

## MEMORANDUM

**To:** Kansas Sentencing Commission Workshop  
**From:** Scott M. Schultz, Executive Director  
**Date:** September 7-8, 2022  
**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, 2022, of the 8,449 inmates there were **720** (8.5%) inmates who were age 61 or older. Of these offenders,
  - **76.7%** (552) were between the ages of 61 and 70 years old.
  - **20.4%** (147) were between the ages of 71 and 80 years old.
  - **2.9%** (21) were 81 years old and above.
- The breakdown of the 552 inmates between the **ages of 61-70** years are as follows:
  - **Latest Admission type:**
    - New Court Commitments:
      - D1= 12 inmates (2.2%)
      - D2= 14 inmates (2.5%)
      - D3= 9 inmates (1.6%)
      - D4= 5 inmates (0.9%)
      - D5= 17 inmates (3.1%)
      - N1=174 inmates (31.5%)
      - N2= 20 inmates (3.6%)
      - N3= 73 inmates (13.2%)

- N4 = 13 inmates (2.4%)
- N5 = 40 inmates (7.2%)
- N6 = 8 inmates (1.5%)
- N7 = 15 inmates (2.7%)
- N9 = 5 inmates (0.9%)
- N10 = 1 inmate (0.2%)
- Offgrid=119 inmates (21.6%)

- Condition Violators with no new Sentence=27 inmates (4.9%)

**Primary Offense Type**

<b>Offense</b>	<b>Total</b>	<b>Percent</b>
Abuse of a Child LT18; Intentional Torture	1	0.2%
Agg battery - Phy Contact, Poss Great Bodily Harm	1	0.2%
Agg Battery State,County/City LEO w/motor vehicle	1	0.2%
Agg Battery-Cse GrtBdlyHrm/Disfig while DUI	1	0.2%
Agg Battery-Int, Grt Bodly Hrm	5	0.9%
Agg Battery-Int, recklessly Great Bodily Harm	5	0.9%
Agg Criminal Sodomy; Noncon Vic forcefear	5	0.9%
Agg Domestic battery; impede breathing/choke	1	0.2%
Agg Escape; Escape From Prison Custody SOC	2	0.4%
Agg Incest;Sex Intercourse w/Relative GE 16 LT 18	1	0.2%
Agg Indecent Solicitation child LT14 unlawful sex	1	0.2%
Agg violation of the KS offender registration act	3	0.5%
Agg Indecent Liberties,chld<14; off>=18,lewd f/t	20	3.6%
Agg Internet Trading in Child Pornography	1	0.2%
Aggravated Arson; Substantial Risk of Bodily Harm	2	0.4%
Aggravated Assault	1	0.2%
Aggravated Assault on a Law Enforcement Officer	1	0.2%
Aggravated Assault w/deadly weapon	1	0.2%
Aggravated Battery	1	0.2%
Aggravated Battery Against Law Enforcement Officer	1	0.2%
Aggravated Battery-Reckless, Great Bodily Harm	1	0.2%
Aggravated Burglary	1	0.2%
Aggravated Criminal Sodomy	3	0.5%
Aggravated Criminal Sodomy Vic<14 offndr >=18	1	0.2%
Aggravated Criminal Sodomy; Child <14	4	0.7%
Aggravated Criminal Sodomy; no consent; forced	2	0.4%
Aggravated Criminal Sodomy; w/child < 14 off<18	2	0.4%
Aggravated Criminal Sodomy; w/child < 14 yoa	1	0.2%
Aggravated Criminal Sodomy; w/child LT 14 off GE18	1	0.2%
Aggravated Criminal Sodomy; w/child LT 14 off LT18	1	0.2%
Aggravated Indcnt Liberties,GE14LT16 Sex Intercourse	3	0.5%

