

MEMORANDUM

To: Leyton Gunn, Division of Budget
From: Scott M. Schultz, Executive Director
Date: February 17, 2020
Re: Prison Bed Impact Assessment, **SB 413 – Applying assault and battery of a law enforcement officer to correctional officers and employees employed by private prisons.**

IMPACT ASSESSMENT

- **Impact on Prison Admissions and Beds:** This bill **will** have an impact on prison admissions and beds, but it cannot be determined at this time.
- **Impact on the Commission Workload:** This bill **will** have an impact on the journal entry workload of the Commission, but it cannot be determined at this time.

SUMMARY OF BILL

Section 1. K.S.A. 2019 Supp. 21-5412 is amended to include assault of a private correctional officer or employee, as defined in K.S.A. 2019 Supp. 21-5413, while such officer or employee is engaged in the performance of such officer's or employee's duties. Assault is a class C person misdemeanor. Assault of a law enforcement officer is a class A person misdemeanor. Aggravated assault is a severity level 7, person felony. Aggravated assault of a law enforcement officer is a severity level 6, person felony. The proposed penalties for private correctional officer or employee are the same as for law enforcement officers.

Section 2. K.S.A. 2019 Supp. 21-5413 is amended to include battery on a private correctional officer or employee by a person confined in a private detention center, while such officer or employee is engaged in the performance of such officer's or employee's duties. Violation of this subsection is a severity level 5, person felony. Battery against a law enforcement officer is a class A, person misdemeanor in subsection (c)(1), a severity level 7, person felony in subsection (c)(2) and a severity level 5, person felony in subsection (c)(3).

The definition of private correctional officer or employee is added to statute, which means any officer or employee of a facility that is owned or operated by a private entity and used for placement or confinement of persons, pursuant to a contract with a governmental entity, whose duties include working at such facility.

FINDINGS

- In FY 2019, **311** offenders were convicted of the crime of aggravated assault. Of this number:
 - **95** (30.5%) were sentenced to prison; and
 - 216 (69.5%) were sentenced to probation.
 - The severity levels of these offenders were nondrug severity levels 6 through 9.
- In FY 2019, **86** offenders were convicted of the crime of battery. Of this number:
 - **41** (48%) were sentenced to prison; and
 - 45 (52%) were sentenced to probation.
 - The severity levels of these offenders were nondrug severity levels 5, 7 or 9.
- In FY 2019, **651** offenders were convicted of the crime of aggravated battery. Of this number:
 - **223** (34%) were sentenced to prison; and
 - 428 (66%) were sentenced to probation.
 - The severity levels of these offenders were nondrug severity levels 4 through 10.

SUMMARY

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PROPORTIONALITY COMPARISON (PROPOSED BILL LANGUAGE WITH PENALTIES ARE BOLDED)

Statute Number Violated	Statutory Penalty Section	Registration Required "R"	Statute Description	Severity Level / Class	Attempt, Conspiracy & Solicitation			Person Nonperson/ Select
					A	C	S	
21-5412(a)	(e)(1)		Assault; Knowingly placing another person in reasonable apprehension of immediate bodily harm	C	C	C	~	Person
21-5412(c)(2)	(e)(3)		Assault of a Law Enforcement Officer; Uniformed or properly identified university or campus police officer	A	B	C	~	Person

			Assault of a Law Enforcement Officer; Uniformed or properly identified federal law enforcement officer					
21-5412(c)(3)	(e)(3)			A	B	C	~	Person
SB 413 21-5412(a)/(c)(4)	(e)(3)		Assault on a private correctional officer or employee while such officer or employee is engaged in the performance of such officer's or employee's duties.	A	B	C	~	Person
21-5412(b)(2)	(e)(2)		Aggravated Assault; While disguised in any manner designed to conceal identity	7	9	9	10	Person
21-5412(b)(3)	(e)(2)		Aggravated Assault; With intent to commit any felony	7	9	9	10	Person
21-5412(d)(1)	(e)(4)		Aggravated Assault; On a federal, state, county, city, university, or campus law enforcement officer with a deadly weapon	6	8	8	9	Person
SB 413 21-5412(d)(4)	(e)(3)		Aggravated Assault on a private correctional officer or employee while such officer or employee is engaged in the performance of such officer's or employee's duties.	6	8	8	9	Person
21-5413(a)(1)	(g)(1)		Battery; Knowingly or recklessly causing bodily harm to another person	B	C	C	~	Person
21-5413(c)(1)(A)	(g)(3)(A)		Battery; Campus/university police officer; Knowingly causing physical contact in	A	B	C	~	Person

			a rude, insulting or angry manner					
21-5413(b)(2)(B)	(g)(2)(D)		Aggravated Battery; Recklessly causing bodily harm to another with a deadly weapon, or in a manner whereby great bodily harm, disfigurement or death can be inflicted	8	10	10	10	Person
SB 413 21-5413(a)/(c)(4)	(e)(3)		Battery on a private correctional officer or employee while such officer or employee is engaged in the performance of such officer's or employee's duties.	5	7	7	8	Person
21-5413(c)(3)(D)	(g)(3)(C)		Battery; City or county correctional officer/employee by a person confined in city holding facility or county jail	5	7	7	8	Person