

## MEMORANDUM

**To:** KSSC Members  
**From:** Scott M. Schultz, Executive Director  
**Date:** September 15, 2021  
**Re:** Prison Bed Impact Assessment, **HB 2147 - Allowing early discharge from prison for certain drug offenders.**

### IMPACT ASSESSMENT

- **Impact on Prison Admissions:** This bill has **no** impact on prison admission.
- **Impact on Prison Beds with retroactivity:** This bill will save **200** beds in FY 2023 and **184** beds in FY 2032.
- **Impact on the Workload of the Commission:** This bill will result in **no** additional journal entry workload of the Commission.

### KEY ASSUMPTIONS

- The target inmates as defined in this bill include offenders who are convicted of drug crimes of **D2 to D5 and directly sentenced to KDOC.**
- Projected admission to prison for the target offenders is assumed to increase by an annual average of 1%, which is the same percentage used in relation to the baseline prison population forecast produced in August 2021 by the Kansas Sentencing Commission.
- It is assumed that these offenders will be released to probation after serving 50% of their prison sentence less jail credit.
- The revocation rate is assumed to be 31%, which was the actual revocation rate found in FY 2020.
- It is assumed that these offenders will revoke their probation in 14 months, which was the actual average found in FY 2020.
- Such offenders who violate their probation will serve the remaining of their prison sentence minus good time and program credit.
- It is assumed that the new policy effective date starts on July 1, 2022.
- It is assumed that the new policy will be retroactive.

## FINDINGS

- In FY 2021, there were **255 drug offenders** directly sentenced to KDOC. The severity levels and the average length of prison sentence were:
  - 29 D2 – 72 months,
  - 65 D3 – 55 months,
  - 28 D4 – 33 months, and
  - 133 D5 – 30 months.
- In FY 2021, there were **761 drug offenders** incarcerated in KDOC. Their severity levels and average sentences remaining to serve were:
  - 269 D2 – 42 months,
  - 281 D3 – 25 months,
  - 45 D4 – 17 months, and
  - 166 D5 – 21 months
- The revocation rate for probation offenders was found to be 31% in FY 2020.
- In FY 2020, most of probation offenders revoke their probation in 6 months and were ordered to serve their prison sentences. The average revocation period was found in 14 months.

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### Prison Bed Space Impact with Retroactivity

Fiscal Year	Current Policy Unchanged Beds Needed	Serve 50% of Sentence Beds Needed	Beds Saved	30% Revocation in 14 months Beds Needed	Total Beds Saved
2023	799	599	200	0	200
2024	807	532	275	202	73
2025	809	502	307	161	146
2026	817	466	351	135	216
2027	808	453	355	122	233
2027	775	450	325	113	212
2029	759	443	316	106	210
2030	751	450	301	108	193
2031	749	449	300	112	188
2032	752	458	294	110	184