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Honorable Richard M. Smith, Chair
Honorable Evelyn Z. Wilson, Vice Chair
Scott M. Schultz, Executive Director

Sam Brownback, Governor

MEMORANDUM

To: Brendan Yorkey, Principal Analyst, Division of Budget
From: Scott M. Schultz, Executive Director
Date: March 13, 2013
Re: Prison Bed Impact Assessment, **HB 2170 as Amended by the House Committee of the Whole** - Concerning Sentencing Dispositions, Probation and Postrelease Supervision

IMPACT ASSESSMENT

- **Impact on Prison Admissions:** The impact of this bill will reduce **924 prison admissions** in FY 2014 and **1,083 admissions** in FY 2023.
- **Impact on Prison Beds:** The impact of this bill will save **863 prison beds** in FY 2014 and **2,611, 2,667 and 2,744 prison beds** in FY 2023 depending on the scenario.
- **Impact on Commission:** The impact of this bill will result in **no** additional journal entries for the Commission. However, the addition of proposed Section 8 and an anticipated amendment to the bill that would add additional duties that would require monitoring of the initiative would require **1.0 FTE and \$81,256.57** to fund a research position for the Commission to do so.

SUMMARY OF SECTION 1

- **Section 1** would amend K.S.A. 2012 Supp. 21-6604 in the following manner:
 - Subsection (a)(11) by requiring the offenders who were convicted of a second or subsequent DUI violation to serve the total number of hours of confinement mandated by K.S.A. 8-1567;
 - Subsection (f)(2)(A) (Special Sentencing Rule 9) crime committed **while incarcerated, on probation, parole etc.**, by making consecutive sentence discretionary rather than mandatory for offenders who are convicted of a new **nonperson felony**;
 - Subsection (f)(2)(B) offenders who are convicted of a **person felony** while incarcerated, on probation, parole etc., still receive a mandatory consecutive sentence;

Senate Judiciary Committee

Date: 3-14

Attachment: 12

- Subsection (f)(5)(A) (Special Sentencing Rule 10) crime committed **while on felony bond**, making consecutive sentence **discretionary** rather than mandatory for offenders who are convicted of a new **nonperson felony**;
- Subsection (f)(5)(B) offenders who are convicted of a **person felony** while on felony bond still receive a mandatory consecutive sentence;
- Subsection (n)(2)(B) (Postrelease supervision imposed) by requiring the offenders whose crime of conviction is on or after July 1, 2013, and whose probation is revoked or whose underlying prison term expires while serving a sanction to serve a period of postrelease supervision upon the completion of the underlying prison term.
- Subsections (s) and (t) (Intermediate sanction of jail) by authorizing a court service officer, with the concurrence of the chief court service officer, or a community correction officer, with the concurrence of the community correction director, to impose the violation sanctions as provided in subsection (c)(1)(B) of K.S.A. 22-3716.

Section 1: Subsection (f)(2)(A) (Special Sentencing Rule 9) crime committed while incarcerated, on probation, parole etc., making consecutive sentences **discretionary** rather than mandatory for offenders who are convicted of a new **nonperson** felony.

Key Assumptions

- The target population of this subsection includes any offenders who commit the crime as defined above.
- The projected prison admission growth rate is assumed to increase by an annual average of 2%, which is the same percentage used in relation to the baseline prison population forecast produced in August 2012 by the Kansas Sentencing Commission.
- **Scenario 1:** It is assumed that **10% of the Special Sentencing Rule 9 offenders** will receive a concurrent sentence instead of a consecutive sentence.
- **Scenario 2:** It is assumed that **25% of the Special Sentencing Rule 9 offenders** will receive a concurrent sentence instead of a consecutive sentence.
- **Scenario 3:** It is assumed that **50% of the Special Sentencing Rule 9 offenders** will receive a concurrent sentence instead of a consecutive sentence.
- The new policy effective date is assumed to be **on July 1, 2013**.

