

MEMORANDUM

To: Kansas Sentencing Commission Workshop
From: Scott M. Schultz, Executive Director
Date: September 7, 2022
Re: Prison Bed Space Impact Assessment, **HB 2139 - Changing the criminal penalties for certain drug crimes**

IMPACT ASSESSMENT

- **Impact on Prison Admissions:** This bill will have **no** impact on prison admissions.
- **Impact on Prison Beds:** This bill would save **17** prison beds in FY 2022 and **341** prison beds in FY 2031.
- **Impact on the Workload of the Commission:** This bill will result in **no** additional journal entry workload of the Commission.

SUMMARY OF THE BILL

Section 1. This section amends K.S.A. 2021 Supp. 21-6805 by amending the sentencing guidelines grid for drug crimes as follows:

- If an offense is classified in grid blocks 5-F, 5-G, 5-H, or 5-I, the underlying prison sentence is 11, 12, or 13 months.
 - **Currently 5-F carries an underlying prison term of 16, 17 or 18 months.**
 - **Currently 5-G carries an underlying prison term of 14, 15, or 16 months.**
 - **Currently 5-H carries an underlying prison term of 12, 13 or 14 months.**
 - **Currently 5-I carries an underlying prison term of 10, 11 or 12 months.**
- If an offense is classified in grid block 5-E, the underlying prison sentence is 13, 14 or 15 months. **Currently, such sentence carries an underlying prison term of 18, 20, or 22 months.**
- If an offense is classified in grid block 5-D, the underlying prison sentence is 15, 16 or 17 months. **Currently, such sentence carries an underlying prison term of 23, 24, or 26 months.**
- If an offense is classified in grid block 5-C, the underlying prison sentence is 17, 18 or 19 months. **Currently, such sentence carries an underlying prison term of 28, 30, or 32 months.**

- If an offense is classified in grid block 5-B, the sentence is 18, 19, or 20 months imprisonment. **Currently such sentence is 32, 34, or 36 months imprisonment.**
- If an offense is classified in grid block 5-A, the sentence is 19, 21, or 23 months imprisonment. **Currently such sentence is 37, 40, or 42 months imprisonment.**

HB 2139 Proposed Drug Level 5 Sentencing Ranges

Categories →	A	B	C	D	E	F	G	H	I
Severity Level ↓	3 + Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felony	1 Person Felony	3 + Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2 + Misdemeanors	1 Misdemeanor No Record
V	23 21 19	20 19 18	19 18 17	17 16 15	15 14 13	13 12 11	13 12 11	13 12 11	13 12 11

FINDINGS

- In FY 2021, **235** drug level 5 offenders were directly admitted to prison. The criminal history category of these offenders was as follows:

Criminal History Category	Number of Offenders	Percent
A	71	30.2
B	56	23.8
C	36	15.3
D	2	0.9
E	45	19.1
F	14	6.0
G	2	0.9
H	3	1.3
I	6	2.6
Total	235	100.0

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Prison Bed Space Impact Assessment

Fiscal Year	Current Policy Unchanged Beds Needed	D5 New Sentencing Ranges Beds Needed	Prison Bed Savings
2024	237	220	17
2025	477	224	253
2026	547	228	319
2027	553	228	325
2028	559	233	326
2029	562	230	332
2030	566	236	330
2031	574	236	338
2032	577	239	338
2033	584	243	341