

## MEMORANDUM

**To:** John Kirk, Division of the Budget  
**From:** Scott M. Schultz, Executive Director  
**Date:** January 13, 2021  
**Re:** Prison Bed Impact Assessment, **SB 4 – Modifying the criminal penalties for unlawfully tampering with electronic monitoring equipment.**

### IMPACT ASSESSMENT

- **Impact on Prison Admissions:** The impact of this bill would reduce **6** prison admissions each year during the ten-year forecasting period.
- **Impact on Prison Beds:** The impact of this bill would save **9** prison beds in FY 2022 and **10** prison beds in FY 2031.
- **Impact on the Commission Workload:** This bill would result in **no** additional workload for the Commission.

### SUMMARY OF THE BILL

K.S.A. 2020 Supp. 21-6322 is amended to change the penalty for a violation of unlawfully tampering with electronic monitoring equipment to a severity level 8 nonperson felony from a level 6 nonperson felony. If the monitoring is due to a misdemeanor then the penalty will be a class A misdemeanor.

### KEY ASSUMPTIONS

- The target population of this bill includes offenders who are convicted of the crime of unlawfully tampering with electronic monitoring equipment.
- The severity level of unlawfully tampering with electronic equipment would be changed from a 6, nonperson felony to an 8, nonperson felony, if the underlying crime is a felony. If the underlying crime is a misdemeanor, the offense would be to a class A, nonperson misdemeanor.
- Projected admission to prison for the target offenders is assumed to increase by an annual average of 1%, which is the same percentage used with the baseline prison population forecast produced in August 2019 by the Kansas Sentencing Commission.
- The percentage of sentence served in prison for severity level 8 is assumed to be 80%, less jail credit, good time, and program credit, which is consistent with the projections released in August 2019.

- It is assumed that the effective date is on July 1, 2021.

## FINDINGS

- In FY 2019, **46** offenders were convicted of the crime of unlawfully tampering with electronic monitoring equipment. Of this number:
  - 42 (91.3%) were sentenced at severity level 6
    - **16** (38.1%) were sentenced to prison with an average length of **21.6 months**; and
    - 26 (61.9%) were sentenced to probation.
  - 4 (8.7%) were sentenced at severity level 8
    - **2** (50%) were sentenced to prison with an average length of **16.5 months**; and
    - 2 (50%) were sentenced to probation.

## IMPACT ASSESSMENT

- If the severity level of unlawfully tampering with electronic monitoring equipment is changed from a severity level 6 to 8, nonperson felony, by:
  - FY 2022, there would be **9** prison beds saved; and
  - FY 2031, there would be **10** prison beds saved.

**Prison Admission and Bed Space Impact Assessment**

<b>Fiscal Year</b>	<b>Prison Admission Reduced</b>	<b>Prison Bed Saved</b>
2022	6	9
2023	6	8
2024	6	9
2025	6	10
2026	6	11
2027	6	11
2028	6	9
2029	6	10
2030	6	10
2031	6	10

## SUMMARY

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- **Impact on Prison Beds:** The impact of this bill would save **9** prison beds in FY 2022 and **10** prison beds in FY 2031.
- **Impact on the Commission Workload:** This bill would result in **no** additional workload for the Commission.