

MEMORANDUM

To: Kansas Sentencing Commission Workshop
From: Scott M. Schultz, Executive Director
Date: September 6, 2022
Re: Prison Bed Space Impact Assessment, **HB 2092 - Removing drug offenders from the registration requirements of the Kansas offender registration act and removing the felony penalty for multiple non payments of fees under the act.**

IMPACT ASSESSMENT

- **Impact on Prison Admissions:** This bill will reduce **30** prison admissions in FY 2024 and **33** prison admissions in FY 2033.
- **Impact on Prison Bed Space:** This bill would save **30** prison beds in FY 2024 and **106** prison beds in FY 2033.
- **Impact on the Commission Workload:** This bill would reduce the workload of the Commission by **30 journal entries** in FY 2024 and **33 journal entries** in FY 2033.

SUMMARY OF THE BILL

Section 1. K.S.A. 22-4902 is amended to remove drug offender from the Kansas offender registration act.

Section 2. K.S.A. 22-4903 is amended to remove the enhanced penalty for failure to remit payment to the sheriff's office as require in the Kansas offender registration act which is a class A misdemeanor if, within 15 days of registration, full payment is not remitted to the sheriff's office and a severity level 9 felony if, within 15 days of the most recent registration, two or more full payments have not been remitted to the sheriff's office.

Section 4. K.S.A. 22-4906 is amended to remove the 15-year registration requirement for convictions for unlawful manufacture or attempting such of any controlled substance or controlled substance analog and possession of ephedrine, pseudoephedrine, red phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized ammonia or phenylpropanolamine, or their salts, isomers or salts of isomers with intent to use the product to manufacture a controlled substance.

FINDINGS

- In FY 2021, **888** offenders were **required** to register by the court for a total of **1,476** registrations. Of these registrations:
 - 262 were due to sex offender status,
 - 262 were for any act which at sentencing was determined to be sexually motivated,
 - 322 were due to violent offender status,
 - 265 were due to conviction of person felony with a deadly weapon, and
 - **365** were due to drug offender status.

- In FY 2021, **281** offenders were **convicted** of the crime of failure to register under Kansas Offender Registration Act. Of these offenders:
 - **93 (33.1%)** were sentenced to prison; and
 - **188 (66.9%)** were sentenced to probation.

- According to KDOC in **FY 2022**, **117** offenders were admitted to prison for the crime of **failure to register**. The average length of stay in prison was **39 months** based on KDOC's release for the same group of offenders in FY 2022.
 - 84 – First violation
 - 19 – Second violation
 - 9 – Third or more
 - 5 – Aggravated violation
 - Of the 117 offenders,
 - 12 – severity level 3
 - 21 - severity level 5
 - 81 - severity level 6
 - 3 - severity level 8

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HB 2092 Prison Bed Space Impact Assessment

Fiscal Year	Prison Admission Reduction	Prison Bed Space Saving
2024	30	30
2025	31	61
2026	31	92
2027	31	101
2028	32	102
2029	32	103
2030	32	104
2031	32	104
2032	33	105
2033	33	106