload of the Commission by **3** journal entries each year.

SUMMARY OF THE BILL

Section 1. K.S.A. 21-5802 is amended to increase the threshold amounts for misdemeanor and felony violations of **theft of property lost, mislaid or delivered by mistake**. The level 9 nonperson felony cutoff value is increased from \$1,000 to \$1,500 (but less than \$25,000) and the class A misdemeanor is increased from \$1,000 to \$1,500.

Section 2. K.S.A. 21-5813 is amended to increase the threshold amounts for misdemeanor and felony violations of **criminal damage to property**. The level 9 nonperson felony cutoff value is increased from \$1,000 to \$1,500 (but less than \$25,000) and the class B misdemeanor is increased from \$1,000 to \$1,500.

Section 3. K.S.A. 21-5821 is amended to increase the threshold amounts for misdemeanor and felony violations of **giving a worthless check**. The level 9 nonperson felony cutoff value is increased from \$1,000 to \$1,500 (but less than \$25,000) or three checks within seven days with a value of \$1,500 increased from \$1,000 (but less than \$25,000) and the class A misdemeanor is increased from \$1,000 to \$1,500.

Section 4. K.S.A. 21-5825 is amended to increase the threshold amounts for misdemeanor and felony violations of **counterfeiting**. The level 9 nonperson felony cutoff value is increased from \$1,000 to \$1,500 (but less than \$25,000) and the class A misdemeanor is increased from \$1,000 to \$1,500.

Section 5. K.S.A. 21-5828 is amended to increase the threshold amounts for misdemeanor and felony violations of **criminal use of a financial card**. The level 9 nonperson felony cutoff value is increased from \$1,000 to \$1,500 (but less than \$25,000) and the class B misdemeanor is increased from \$1,000 to \$1,500.

Section 6. K.S.A. 21-5830 is amended to increase the threshold amounts for misdemeanor and felony violations of **impairing a security interest**. The level 9 nonperson felony cutoff value increased from \$1,000 to \$1,500 (but less than \$25,000) and the class A misdemeanor is increased from \$1,000 to \$1,500.

Section 7. K.S.A. 21-5927 is amended to increase the threshold amounts for misdemeanor and felony violations of **Medicaid fraud**. The level 9 nonperson felony cutoff value is increased from \$1,000 to \$1,500 (but less than \$25,000) and the class A misdemeanor is increased from \$1,000 to \$1,500.

Section 8. K.S.A. 21-5602 is amended to increase the threshold amounts for misdemeanor and felony violations of **official misconduct**. The level 9 nonperson felony cutoff value is increased from \$1,000 to \$1,500 (but less than \$25,000) and the class A misdemeanor is increased from \$1,000 to \$1,500.

Section 9. K.S.A. 21-6004 is amended to increase the threshold amounts for misdemeanor and felony violations of **presenting a false claim**. The level 9 nonperson felony cutoff value is increased from \$1,000 to \$1,500 (but less than \$25,000) and the class A misdemeanor is increased from \$1,000 to \$1,500.

Section 10. K.S.A. 21-6005 is amended to increase the threshold amounts for misdemeanor and felony violations of **misuse of public funds**. The level 9 nonperson felony cutoff value is increased from \$1,000 to \$1,500 (but less than \$25,000) and the class A misdemeanor is increased from \$1,000 to \$1,500.

Section 11. K.S.A. 21-5813 is amended to increase the threshold amounts for misdemeanor and felony violations of **criminal desecration**. The level 9 nonperson felony cutoff value is increased from \$1,000 to \$1,500 (but less than \$25,000) and the class A misdemeanor is increased from \$1,000 to \$1,500.

FINDINGS

- In FY 2024, **88 offenders** were convicted of the following crimes relating to loss values. Of this number:
 - **23** (37.5%) were sentenced to prison; and

- **55 (62.5%)** were sentenced to probation. The convicted statutes and offenses are listed below:

Statute	Name of Offense	Number of Convictions	Percent
21-5813	Criminal damage to property	79	69.6
21-5821	Giving a worthless check	6	13.6
21-5828	Criminal use of a financial card	9	9.6
21-5927	Medicaid fraud	1	0.8
21-5602	Official Misconduct	17	0.8
Total		88	100.0

- Of the 23 offenders sentenced to prison, the restitution range was from \$401 to \$48,036, with **three** less than \$1,500.
- The average prison sentence was **15.7** months with 185.7 days or 6.1 months jail credit.

IMPACT ASSESSMENT

- **Impact on Prison Admissions:** This bill would reduce **3** prison admissions each year during the ten-year forecasting period.
- **Impact on Prison Bed Space:** This bill would reduce prison beds **by 2 in FY 2024 and 3 in FY 2033.**
- **Impact on the Commission Workload:** This bill would reduce the workload of the Commission by **3** journal entries each year.