Findings

- In FY 2012, the Commission received 1,719 sentences with **Special Sentencing Rule 9** applied. Of this number,
 - 924 (53.8%) were sentenced to prison;
 - 713 (41.5%) were sentenced to probation;
 - 81 (4.7%) were sentenced to SB 123 drug treatment and
 - One was sentenced to jail.
 - Of the 1,719 Special Sentencing Rule 9 sentences,
 - 88 (5.1%) received concurrent sentences;

- 1,284 (74.7%) received consecutive sentences and
 - 349 (20.2%) were unknown.
- In FY 2012, 966 offenders were admitted to prison with **Special Sentencing Rule 9** applied. Of this number,
 - 390 (40.4%) were new court commitments with an average length of sentence of 49.2 months;
 - 203 (21.0%) were probation condition violators with an average length of sentence of 30.5 months;
 - 51 (5.3%) were probation violators with new sentence with an average length of sentence of 53 months;
 - 192 (19.9%) were parole/postrelease condition violators with an average length of sentence of 37.6 months;
 - 112 (11.6%) were parole/postrelease violators with new sentence with an average length of sentence of 44.2 months;
 - 5 (0.5%) were parole to Detainer with new sentence with an average length of sentence of 92.2 months and
 - 13 (1.3%) were non-violator return with new sentences with an average length of sentence of 23.7 months.

Impact Assessment

- If current policy remains unchanged for offenders **who are convicted of a new nonperson felony**,
 - By FY 2014, 370 prison beds will be needed and
 - By FY 2023, 1,217 prison beds will be needed.
- **Scenario 1: If 10% of the Special Sentencing Rule 9 offenders who are convicted of a new nonperson felony receive a concurrent sentence instead of a consecutive sentence**,
 - By FY 2014, 370 prison beds will be needed and
 - By FY 2023, 1,190 prison beds will be needed.
 - **Scenario 1 will result in no prison bed savings in FY 2014 and will save 27 prison beds by FY 2023.**
- **Scenario 2: If 25% of the Special Sentencing Rule 9 offenders who are convicted of a new nonperson felony receive a concurrent sentence instead of a consecutive sentence**,
 - By FY 2014, 370 prison beds will be needed and
 - By FY 2023, 1,156 prison beds will be needed.
 - **Scenario 2 will result in no prison bed savings in FY 2014 and will save 61 prison beds by FY 2023.**
- **Scenario 3: If 50% of the Special Sentencing Rule 9 offenders who are convicted of a new nonperson felony receive a concurrent sentence instead of a consecutive sentence**,
 - By FY 2014, 370 prison beds will be needed and
 - By FY 2023, 1,107 prison beds will be needed.
 - **Scenario 3 will result in no prison bed savings in FY 2014 and will save 110 prison beds by FY 2023.**

Subsection (f)(2)(A) (Special Sentencing Rule 9) will result in a reduction of **no prison beds** in FY 2014 but will save **27, 61 and 110** prison beds in FY 2023, respectively.

Special Sentencing Rule 9 Bed Space Impact Assessment for Nonperson Felony Only

Fiscal Year	Current Policy Remain Unchanged Bed Needed	Scenario 1 10% Change from Consecutive to Concurrent Beds Needed	Scenario 2 25% Change from Consecutive to Concurrent Beds Needed	Scenario 3 50% Change from Consecutive to Concurrent Beds Needed	Scenario 1 Beds Saved	Scenario 2 Beds Saved	Scenario 3 Beds Saved
2014	370	370	370	370	0	0	0
2015	747	741	734	714	6	13	33
2016	995	983	973	945	12	22	50
2017	1074	1053	1029	979	21	45	95
2018	1102	1086	1050	1000	16	52	102
2019	1130	1113	1081	1036	17	49	94
2020	1155	1136	1101	1044	19	54	111
2021	1165	1148	1116	1064	17	49	101
2022	1189	1172	1140	1082	17	49	107
2023	1217	1190	1156	1107	27	61	110

Section 1: Subsection (f)(5)(A) (Special Sentencing Rule 10) crime committed while on felony bond, making consecutive sentence **discretionary** rather than mandatory for offenders who are convicted of a new **nonperson felony**.

