

## MEMORANDUM

**To:** John Kirk, Division of the Budget  
**From:** Scott M. Schultz, Executive Director  
**Date:** January 30, 2022  
**Re:** Prison Bed Impact Assessment, **SB 408 – Increasing the criminal penalties for multiple thefts of mail.**

### IMPACT ASSESSMENT

- This bill **may** have an impact on prison admissions, but it cannot be determined at this time.
- This bill **may** have an impact on prison bed space, but it cannot be determined at this time.
- This bill **may** have an impact on the workload of the Commission, but it cannot be determined at this time.

### SUMMARY OF THE BILL

**Section 1.** K.S.A. 2021 Supp. 21-5801 is amended to include language that theft of property is to include mail which is of the value of less than \$1,500 from three separate locations within a period of 72 hours as part of the same act or transaction or in two or more acts or transactions connected together or constituting parts of a common scheme or course of conduct. A violation is a **severity level 9, nonperson felony**.

Furthermore, the definition of mail is a letter, postal card, package, or bag sent through the United States postal service or other delivery service, or any other article or thing contained therein, or a sealed article or thing addressed to a person.

### FINDINGS

- In FY 2021, there were **622** convictions for **felony theft** under K.S.A. 21-5801. All convictions were nonperson.
  - **141 (22.7%)** offenders were sentenced to **prison**
    - **Severity Level 5 – 2 (1.4%)**
    - **Severity Level 7 – 7 (5.0%)**
    - **Severity Level 9 – 129 (91.5%)**
    - **Severity Level 10 – 3 (2.1%)**

- **481 (77.3%)** offenders were sentenced to **probation**
  - **Severity Level 5 – 6 (1.3%)**
  - **Severity Level 7 – 42 (8.7%)**
  - **Severity Level 9 – 405 (84.2%)**
  - **Severity Level 10 – 28 (5.8%)**

- **The following is a chart of sentence disposition by criminal history:**

<b>Criminal History</b>	<b>Prison</b>	<b>Probation</b>	<b>Total</b>
<b>A</b>	48	26	74
<b>B</b>	25	33	58
<b>C</b>	20	92	112
<b>D</b>	1	18	19
<b>E</b>	32	103	135
<b>F</b>	7	36	43
<b>G</b>	6	63	69
<b>H</b>	1	38	39
<b>I</b>	2	71	73
<b>Totals</b>	<b>141</b>	<b>481</b>	<b>622</b>

- The KSSC currently does maintain data regarding the description of the items stolen unless they are specifically listed and defined in an existing statute. However, most severity level 9 felony thefts in FY 2021 received probation (76%).

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