

**MEMORANDUM**

**To:** Senator Ed Berger and Joint Committee on Corrections and Juvenile Justice Oversight  
**From:** Scott M. Schultz, Executive Director  
**Date:** November 20, 2020  
**Re:** JCCJO agency response - **Total bed and fiscal impact for all 2021 KSSC proposed bills**

**KSSC Proposed Bill Impact - Prison Bed Space Assessments**

| Bill No. | Bill Description   | Prison Beds Impact |        |      |         |        |      |
|----------|--|--------------------|--------|------|---------|--------|------|
|          |  | FY 2022            |        |      | FY 2031 |        |      |
|          |  | Low                | Medium | High | Low     | Medium | High |
| 1.       | Expand presumptive probation and border boxes on drug grid   | -295               | -295   | -295 | -452    | -452   | -452 |
| 2.       | Allowing earned discharge credit while on probation – incentivize offenders to complete probation early with judicial hearing required after 50% service of probation term and seven days credit for each 30-day compliance period | -89                | -147   | -196 | -150    | -225   | -300 |
| 3.       | Allowing earned discharge credit while in prison– current 15%-20% credit for ongrid offenses would be increased to 25% for person felonies and 40% for nonperson felonies. Program credit increased from 120 days to 150 days      | -86                | -86    | -86  | -564    | -564   | -564 |
| 4.       | Offender registration act - remove drug crimes from the Kansas Offender Registration Act and amend all payment violations of K.S.A.22-4903(c)(3) to be punishable as a misdemeanor   | -75                | -75    | -75  | -129    | -129   | -129 |
| 5.       | Reducing the length of sentence of drug severity level 5 possession crimes to be proportional with nondrug severity level 8 crimes   | -20                | -20    | -20  | -143    | -143   | -143 |
| 6.       | Unlawful tampering with electronic monitoring equipment – amends K.S.A. 21-6322 from severity level 6 felony to a severity level 8 to be proportional with current escape from custody penalty                                     | -9                 | -9     | -9   | -10     | -10    | -10  |

|     |   |             |             |             |               |               |               |
|-----|---|-------------|-------------|-------------|---------------|---------------|---------------|
| 7.  | Increase felony loss threshold to \$1,500 for 11 property crimes to be consistent with the current felony theft threshold   | -2          | -2          | -2          | -2            | -2            | -2            |
| 8.  | *SB 123 program extended to diversion – allows for state funding of substance abuse treatment to incentivize offenders and lower costs to law enforcement, prosecutors and the courts                                     | UNK         | UNK         | UNK         | UNK           | UNK           | UNK           |
| 9.  | Post-sentencing transfer of jurisdiction for 2003 SB 123-eligible cases – all parties must agree to transfer of jurisdiction to offender’s current place of residence   | UNK         | UNK         | UNK         | UNK           | UNK           | UNK           |
| 10. | Compassionate release policy – amend K.S.A. 22-3729(a)(1) allow release of an inmate with a terminal illness likely to cause death within 120 days rather than the current 30 days  | UNK         | UNK         | UNK         | UNK           | UNK           | UNK           |
| 11. | Clarifying prior convictions for special sentencing rules – amends K.S.A. 21-6805(e) and (f)(1) to require the use prior convictions rather than convictions in the same case to apply special sentencing rules 12 and 26 | UNK         | UNK         | UNK         | UNK           | UNK           | UNK           |
| 12. | Resolve conflict of mandatory or discretionary consecutive sentences for new crimes while on felony bond in K.S.A. 21-6604(f)(4) and K.S.A. 21-6606(d)  | UNK         | UNK         | UNK         | UNK           | UNK           | UNK           |
| 13. | Codify “absconds from supervision” definition in statute to assist probation and parole   | UNK         | UNK         | UNK         | UNK           | UNK           | UNK           |
| 14. | Modification of care and treatment for mentally ill persons law – allow for courts to prohibit firearm possession at temporary custody hearing  | 0           | 0           | 0           | 0             | 0             | 0             |
| 15. | Designate certain legislative members for KSSC membership amending K.S.A.74-9102  | 0           | 0           | 0           | 0             | 0             | 0             |
| 16. | Total time on probation capped at twice the term  | UNK         | UNK         | UNK         | UNK           | UNK           | UNK           |
| 17. | **Expanding SB 123 to nondrug offenders - severity level 7-10 nonperson   | UNK         | UNK         | UNK         | UNK           | UNK           | UNK           |
|     | <b>Total</b>  | <b>-576</b> | <b>-634</b> | <b>-683</b> | <b>-1,450</b> | <b>-1,525</b> | <b>-1,600</b> |

\* **Fiscal impact: Cost to fund diversion program is estimated to cost \$88,368, \$176,736 or \$265,104 in FY 2022, depending upon which scenario plays out.**

\*\* **Fiscal impact: Cost to fund SB123 program will increase by \$748,034, \$1,492,925 or \$2,239,952 in FY 2022, depending upon which scenario plays out.**