Key Assumptions

- The target population of this subsection includes any offenders who commit the crime as defined above.
- The projected prison admission growth rate is assumed to increase by an annual average of 2%, which is the same percentage used in relation to the baseline prison population forecast produced in August 2012 by the Kansas Sentencing Commission.
- **Scenario 1:** It is assumed that **10% of the Special Sentencing Rule 10 offenders who are convicted of a new nonperson felony** will receive a concurrent sentence instead of a consecutive sentence.
- **Scenario 2:** It is assumed that **25% of the Special Sentencing Rule 10 offenders who are convicted of a new nonperson felony** will receive a concurrent sentence instead of a consecutive sentence.
- **Scenario 3:** It is assumed that **50% of the Special Sentencing Rule 10 offenders who are convicted of a new nonperson felony** will receive a concurrent sentence instead of a consecutive sentence.
- The new policy effective date is assumed to be on **July 1, 2013**.

Findings

- In FY 2012, the Commission received 501 sentences with **Special Sentencing Rule 10** applied. Of this number,
 - 171 (34.1%) were sentenced to prison;
 - 293 (58.5%) were sentenced to probation and
 - 37 (7.4%) were sentenced to SB 123 drug treatment.
 - Of the 501 **Special Sentencing Rule 10** sentences,
 - 63 (12.6%) received concurrent sentences;
 - **291 (58.1%) received consecutive sentences** and
 - 147 (29.3%) were unknown.
- In FY 2012, 261 offenders were admitted to prison with **Special Sentencing Rule 10** applied. Of this number,
 - 133 (51.0%) were new court commitments with an average length of sentence of 53.3 months;
 - 68 (26.1%) were probation condition violators with an average length of sentence of 30.4 months;
 - 16 (6.1%) were probation violators with new sentence with an average length of sentence of 53.4 months;
 - 33 (12.6%) were parole/postrelease condition violators with an average length of sentence of 37.1 months;
 - 5 (1.9%) were parole/postrelease violators with new sentence with an average length of sentence of 31.4 months;
 - 4 (1.5%) were parole to Detainer with new sentence with an average length of sentence of 12.3 months and
 - 2 (0.8%) were non-violator return with new sentences with an average length of sentence of 13 months.

Impact Assessment

- If current policy remains unchanged for offenders **who are convicted of a new nonperson felony**,
 - By FY 2014, 112 prison beds will be needed and
 - By FY 2023, 417 prison beds will be needed.
- **Scenario 1: If 10% of the Special Sentencing Rule 10 offenders who are convicted of a new nonperson felony** receive a concurrent sentence instead of a consecutive sentence,
 - By FY 2014, 112 prison beds will be needed and
 - By FY 2023, 407 prison beds will be needed.
 - **Scenario 1** will result in **no prison bed savings** in FY 2014 and will save 10 prison beds by fiscal year 2023.
- **Scenario 2: If 25% of the Special Sentencing Rule 10 offenders who are convicted of a new nonperson felony** receive a concurrent sentence instead of a consecutive sentence,
 - By FY 2014, 112 prison beds will be needed and
 - By FY 2023, 385 prison beds will be needed.

- **Scenario 2** will result in **no prison bed savings** in FY 2014 and will save **32** prison beds by FY 2023.
- **Scenario 3: If 50% of the Special Sentencing Rule 10 offenders who are convicted of a new nonperson felony** receive a concurrent sentence instead of a consecutive sentence,
 - By FY 2014, 112 prison beds will be needed and
 - By FY 2023, 357 prison beds will be needed.
 - **Scenario 3** will result in **no prison bed savings** in FY 2014 and will save **60** prison beds by FY 2023.

Subsection (f)(5)(A) (Special Sentencing Rule 10) will result in a reduction of **no prison beds** in FY 2014 but will save **10, 32 and 60** prison beds in FY 2023, respectively.

Special Sentencing Rule 10 Bed Space Impact Assessment for Nonperson Felony Only

Fiscal Year	Current Policy Remain Unchanged Bed Needed	Scenario 1 10% Change from Consecutive to Concurrent Beds Needed	Scenario 2 25% Change from Consecutive to Concurrent Beds Needed	Scenario 3 50% Change from Consecutive to Concurrent Beds Needed	Scenario 1 Beds Saved	Scenario 2 Beds Saved	Scenario 3 Beds Saved
2014	121	121	121	121	0	0	0
2015	244	241	233	225	3	11	19
2016	321	311	301	276	10	20	45
2017	367	351	335	313	16	32	54
2018	378	361	346	318	17	32	60
2019	388	372	350	323	16	38	65
2020	385	366	348	325	19	37	60
2021	398	380	365	344	18	33	54
2022	406	395	374	340	11	32	66
2023	417	407	385	357	10	32	60

Total Impact of Section 1 (Special Sentencing Rules 9 and 10) on Prison Beds

- The total impact of Special Sentencing Rules 9 and 10 would result in **no prison bed savings** in FY 2014 but would save **37, 93 and 170** beds respectively based on the 10%/25%/50% scenarios in FY 2023.

