

MEMORANDUM

To: Sheena Ward, Division of Budget
From: Scott M. Schultz, Executive Director
Date: February 8, 2019
Re: Prison Bed Impact Assessment, **SB 103 – Increasing criminal penalties for hate crimes.**

IMPACT ASSESSMENT

- This bill **would** have an impact on prison admissions and beds. However, it cannot be determined because there is no data on which to base an impact.
- This bill would have **no** impact on the journal entry workload of the Commission.

SUMMARY OF THE BILL

This bill would amend K.S.A. 2018 Supp. 21-6804 and 21-6815 to include a provision for hate crime offenses.

Section 1 – In subsection (z), if the trier of fact makes a finding beyond a reasonable doubt that an offender’s crime was a hate crime, and such offense is classified as a severity level 2 through 10, the sentence for such offense shall be one severity level above the appropriate level for such offense.

Section 2 – The sentence imposed pursuant to subsection (z) shall not be considered a departure and is not subject to appeal. The bill would also remove hate crime language from the nonexclusive list of aggravating departure factors in K.S.A. 21-6815.

FINDINGS

- No data exists in the Commission’s databases or KBI’s arrest databases.

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