

## MEMORANDUM

**To:** Dennis Taylor, Secretary of Administration  
**Attn:** Brendan Yorkey  
**From:** Scott M. Schultz, Executive Director  
**Date:** March 12, 2012  
**Re:** Prison Bed Impact Assessment, Sub. for SB 307 Lesser Included Crimes Felony Murder as Amended by the Senate Committee

### SUMMARY OF THE BILL

- **Section 1.** This substitute bill would amend the statute governing convictions for lesser included crimes except that there are no lesser degree of murder in the first degree under K.S.A. 2011 Supp. 21-5402(a)(2), commonly referred to as felony murder. This provision would apply retroactively in felony murder cases except in cases where an instruction for a lesser included crime was given and the defendant was convicted of a lesser include crime between July 1, 2011, and July 1, 2012.

### FINDINGS

- In FY 2011, 11 offenders were convicted of the crime of murder in the first degree under formerly K.S.A. 21-3401(b). Of this number:
  - 10 were sentenced to prison at offgrid:
    - one with a sentence of 15 years;
    - eight with a sentence of 20 years; and
    - one with life sentence without parole.
  - One was sentenced to prison at severity level 3 with 61 months of sentence. This was a solicitation case.

### IMPACT OF THE BILL

- **Impact on prison admission and prison bed:** This substitute bill would have **no impact on prison admission and prison bed need** because of the long prison sentences.
- **Impact on the Workload of the Commission:** This substitute bill would have no impact on the journal entry workload of the Commission.

Jackie Lunn

---

**From:** Harmon, Brenda K [KSSC] [brendah@sentencing.ks.gov]  
**Sent:** Friday, March 09, 2012 4:11 PM  
**To:** Yorkey, Brendan [Budget]  
**Subject:** SB 305 Prison Bed Space Impact Statement - As Amended by Senate Committee  
**Attachments:** SB 305 Prison Bed Space Impact Statement - As Amended by Senate Committee.pdf

Greetings,

Attached, please find the Sentencing Commission's prison bed space impact statement for SB 305 as amended by the Senate Committee.

Thanks and have a good weekend!

*Brenda Harmon*  
Kansas Sentencing Commission  
700 SW Jackson, Suite 501  
Topeka, KS 66603  
(785) 296-0923  
[brendah@sentencing.ks.gov](mailto:brendah@sentencing.ks.gov)