**Section 1 (Special Sentencing Rules 9 and 10) Bed Space Impact Assessment for
Nonperson Felony Only**

Fiscal Year	Current Policy Unchanged Bed Needed	Scenario 1 10% Change from Consecutive to Concurrent Beds Needed	Scenario 2 25% Change from Consecutive to Concurrent Beds Needed	Scenario 3 50% Change from Consecutive to Concurrent Beds Needed	Scenario 1 Beds Saved	Scenario 2 Beds Saved	Scenario 3 Beds Saved
2014	491	491	491	491	0	0	0
2015	991	982	967	939	9	24	52
2016	1316	1294	1274	1221	22	42	95
2017	1441	1404	1364	1292	37	77	149
2018	1480	1447	1396	1318	33	84	162
2019	1518	1485	1431	1359	33	87	159
2020	1540	1502	1449	1369	38	91	171
2021	1563	1528	1481	1408	35	82	155
2022	1595	1567	1514	1422	28	81	173
2023	1634	1597	1541	1464	37	93	170

SUMMARY OF SECTION 4

- **Section 4** would amend K.S.A. 2012 Supp. 21-6821, by eliminating the requirement of adding good time and programming credit to the postrelease supervision term. Excluded from this amendment would be offenders sentenced for:
 - Sexually violent crimes as defined in K.S.A. 22-3717;
 - Sexually motivated crimes in which the offender has been ordered to register pursuant to subsection (d)(1)(D)(vii) of K.S.A. 22-3717;
 - Electronic solicitation pursuant to K.S.A. 2012 Supp. 21-5509; or
 - Unlawful sexual relations pursuant to K.S.A. 2012 Supp. 21-5512.

Key Assumption

- The target population of this section includes inmates who earned good time or program credit from prison.
- The projected prison admission growth rate is assumed to increase by an annual average of 2%, which is the same percentage used in relation to the baseline prison population forecast produced in August 2012 by the Kansas Sentencing Commission.
- The new policy effective date is assumed to be on **July 1, 2013**.

Findings

- On June 30, 2012, 4,684 postrelease offenders were supervised by KDOC. Of this number, 927 or 20% were sex offenders.
- During FY 2012, 2,332 non-sex offenders were released from prison on postrelease supervision. The average good time they earned was **5.8 months**, which is currently added to their postrelease supervision term.
- Based upon KDOC's FY 2012 discharge file, the average supervision time of postrelease offenders by discharge type was:
 - 17.8 months for offenders discharged from supervision;
 - 12.0 months for offenders with other discharge;
 - 18.0 months for condition violators and
 - 17.7 months for violators with new sentence.

Impact Assessment

- Eliminating the requirement of adding good time and programming credit to postrelease supervision time will **reduce 113 prison admissions and save 47 to 49 beds each year.**

Section 4: Prison Admission and Bed Space Impact Assessment

Fiscal Year	Admission Reduction	Beds Saved
2014	113	48
2015	113	48
2016	113	47
2017	113	48
2018	113	49
2019	113	47
2020	113	49
2021	113	49
2022	113	47
2023	113	48

SUMMARY OF SECTION 5

- **Section 5** would amend K.S.A. 2012 Supp. 22-3716 by providing intermediate graduated sanctions for probation condition violators. The following violation sanctions may be imposed as defined in subsection (c)(1):
 - (A) continuation or modification of the release conditions of probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction;
 - (B) an intermediate sanction of confinement in jail for a total of not more than six days per month in any three separate months during the period of release supervision.