Aggravated Indecent Liberties GE14>16; Fondling	1	0.2%
Aggravated Indecent Liberties GE14LT16; Fondling	3	0.5%
Aggravated Indecent Liberties w/child GE 14 > 16	1	0.2%
Aggravated Indecent Liberties,GE14<16,Sex Intercou	3	0.5%
Aggravated Indecent Liberties/Child < 14 yoa	2	0.4%
Aggravated Indecent Liberties/Child <14; Fondling	27	4.9%
Aggravated Kidnapping	19	3.4%
Aggravated Robbery	19	3.4%
Aggravated Sex Battery;Intentional Touching GE16	4	0.7%
Aggravated Sodomy	2	0.4%
Attempted Murder 1st	9	1.6%
Burg; Motor Veh,Aircrft, other mns, excpt tft firm	2	0.4%
Burglary; Build not used as dwell; theft or sex.mot	2	0.4%
Burglary; Build used as dwell; excpt thft firearm	4	0.7%
Contribute to a Childs Misconduct; Cause	1	0.2%
Criminal Damage to Property; GT \$1000 LT\$25,000	1	0.2%
Criminal Sodomy; w/ Child GE14, LT16	1	0.2%
Criminal Threat	1	0.2%
Dist/poss in dis heroin or meth GE1gLT3.5g w/in 1000	1	0.2%
Dist/poss int dis heroin or meth 100g or more	1	0.2%
Dist/poss int dis heroin or meth GE 3.5g LT100g	13	2.4%
Dist/poss int dis heroin or meth GE1g LT3.5g	5	0.9%
Dist/poss int dis heroin or meth lt1g	3	0.5%
Dist/poss int dis marijuana lt25g 1000 ft school	1	0.2%
Dist/poss int dis nonspec dgs GE3.5g LT100g	1	0.2%
Dist/poss int dis nonspec dgs lt3.5g	2	0.4%
Dist/poss int dis nonspec drugs GE1kilo 1000ft scl	1	0.2%
Dist/poss int dis sch I,II,III,IV GE10 LT100 dsg ut	1	0.2%
Dist/poss int ds nonsc dgs GE100g LT1Kilo 1000ftscl	1	0.2%
Electronic Solicitation	2	0.4%
Fail stop/remn at scene of inj. acc. rsult death	1	0.2%
Fraud;Conn to Off,Sale,Purch Secs;Fls Stmt GE100K	1	0.2%
Indecent Liberties With A Child	2	0.4%
Indecent Solicitation of a Child	1	0.2%
Intentional/Premeditated Killing - Contract	2	0.4%
Intentional/Premeditated Killing - LEO	1	0.2%
Intentional/Premeditated Killing - Rape/Sodomy	2	0.4%
Intf LE rst sv, prc wrnt for fly or prl or fly dis	1	0.2%
Involuntary Manslaughter - Reckless	1	0.2%
Involuntary Manslaughter DUI or Drugs	1	0.2%
Kidnapping	8	1.4%
Kidnapping in Commission of a Crime	3	0.5%
Manufacturing of meth	1	0.2%

Misuse of Public Funds; GE \$100k	1	0.2%
Murder in the 2nd Degree (Intentional)	18	3.3%
Murder in the 2nd Degree (Reckless)	10	1.8%
Murder, 1st degree	87	15.8%
Murder, 2nd degree	6	1.1%
Offender Registration	1	0.2%
Opiate,Opium or Narcotic Drugs;Sale;1st Offense	1	0.2%
Poss of opiates,opium, narc drugs or desig stim	17	3.1%
Rape	16	2.9%
Rape; Sex Interc w/Victim <14 yrs & Off. >= 18 yrs	30	5.4%
Rape; Sex Intercourse w/ Child <14	23	4.2%
Rape; Sex Intercourse w/Out Consent	40	7.2%
Robbery	5	0.9%
Sale/Dist/Cult Opiate,opium, narc or desgstim; 3rd	1	0.2%
Sexual Exploitation Child; Poss Visual child LT18	1	0.2%
Sexual Exploitation of a Child	2	0.4%
Sexual Exploitation of Child <18	4	0.7%
Taking personal/financial property elderly	2	0.4%
Theft;Obtain Control Prpty mt \$1500, lt \$25,000	1	0.2%
Theft;Obtain Prpty at least 25K less than 100K	1	0.2%
Traffic Contraband; firearm, etc by non employee	1	0.2%
Unlawful Manufacturing Controlled Substance	2	0.4%
Unlawful Manufacturing Controlled Substance; 1st	2	0.4%
Unlawful or attempt to manufacure Cntrlld Sbstnc	3	0.5%
Violtn KS Offndr Registration Act 3rd or more	2	0.4%
Violtn of the KS Offndr Registration Act 1st cnv	6	1.1%
Violtn of the KS Offndr Registration Act 2nd cnv	3	0.5%
Violtn of the KS Offndr Registration Act 3rd +	1	0.2%
Voluntary Manslaughter	3	0.5%
blank	28	5.1%
<b>TOTAL (age 61-70)</b>	<b>552</b>	<b>100.0%</b>

○ **Custody Classification**

- Special Management= 20 inmates (3.6%).
- Maximum = 51 inmates (9.2%).
- Medium High = 103 inmates (18.7%).
- Medium Low = 209 inmates (37.9%).
- Minimum = 158 inmates (28.6%).
- Unclassified = 11 inmates (2.0%).

