

STATE OF KANSAS



KANSAS SENTENCING COMMISSION
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HONORABLE W. LEE FOWLER, CHAIR
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SCOTT M. SCHULTZ, EXECUTIVE DIRECTOR
<http://www.sentencing.ks.gov>

GOVERNOR JEFF COLYER, M.D.

MEMORANDUM

To: Commission Members
From: Scott M. Schultz, Executive Director
Date: September 19, 2018
Re: Possession of marijuana - 3rd or subsequent conviction

FINDINGS

- Based on KSSC FY 2018 sentencing data, **91 offenders** were convicted of the crime of 3rd or subsequent possession of marijuana. Of this number:
 - 6 (6.6%) were sentenced to prison with an average length of sentence of 21 months;
 - 56 (61.5%) were sentenced to probation; and
 - 29 (31.9%) were sentenced to SB 123 drug treatment programs.
 - 36 offenders had special rule applicable to the sentence, 12 of them with the 3rd or sub conviction of marijuana possession.
- According to KSSC FY 2018 probation revocation data file, **one** probation condition violator convicted of the 3rd possession of marijuana received a 180-day prison sanction.
- According to KDOC FY 2018 admission file, **one** probation condition violator convicted of the 3rd possession of marijuana was admitted to prison. The length of sentence was 6 months.

IMPACT ASSESSEMENT

- This proposal will have a negligible impact on prison bed space if the 3rd or subsequent conviction of possession of marijuana is reduced from a felony to a class A misdemeanor.
- This proposal will reduce the cost of SB 123 drug treatment program by **\$102,631** based on the average cost of **\$3,539** per SB 123 treatment offender in FY 2018.
- This proposal will reduce the journal entry workload of the Commission by **91** felony journal entries each year.