The six days per month confinement may only be imposed as two-day or three-day consecutive period, not exceed 18 days of total confinement;

- (C) if the violator already has at least one intermediate sanction imposed pursuant to subsection (c)(1)(B) related to the felony crime for which the original supervision was imposed, remanding the defendant to the custody of the secretary of corrections for a period of 120 days, subject to a reduction of up to 60 days in the discretion of the secretary;
- (D) if the violator already has at least one intermediate sanction imposed pursuant to subsection (c)(1)(C) related to the felony crime for which the original supervision was imposed, remanding the defendant to the custody of the secretary of corrections for a period of 180 days, subject to a reduction of up to 90 days in the discretion of the secretary; or
- (E) if the violator already has at least one intermediate sanction imposed pursuant to subsection (c)(1)(D) related to the felony crime for which the original supervision was imposed, revocation of the probation, assignment to a community corrections service program, suspension of sentence or nonprison sanction and requiring such violator to serve the sentence imposed, or any lesser sentence and, if imposition of sentence was suspended, imposition of any sentence which might originally have been imposed.
- Subsection (c)(6). Except as provided in subsection (f), upon completion of a violation sanction imposed pursuant to subsection (c)(1)(C) or (c)(1)(D) such offender shall be returned to community correctional services supervision.
- Subsection (c)(7). A violation sanction imposed pursuant to subsection (c)(1)(B), (c)(1)(C) or (c)(1)(D) shall not be longer than the amount of time remaining on the defendant's underlying prison sentence.
- Subsection (c)(8). If the offender commits a new felony or misdemeanor or absconds from supervision while the offender is on probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction, the court may impose any of the sanction provided in subsection (c)(1).
- Subsection (c)(9). The court may revoke the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction of an offender pursuant to subsection (c)(1)(E) without having previously imposed a sanction pursuant to subsection (c)(1)(B), (c)(1)(C) or (c)(1)(D) if the court finds and sets forth with particularity the reason for finding that the safety of members of the public will be jeopardized or that the welfare of the offender will not be served by such sanction.
- Subsection (f). For crimes committed on or after July 1, 2013, an offender whose nonprison sanction is revoked pursuant to subsection (c) or whose underlying prison sentence term expires while serving a sanction pursuant to subsection (c)(1)(C) or

(c)(1)(D) shall serve a period of postrelease supervision upon the completion of the prison portion of the underlying sentence.

Key Assumption

- The target population of this section includes probation condition violators as defined above.
- The projected prison admission growth rate is assumed to increase by an annual average of 2%, which is the same percentage used in relation to the baseline prison population forecast produced in August 2012 by the Kansas Sentencing Commission.
- It is assumed that (1) first probation condition violators are required to serve 3 days in jail; (2) second probation condition violators serve 120 days in prison, then back to community corrections. If underlying prison sentence expires during the 120 days, the originally ordered postrelease supervision term shall be imposed based on the offender's severity level; (3) third probation condition violators serve 180 days in prison, then back to community corrections. If underlying prison sentence expires during the 180 days, the originally ordered postrelease supervision term shall be imposed based on the offender's severity level; and (4) those offenders who exhausted their intermediate sanctions of jail time and prison term are revoked to prison to serve their remaining underlying prison sentence and after they are released from prison postrelease supervision term shall be imposed based on offender's severity level.
- The new policy effective date is assumed to be **on July 1, 2013**.

Findings

- In FY 2012, the Commission received 5,168 probation revocations. Of this number, 956 or 18.5% were from court services and 4,207 or 81.5% were from community corrections. Five offenders' supervision entity was unknown. Eighty-five percent of the revocations or 4,404 of them were probation condition revocations. Of the 4,404 condition violations,
 - **2,692 (61.1%)** had **no prior** revocations, **895 or 33.2%** of them were sent to KDOC to serve their original prison or modified prison sentence;
 - **1,184 (26.9%)** had **one prior** revocation, **650 or 54.9%** of them were sent to KDOC to serve their original prison or modified prison sentence;
 - **389 (8.8%)** had **two prior** revocations, **269 or 69.2%** of them were sent to KDOC to serve their original prison or modified prison sentence;
 - **90 (2.6%)** had **three prior** revocations, **52 or 57.4%** of them were sent to KDOC to serve their original prison or modified prison sentence;
 - **49 (1.1%)** had **four or more prior** revocations, **26 or 53%** of them were sent to KDOC to serve their original prison or modified prison sentence.
 - The total of the above probation condition violators sent to prison was **1,892**. Of this number,
 - 895 (47.3%) had no prior revocations;
 - 650 (34.4%) had one prior revocation;
 - 269 (14.2%) had two prior revocations;

- 52 (2.7%) had three prior revocations and
 - 26 (1.4%) had four or more prior revocations.
- In FY 2012, 1,682 probation condition violators were admitted to prison. Of this number,
 - 1,433 (85.2%) violators were supervised by community corrections;
 - 164 (9.8%) violators were supervised by court services and
 - 85 (5.1%) violators' supervision entity was unknown.
 - The average length of sentence of these probation condition violators was **23.3 months**.

