

## MEMORANDUM

**To:** KSSC Members  
**From:** Scott M. Schultz, Executive Director  
**Date:** September 15, 2021  
**Re:** Prison Bed Space Impact Assessment, **SB 5 – Aligning the felony loss thresholds for certain property crimes with theft.**

### IMPACT ASSESSMENT

- **Impact on Prison Admissions:** This bill would reduce **5** prison admissions each year during the ten-year forecasting period.
- **Impact on Prison Bed Space:** This bill would result in **2** prison bed savings each year during the ten-year forecasting period.
- **Impact on the Commission Workload:** This bill would reduce the workload of the Commission by **5** journal entries each year.

### SUMMARY OF THE BILL

Section 1. K.S.A. 21-5802 is amended to increase the threshold amounts for misdemeanor and felony violations of Theft of property lost, mislaid or delivered by mistake. The level 9 nonperson felony cutoff value is increased from \$1000 to \$1,500 (but less than \$25,000) and the class A misdemeanor is increased from \$1000 to \$1,500.

Section 2. K.S.A. 21-5813 is amended to increase the threshold amounts for misdemeanor and felony violations of Criminal damage to property. The level 9 nonperson felony cutoff value is increased from \$1000 to \$1,500 (but less than \$25,000) and the class B misdemeanor is increased from \$1000 to \$1,500.

Section 3. K.S.A. 21-5821 is amended to increase the threshold amounts for misdemeanor and felony violations of Giving a worthless check. The level 9 nonperson felony cutoff value is increased from \$1000 to \$1,500 (but less than \$25,000) or three checks within seven days with a value of \$1,500 increased from \$1000 (but less than \$25,000) and the class A misdemeanor is increased from \$1000 to \$1,500.

Section 4. K.S.A. 21-5825 is amended to increase the threshold amounts for misdemeanor and felony violations of Counterfeiting. The level 9 nonperson felony cutoff value is increased from \$1000 to \$1,500 (but less than \$25,000) and the class A misdemeanor is increased from \$1000 to \$1,500.

Section 5. K.S.A. 21-5828 is amended to increase the threshold amounts for misdemeanor and felony violations of Criminal use of a financial card. The level 9 nonperson felony cutoff value is increased from \$1000 to \$1,500 (but less than \$25,000) and the class B misdemeanor is increased from \$1000 to \$1,500.

Section 6. K.S.A. 21-5830 is amended to increase the threshold amounts for misdemeanor and felony violations of Impairing a security interest. The level 9 nonperson felony cutoff value increased from \$1000 to \$1,500 (but less than \$25,000) and the class A misdemeanor is increased from \$1000 to \$1,500.

Section 7. K.S.A. 21-5927 is amended to increase the threshold amounts for misdemeanor and felony violations of Medicaid fraud. The level 9 nonperson felony cutoff value is increased from \$1000 to \$1,500 (but less than \$25,000) and the class A misdemeanor is increased from \$1000 to \$1,500.

Section 8. K.S.A. 21-56002 is amended to increase the threshold amounts for misdemeanor and felony violations of Official misconduct. The level 9 nonperson felony cutoff value is increased from \$1000 to \$1,500 (but less than \$25,000) and the class A misdemeanor is increased from \$1000 to \$1,500.

Section 9. K.S.A. 21-6004 is amended to increase the threshold amounts for misdemeanor and felony violations of Presenting a false claim. The level 9 nonperson felony cutoff value is increased from \$1000 to \$1,500 (but less than \$25,000) and the class A misdemeanor is increased from \$1000 to \$1,500.

Section 10. K.S.A. 21-6005 is amended to increase the threshold amounts for misdemeanor and felony violations of Misuse of Public funds. The level 9 nonperson felony cutoff value is increased from \$1000 to \$1,500 (but less than \$25,000) and the class A misdemeanor is increased from \$1000 to \$1,500.

Section 11. K.S.A. 21-5813 is amended to increase the threshold amounts for misdemeanor and felony violations of Criminal desecration. The level 9 nonperson felony cutoff value is increased from \$1000 to \$1,500 (but less than \$25,000) and the class A misdemeanor is increased from \$1000 to \$1,500.

## FINDINGS

- In FY 2020, **129 offenders** were convicted of the following crimes relating to loss values. Of this number:
  - **22** (17.1%) were sentenced to prison; and
  - 107 (82.9%) were sentenced to probation. The convicted statutes and offenses are listed below:

<b>Statute</b>	<b>Name of Offense</b>	<b>Number of Convictions</b>	<b>Percent</b>
21-5813	Criminal damage to property	101	78.3
21-5821	Giving a worthless check	13	10.1
21-5825	Counterfeiting	3	2.3
21-5828	Criminal use of a financial card	9	7.0
21-5830	Impairing a security interest	2	1.6
21-5927	Medicaid fraud	2	1.6
21-6005	Misuse of public funds	1	0.8
<b>Total</b>		<b>125</b>	<b>100.0</b>

- Of the 22 offenders sentenced to prison, the restitution range was from \$53 to \$372,003, with **five** less than \$1,500, including four less than \$1,000. Three of the five had a special rule applied. The average prison sentence was 14 months with 131.5 days or 4.3 months jail credit.

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