- The breakdown of the 147 inmates between the **ages of 71-80** years are as follows:
  - **Latest Admission Type**
    - **New Court Commitments**
      - D1 = 1 inmate (0.7%)
      - D2 = 2 inmates (1.4%)
      - D3 = 1 inmate (0.7%)
      - D5 = 1 inmate (0.7%)
      - N1 =59 inmates (40.1%)
      - N2 = 8 inmates (5.4%)
      - N3 =13 inmates (8.8%)
      - N4 = 2 inmates (1.4%)
      - N5 = 7 inmates (4.8%)
      - N7 = 3 inmates (2.0%)
      - Offgrid=43 inmates (29.2%)
    - **Condition Violators with no new Sentence=7 inmates (4.8%)**

**Primary Offense Type**

<b>Offense</b>	<b>Total</b>	<b>Percent</b>
Agg Battery-Int, Grt Bodly Hrm	1	0.7%
Agg Battery-Int, recklessly Grt Bodly Hrm	1	0.7%
Agg Criminal Sodomy; < 14 off<18 w/persn or animal	2	1.4%
Agg Criminal Sodomy; Noncon Vic forcefear	2	1.4%
Agg Criminal Sodomy; Noncon Vic Uncon Powrls	1	0.7%
Agg Indecent Liberties/Child <14;Offender>18	1	0.7%
Agg Indecent Solicitation child LT14 unlawful sex	1	0.7%
Agg. Indecent Liberties, chld<14; off>=18, lewd f/t	12	8.2%
Aggravated Assault	1	0.7%
Aggravated Battery Against Law Enforcement Officer	1	0.7%
Aggravated Criminal Sodomy	1	0.7%
Aggravated Criminal Sodomy Vic<14 offndr >=18	3	2.0%
Aggravated Criminal Sodomy; Child <14	4	2.7%
Aggravated Indecent Liberties GE14LT16; Fondling	1	0.7%
Aggravated Indecent Liberties/Child <14;Fondling	14	9.5%
Aggravated Kidnapping	4	2.7%
Aggravated Sex Battery;Intentional Touching GE16	1	0.7%
Aggravated Sodomy	2	1.4%
Arson	1	0.7%
Attempted Murder 1st	3	2.0%

Battery - Corrections offer or emply by cnfnd prsn	1	0.7%
Burglary; Build not used as dwell;theft or sex.mot	1	0.7%
Dist/poss int dis heroin or meth GE 3.5g LT100g	1	0.7%
Dist/poss int dis heroin or meth lt1g w/in1000ft	1	0.7%
Drugs; Controlled Substance GE\$250k LT\$500k	1	0.7%
Electronic Solicitation	1	0.7%
Indecent Liberties w/Child GE14 LT16 Lewd Fondling	1	0.7%
Intentional/Premeditated Killing - > 1 Person	2	1.4%
Kidnapping	2	1.4%
Murder in the 2nd Degree (intentional)	4	2.7%
Murder in the 2nd Degree (Reckless)	2	1.4%
Murder, 1st degree	39	26.5%
Murder, 2nd degree	3	2.0%
Poss of opiates,opium, narc drugs or desig stim	1	0.7%
Rape	3	2.0%
Rape; Sex Interc w/Victim <14 yrs & Off. >= 18 yrs	4	2.7%
Rape; Sex Intercourse w/ Child <14	8	5.4%
Rape; Sex Intercourse w/Out Consent	5	3.4%
Robbery	1	0.7%
Theft;Obtain Control Prpty value \$100,000 or more	1	0.7%
Unlawful Manufacturing Controlled Substance	1	0.7%
Condition Violators with no new Sentences	7	4.8%
<b>TOTAL (age 71-80)</b>	<b>147</b>	<b>100.0%</b>

○ **Custody Classification**

- Special Management = 7 inmates (4.8%).
- Maximum =10 inmates (6.8%).
- Medium High =20 inmates (13.6%).
- Medium Low =72 inmates (49.0%).
- Minimum =38 inmates (25.8%).

- The breakdown of the 21 inmates **81 years old and older** are as follows:
  - **Latest Admission Type**
    - N1 =9 inmates (42.9%)
    - N2 =3 inmates (14.2%)
    - Offgrid=9 inmates (42.9%).

**Primary Offense Type**

<b>Offense</b>	<b>Total</b>	<b>Percent</b>
Agg. Indecent Liberties,chld<14; off>=18,lewd f/t	3	14.3%
Aggravated Criminal Sodomy Vic<14 offndr >=18	2	9.5%
Aggravated Criminal Sodomy; Child <14	2	9.5%
Aggravated Indecent Liberties/Child < 14 yoa	1	4.8%
Aggravated Sodomy	1	4.8%
Electronic Solicitation	1	4.8%
Murder in the First Degree	3	14.3%
Murder in the second degree - intent	1	4.8%
Murder, 1st degree	4	19.0%
Murder, 2nd degree	1	4.8%
Rape; Sex Interc w/Victim <14 yrs & Off. >= 18 yrs	1	4.8%
Rape; Sex Intercourse With Child <14	1	4.8%
<b>TOTAL (age 81+)</b>	<b>21</b>	<b>100.0%</b>

- **Custody Classification**
  - Maximum = 3 inmates (14.3%).
  - Medium High = 3 inmates (14.3%).
  - Medium Low = 9 inmates (42.9%).
  - Minimum = 6 inmates (28.6%).

- For curiosity’s sake, according to KDOC data, of the 8,449 inmates on June 30, 2022, the oldest was a 93 year old.
- He was nearly 6 years older than the next oldest KS prison inmate.

**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.