Impact Assessment

- If (1) first probation condition violators are required to serve three days in jail; (2) second probation condition violators serve 120 days in prison, then back to community corrections; (3) third probation condition violators serve 180 days in prison, then back to community corrections and (4) those who exhaust their intermediate sanction jail time and prison term are revoked to prison to serve their remaining underlying prison sentence,
 - By FY 2014, **811 prison admissions** would be reduced and **791 prison beds** would be saved, and
 - By FY 2023, **970 prison admissions** would be reduced and **2,502 prison beds** would be saved.

Section 5: Probation Revocation Prison Admission Impact Assessment

Fiscal Year	Current Policy Remains Unchanged Prison Admission	If 1st Violation to Jail, 2nd to Prison for 120 Days, 3rd to Prison for 180 Days & 4th or Sub to Prison Serving the Remaining Underlying Prison Sentence Prison Admission	Prison Admission Reduction
2014	1716	904	811
2015	1750	922	828
2016	1785	941	844
2017	1821	959	861
2018	1857	979	878
2019	1894	998	896
2020	1932	1018	914
2021	1971	1039	932
2022	2010	1059	951
2023	2050	1081	970

Section 5: Probation Revocation Bed Space Impact Assessment

Fiscal Year	Current Policy Remains Unchanged Beds Needed	If 1st Violation to Jail, 2nd to Prison for 120 Days, 3rd to Prison for 180 Days & 4th or Sub to Prison Serving the Remaining Underlying Prison Sentence Beds Needed	Beds Saved
2014	1271	480	791
2015	1972	541	1431
2016	2310	569	1741
2017	2554	566	1988
2018	2712	578	2134
2019	2819	574	2245
2020	2907	632	2275
2021	2940	611	2329
2022	3019	618	2401
2023	3142	640	2502

SUMMARY OF SECTION 6

- **Section 6** would amend K.S.A. 2012 Supp. 22-3717:
 - By modifying the good time and program credit earned and retained pursuant to K.S.A. 21-4722 to the postrelease supervision term. The exception would be for offenders convicted of sexually violent crimes, sexually motivated crimes, electronic solicitation or unlawful sexual relations.
 - By adding the following to subsection (d):
 - (2) Persons serving a period of postrelease supervision pursuant to subsections (d)(1)(A), (d)(1)(B) or (d)(1)(C) may petition the Prisoner Review Board for early discharge.
 - (3) Persons serving a period of incarceration for a supervision violation shall not have the period of postrelease supervision modified until such person is released and returned to postrelease supervision.
 - (4) Offenders whose crime of conviction was committed on or after July 1, 2013, and whose probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction is revoked pursuant to subsection (c) of K.S.A. 22-3716, or whose underlying prison sentence term expires while serving a sanction pursuant to subsection (c)(1)(C) or (c)(1)(D) shall serve a period of postrelease supervision upon the completion of the underlying prison term.

- By modifying the postrelease supervision period and making it retroactively for the eligible offenders who are on postrelease supervision and sentenced prior July 1, 2013.

Key Assumption

- The target population of this section includes the offenders who are eligible for the modification of postrelease release supervision period. The modification is retroactive.
- The new policy effective date is assumed to be on **July 1, 2013**.

Findings

- On June 30, 2012, 4,684 postrelease offenders were supervised by KDOC. Of this number, 927 or 20% were sex offenders.
- During FY 2012, 837 postrelease offenders who are not sex, offgrid or nongrid offenders and whose supervision period were over the pronounced postrelease supervision term due to the addition of good time credit, were released from supervision. Of this number,
 - 745 (89%) were discharged from supervision;
 - 72 (8.6%) were postrelease condition violators and
 - 20 (2.4%) were postrelease violators with new sentence.

