

MEMORANDUM

To: Kansas Sentencing Commission Workshop
From: Scott M. Schultz, Executive Director
Date: September 7, 2022
Re: Prison Bed Impact Assessment, **HB 2031 - Increasing good time and program credits for certain offenders.**

IMPACT ASSESSMENT

- **Impact on Prison Admissions:** This bill would have **no** impact on prison admissions.
- **Impact on Prison Beds:** This bill would save **114** prison beds in FY 2024 and **941** prison beds in FY 2033.
- **Impact on the Commission Workload:** This bill would result in **no** additional workload for the Commission.

Section 1. K.S.A. 21-6821 is amended to authorize the secretary of corrections to adopt rules and regulations providing a system of good time credit. Such rules and regulations shall provide circumstances upon which an inmate may earn good time credits and for the forfeiture of earned credits. **For crimes committed on or after July 1, 2021, good time credit will be calculated as 25% of the prison part of the sentence for a person felony and 40% of the prison part of the sentence for a nonperson felony.**

For a crime committed on or after July 1, 1993, but prior to June 30, 2023, an amount equal to 15% of the prison part of the sentence; for a nondrug severity level 7 through 10 crime committed on or after January 1, 2008, but prior to June 30, 2021, an amount equal to 20% of the prison part of the sentence; or for a drug severity level 3 or 4 crime committed on or after January 1, 2008, but prior to July 1, 2012, or a drug severity level 3 through 5 crime committed on or after July 1, 2012, but prior to June 30, 2021, an amount equal to 20% of the prison part of the sentence.

This bill would also increase the amount of program credit from **120 days to 150 days** for inmates successfully completing the programs offered by KDOC.

FINDINGS

- In FY 2021, there were **2,835** guideline new court commitments sentenced to KDOC. Of this number, **1,346** were convicted of a **person** felony and **1,489** were a **nonperson** felony. The severity levels and the average length of prison sentence were:

Severity Level	Total	Average Sentence Months
D1	19	84.7
D2	67	94.7
D3	118	58.7
D4	74	33.3
D5	601	26.0
N1	83	250.7
N2	26	185.6
N3	171	115.8
N4	75	74.8
N5	254	63.9
N6	145	38.6
N7	491	33.7
N8	207	18.9
N9	469	15.1
N10	27	9.7

- In FY 2021, **1,515 (53.4%)** of the **2,835 offenders** were eligible for program credits
- Based on KDOC FY 2020 release file, the average program credit earned was **99** days, accounting for **83%** of the maximum 120 days.

IMPACT ASSESSMENT

- Impact on Prison Admissions:** This bill would have **no** impact on prison admissions.
- Impact on Prison Beds:** This bill would save **114** prison beds in FY 2024 and **941** prison beds in FY 2033.
- Impact on the Commission Workload:** This bill would result in **no** additional workload for the Commission.

Prison Bed Space Impact Assessment

Fiscal Year	Current Policy Unchanged Beds Needed	Good Time and Program Credits Increased Beds Needed	Beds Saved
2022	2507	2393	114
2023	3928	3510	418
2024	4779	4285	494
2025	5376	4681	695
2026	5796	5026	770
2027	6166	5363	803
2027	6434	5515	919
2029	6608	5699	909
2030	6786	5860	926
2031	6938	5997	941