

SESSION OF 2021

SUPPLEMENTAL NOTE ON SENATE BILL NO. 8

As Recommended by Senate Committee on
Judiciary

Brief*

SB 8 would amend law related to the amount of good time incarceration credit and program credit allowed by the Kansas Department of Corrections (KDOC) for persons convicted of certain crimes.

The bill would specify the current good time incarceration credits would be limited to crimes committed between the dates in current law and June 30, 2021. The bill would also allow the following good time incarceration credit for crimes committed after July 1, 2021:

- 25.0 percent of the prison part of the sentence for a person felony; and
- 40.0 percent of the prison part of the sentence for a nonperson felony.

Current law allows the following good time incarceration credit:

- 15.0 percent for:
 - Crimes committed on or after July 1, 1993; and
- 20.0 percent for:
 - Non-drug severity level 7 through 10 crimes committed on or before January 1, 2008;

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- Drug severity level 3 or 4 crimes committed on or after January 1, 2008, but prior to July 1, 2012; and
- Drug severity level 3 through 5 crimes committed on or after July 1, 2012.

Current law provides that the State of Kansas, the Secretary of Corrections, and the Secretary's agents or employees shall not be liable for damages caused by any negligent or wrongful act or omission in making good time and program credit calculations. The bill would remove "wrongful" from this immunity provision.

Further, the bill would allow inmates to earn up to 150 days of program credit, which may be awarded based upon the completion of certain KDOC programs while a person is incarcerated. Current law allows inmates to earn up to 120 days of such program credit.

Finally, the bill would also make technical amendments to remove outdated language regarding previously required good time and program credit calculations by the Secretary of Corrections and to ensure consistency in statutory phrasing.

Background

The bill was prefiled for introduction by the Joint Committee on Corrections and Juvenile Justice Oversight on December 31, 2020. [Note: SB 8 contains provisions contained in 2020 HB 2484, as amended by the House Committee on Corrections and Juvenile Justice.]

Senate Committee on Judiciary

In the Senate Committee hearing on January 26, 2021, the Executive Director of the Kansas Sentencing Commission and representatives of the American Civil Liberties Union of Kansas, GROW – Grace Restores Overcoming Women, the

Greater Kansas City Chamber of Commerce, and KDOC provided **proponent** testimony on the bill. Proponents generally stated the bill would provide incentives for offenders to maintain appropriate behavior and complete programming in prison that will result in better outcomes upon release from prison.

No other testimony was provided.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget, the Kansas Sentencing Commission estimates enactment of the bill would result in a decrease of 86 adult prison beds in FY 2022. By FY 2031, 564 fewer adult prison beds would be needed. The current estimated available bed capacity is 9,420 beds for male inmates and 948 beds for female inmates. Based upon the Commission's most recent ten-year projection contained in its FY 2020 Adult Inmate Prison Population Projections report, it is estimated that the year-end population for available male capacity will be under capacity by 1,287 inmates in FY 2021 and 1,241 inmates in FY 2022.

KDOC indicates a reduction of 86 beds is approximately 1.0 percent of its current facility population. The Department states the reduction in prison population would not be sufficient to reduce current prison expenditures but would be beneficial toward effectively housing, managing, and providing programs and services to inmates and could also help avoid long-term costs related to building more beds.

The Office of Judicial Administration indicates enactment of the bill would have a negligible fiscal effect. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2022 Governor's Budget Report*.

Inmates; good time and program credits; sentencing