Impact Assessment

- Section 6 would have an immediate impact on postrelease supervision population. It is estimated that **837 postrelease supervision offenders** would be released from supervision due to the modification.
- This section would also have an impact on prison admissions and beds. **Please refer to the impact of Section 4. The prison admission and bed space impact are the same as section 4.**

SUMMARY OF SECTION 7

- **Section 7** would amend K.S.A. 2012 Supp. 75-5217(c) by authorizing the Prisoner Review Board to determine the period of confinement for postrelease violators with a new felony conviction, which shall not exceed the remaining balance of the period of postrelease supervision, even if the new conviction did not result in the imposition of a new term of imprisonment.
- Pursuant to K.S.A. 2012 Supp. 75-5217(d), the Prisoner Review Board already has this authority with regard to new misdemeanors.

Key Assumption

- The target population of this section includes any offenders who commit a new crime during postrelease supervision.

- It is assumed that half of the above offenders will serve the remaining of their postrelease supervision period in KDOC and the other half will serve **60% or an average 6 months** of the remaining postrelease supervision period as determined by the Prisoner Review Board.
- The new policy effective date is assumed to be on **July 1, 2013**.

Findings

- In FY 2012, 141 parole/postrelease violators with new convictions were admitted to KDOC. Of this number,
 - 133 (94.3%) were postrelease supervision violators with new sentence and
 - 8 (5.7%) were parole violators with new sentence.
 - The average length of the postrelease supervision violators with new sentence was **44 months**.
 - The average remaining length of postrelease supervision period was **10 months**.

Impact Assessment

- If half of the above offenders serve the remaining of their postrelease supervision period in KDOC and the other half offenders serve **60% or an average 6 months** of the remaining postrelease supervision period as determined by the Prisoner Review Board, **22 to 24 prison beds will be saved each year**.

Section 7: Prison Bed Space Impact Assessment

Fiscal Year	Current Policy Remain Unchanged Beds Needed	If Half Serve the Remaining LOS and Half Serve 60% of the Remaining LOS Beds Needed	Beds Saved
2014	118	94	24
2015	118	94	24
2016	118	94	24
2017	118	94	24
2018	118	95	23
2019	118	94	24
2020	118	94	24
2021	118	96	22
2022	118	95	23
2023	118	94	24

SUMMARY OF SECTION 8

- **Section 8** would amend K.S.A. 2012 Supp. 74-9101 by authorizing the Kansas Sentencing Commission to make statewide supervision and placement cutoff decisions

based upon the risk levels and needs of the offender. The Commission shall periodically review data and make recommended changes.

- **Impact Assessment:** This section would have an impact on the prison admissions and beds. However, no data exists at this time to quantify the impact.

IMPACT SUMMARY

- **Impact on Prison Admissions:** The impact of this bill will reduce **924 prison admissions** in FY 2014 and **1,083 admissions** in FY 2023.
- **Impact on Prison Beds:** The impact of this bill will save **863 prison beds** in FY 2014 and **2,611, 2,667 and 2,744 prison beds** in FY 2023, respectively.

HB 2170 Overall Impact Assessment

Fiscal Year	Prison Admission Reduction	Prison Beds Saving		
		Scenario 1 Prison Beds Saved	Scenario 2 Prison Beds Saved	Scenario 3 Prison Beds Saved
2014	924	863	863	863
2015	941	1512	1527	1555
2016	957	1834	1854	1907
2017	974	2097	2137	2209
2018	991	2239	2290	2368
2019	1009	2349	2403	2475
2020	1027	2386	2439	2519
2021	1045	2435	2482	2555
2022	1064	2499	2552	2644
2023	1083	2611	2667	2744

- **Impact on the Workload of the Commission:** This bill would result **no additional journal entries** for the Commission. However, the addition of proposed Section 8 would add additional duties that would require monitoring of the initiative. It would require **1.0 FTE and \$81,256.57** to fund a research position for the Commission to do so. An itemized cost assessment is available upon request.

Research Analyst III Position	
Salary & Benefits	\$64,502.57
One Time Costs	\$11,210.00
On-Going Costs	\$5,544.00
Year One Costs	\$81,256.57
After Year One Costs	\$70,046.57