

MEMORANDUM

To: Leyton Gunn, Division of the Budget
From: Scott M. Schultz, Executive Director
Date: February 3, 2021
Re: Prison Bed Space Impact Assessment, **HB 2139 - Changing the criminal penalties for certain drug crimes**

IMPACT ASSESSMENT

- **Impact on Prison Admissions:** This bill will have **no** impact on prison admissions.
- **Impact on Prison Beds:** This bill would save **80** prison beds in FY 2022 and **118** prison beds in FY 2031.
- **Impact on the Workload of the Commission:** This bill will result in **no** additional journal entry workload of the Commission.

SUMMARY OF THE BILL

Section 1. This section amends K.S.A. 2020 Supp. 21-6805 by amending the sentencing guidelines grid for drug crimes as follows:

- If an offense is classified in grid blocks 5-F, 5-G, 5-H, or 5-I, the underlying prison sentence is 11, 12, or 13 months.
 - **Currently 5-F carries an underlying prison term of 16, 17 or 18 months.**
 - **Currently 5-G carries an underlying prison term of 14, 15, or 16 months.**
 - **Currently 5-H carries an underlying prison term of 12, 13 or 14 months.**
 - **Currently 5-I carries an underlying prison term of 10, 11 or 12 months.**
- If an offense is classified in grid block 5-E, the underlying prison sentence is 13, 14 or 15 months. **Currently, such sentence carries an underlying prison term of 18, 20, or 22 months.**
- If an offense is classified in grid block 5-D, the underlying prison sentence is 15, 16 or 17 months. **Currently, such sentence carries an underlying prison term of 23, 24, or 26 months.**
- If an offense is classified in grid block 5-C, the underlying prison sentence is 17, 18 or 19 months. **Currently, such sentence carries an underlying prison term of 28, 30, or 32 months.**

- If an offense is classified in grid block 5-B, the sentence is 18, 19, or 20 months imprisonment. **Currently such sentence is 32, 34, or 36 months imprisonment.**
- If an offense is classified in grid block 5-A, the sentence is 19, 21, or 23 months imprisonment. **Currently such sentence is 37, 40, or 42 months imprisonment.**

HB 2139 Proposed Drug Level 5 Sentencing Ranges

Categories →	A	B	C	D	E	F	G	H	I
Severity Level ↓	3 + Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felony	1 Person Felony	3 + Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2 + Misdemeanors	1 Misdemeanor No Record
V	23 21 19	20 19 18	19 18 17	17 16 15	15 14 13	13 12 11	13 12 11	13 12 11	13 12 11

FINDINGS

- In FY 2020, **198** drug level 5 offenders were directly admitted to prison. The criminal history category of these offenders was as follows:

Criminal History Category	Number of Offenders	Percent
A	47	23.7
B	43	21.7
C	39	19.7
D	6	3.0
E	35	17.7
F	8	4.0
G	8	4.0
H	2	1.0
I	10	5.1
Total	198	100.0

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Prison Bed Space Impact Assessment

Fiscal Year	Current Policy Unchanged Beds Needed	D5 New Sentencing Ranges Beds Needed	Prison Bed Savings
2022	200	120	80
2023	231	119	112
2024	231	127	104
2025	236	126	110
2026	239	125	114
2027	237	123	114
2028	239	125	114
2029	240	130	110
2030	246	130	116
2031	250	132	118