

## MEMORANDUM

**To:** Leyton Gunn, Division of Budget  
**From:** Scott M. Schultz, Executive Director  
**Date:** January 20, 2021  
**Re:** Prison Bed Impact Assessment - **HB 2030 - Extending terminal medical release to inmates in the custody of the department of corrections with a condition likely to cause death within 120 days.**

### IMPACT ASSESSMENT

- **Impact on Prison Admissions:** This bill will have **no** impact on prison admissions.
- **Impact on Prison Beds:** This bill **may** have an impact on prison beds, but cannot be determined at this time.
- **Impact on the Commission Workload:** This bill would result in **no** additional workload of the Commission.

### SUMMARY OF THE BILL

This bill amends K.S.A. 2020 Supp. 22-3729 to increase the time the Prisoner Review Board may grant release to an inmate that has a terminal medical condition likely to cause death within 120 days rather than the current 30 days.

### FINDINGS

- According to KDOC data, on June 30, 2019, there were **305** (3%) inmates who were age 61 or older. Of these offenders,
  - **83.9%** (256) were between the ages of 61 and 70 years old.
  - **15.4%** (47) were between the ages of 71 and 80 years old.
  - **0.7%** (2) were 81 years old and above.
- The breakdown of inmates between the **ages of 61-70** years are as follows:
  - **Latest Admission type:**
    - New Court Commitments:
      - D1=3 inmates (1.2%)
      - D2=3 inmates (1.2%)
      - D3=4 inmates (1.6%)
      - D5=5 inmates (2.0%).
      - N1=55 inmates (21.5%)
      - N2=19 inmates (7.4%).
      - N3=28 inmates (10.9%)
      - N4=6 inmates (2.3%).

- N5=14 inmates (5.5%)
- N6=1 inmate (0.4%).
- N7=2 inmates (0.8%)
- N8=2 inmates (0.8%).
- N9=1 inmate (0.4%).
- Probation Technical Violators=5 inmates (2.0%)
- Parole Technical Violators=21 inmates (8.2%).
- Offgrid=87 inmates (34.0%).

○ **Primary Offense Type:**

- Child abuse=1 inmate (0.4%)
- Aggravated criminal sodomy of a child=13 inmates (5.1%)
- Aggravated assault=2 inmates (0.8%).
- Aggravated robbery=3 inmates (1.2%).
- Aggravated indecent liberties with a child=17 inmates (6.6%).
- Aggravated kidnapping=8 inmates (3.1%)
- Aggravated sexual abuse of a child=4 inmates (1.6%).
- Arson=1 inmate (0.4%).
- Burglary=2 inmates (0.8%).
- Capital murder=1 inmate (.4%)
- Criminal sodomy of a child=6 inmates (2.3%)
- Drugs=17 inmates (6.6%).
- Electronic solicitation of a child=2 inmates (0.8%).
- Failure to Register=4 inmates (1.6%).
- Indecent liberties with a child =19 inmates (7.4%).
- Involuntary manslaughter=1 inmate (0.4%).
- Kidnapping=6 inmates (2.3%).
- 1<sup>st</sup> degree Murder=58 inmates (22.7%).
- 2<sup>nd</sup> degree Murder=21 inmates (8.2%)
- Other=30 inmates (11.7%).
- Possession of a firearm=2 inmates (0.8%).
- Rape=34 inmates (13.3%)
- Uniform Securities Act Fraud=1 inmate (0.4%).
- Sexual Exploitation of a child=1 inmate (0.4%).
- Theft=1 inmate (0.4%).
- Voluntary manslaughter=1 inmate (0.4%).

○ **Custody Classification**

- Special Management=4 inmates (1.6%).
- Maximum=29 inmates (11.3%).
- Medium High=28 inmates (10.9%).
- Medium Low=129 inmates (50.4%).
- Minimum=66 inmates (25.8%).

- The breakdown of inmates between the **ages of 71-80** years are as follows:

○ **Latest Admission Type**

- New Court Commitments
  - D2=1 inmate (2.1%)

- N1=5 inmates (10.6%)
- N2=4 inmates (8.5%).
- N3=3 inmates (6.4%)
- N4=6 inmates (2.3%).
- N5=1 inmate (2.1%)
- N7=1 inmate (2.1%)
- N9=1 inmate (2.1%).
- Probation Technical Violators=1 inmate (2.1%)
- Parole Technical Violators=3 inmates (6.4%).
- Offgrid=27 inmates (57.4%).
  
- **Primary Offense Type:**
  - Aggravated battery=1 inmate (2.1%).
  - Aggravated criminal sodomy=9 inmates (19.1%).
  - Aggravated assault=1 inmate (2.1%).
  - Aggravated indecent liberties with a child=2 inmates (4.3%).
  - Capital Murder=2 inmates (4.3%).
  - Drugs=1 inmate (2.1%).
  - Electronic solicitation=1 inmate (2.1%).
  - Failure to register=1 inmate (2.1%).
  - Indecent liberties with a child=7 inmates (14.9%).
  - 1<sup>st</sup> degree Murder=10 inmates (21.3%).
  - 2<sup>nd</sup> degree Murder=2 inmates (4.3%).
  - Other=4 inmates (8.5%).
  - Rape=5 inmates (10.6%).
  - Stalking=1 inmate (2.1%).
  
- **Custody Classification**
  - Special Management=3 inmates (6.4%)/
  - Maximum=4 inmates (8.5%).
  - Medium High=2 inmates (4.3%).
  - Medium Low=26 inmates (55.3%).
  - Minimum=11 inmates (23.4%).
  - Unclassified=1 inmate (2.1%).
  
- The breakdown of inmates **81 years old and above** are as follows:
  - **Latest Admission Type**
    - Offgrid=2 inmates (100%).
  - **Primary Offense Type:**
    - Indecent liberties with a child =1 inmate (50.0%).
    - 1<sup>st</sup> degree Murder=1 inmate (50.0%).
  - **Custody Classification**
    - Medium High=1 inmate (50.0%).
    - Medium Low=1 inmate (50.0%).

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