

MEMORANDUM

To: Leyton Gunn, Division of the Budget
From: Scott M. Schultz, Executive Director
Date: January 27, 2020
Re: Prison Bed Impact Assessment - **HB 2469 - Extending terminal medical release to inmates in the custody of the department of corrections with a condition likely to cause death within 90 days.**

IMPACT ASSESSMENT

- **Impact on Prison Admissions:** This bill will have **no** impact on prison admissions.
- **Impact on Prison Beds:** This bill **may** have an impact on prison beds, but cannot be determined at this time.
- **Impact on the Commission Workload:** This bill would result in **no** additional workload of the Commission.

SUMMARY OF THE BILL

The bill amends K.S.A. 2019 Supp. 22-3729 to extend the state's compassionate release policy for inmates with a terminal medical condition likely to cause death within 90 days. Current law provides for a determination of death within 30 days.

FINDINGS

- According to KDOC data, on June 30, 2019, there were **305** (3%) inmates who were age 61 or older. Of these offenders:
 - **83.9%** (256) were between the ages of 61 and 70 years old;
 - **15.4%** (47) were between the ages of 71 and 80 years old; and
 - **0.7%** (2) were 81 years old and above.
- The breakdown of inmates between the **ages of 61-70** years is as follows:
 - **Latest Admission type:**
 - New Court Commitments:
 - D1=3 inmates (1.2%)
 - D2=3 inmates (1.2%)
 - D3=4 inmates (1.6%)
 - D5=5 inmates (2.0%).
 - N1=55 inmates (21.5%)
 - N2=19 inmates (7.4%).
 - N3=28 inmates (10.9%)
 - N4=6 inmates (2.3%).

- N5=14 inmates (5.5%)
- N6=1 inmate (0.4%).
- N7=2 inmates (0.8%)
- N8=2 inmates (0.8%).
- N9=1 inmate (0.4%).
- Probation Technical Violators=5 inmates (2.0%)
- Parole Technical Violators=21 inmates (8.2%).
- Offgrid=87 inmates (34.0%).

○ **Primary Offense Type:**

- Child abuse=1 inmate (0.4%)
- Aggravated criminal sodomy of a child=13 inmates (5.1%)
- Aggravated assault=2 inmates (0.8%).
- Aggravated robbery=3 inmates (1.2%).
- Aggravated indecent liberties with a child=17 inmates (6.6%).
- Aggravated kidnapping=8 inmates (3.1%)
- Aggravated sexual abuse of a child=4 inmates (1.6%).
- Arson=1 inmate (0.4%).
- Burglary=2 inmates (0.8%).
- Capital murder=1 inmate (.4%)
- Criminal sodomy of a child=6 inmates (2.3%)
- Drugs=17 inmates (6.6%).
- Electronic solicitation of a child=2 inmates (0.8%).
- Failure to Register=4 inmates (1.6%).
- Indecent liberties with a child =19 inmates (7.4%).
- Involuntary manslaughter=1 inmate (0.4%).
- Kidnapping=6 inmates (2.3%).
- 1st degree Murder=58 inmates (22.7%).
- 2nd degree Murder=21 inmates (8.2%)
- Other=30 inmates (11.7%).
- Possession of a firearm=2 inmates (0.8%).
- Rape=34 inmates (13.3%)
- Uniform Securities Act Fraud=1 inmate (0.4%).
- Sexual Exploitation of a child=1 inmate (0.4%).
- Theft=1 inmate (0.4%).
- Voluntary manslaughter=1 inmate (0.4%).

○ **Custody Classification:**

- Special Management=4 inmates (1.6%).
- Maximum=29 inmates (11.3%).
- Medium High=28 inmates (10.9%).
- Medium Low=129 inmates (50.4%).
- Minimum=66 inmates (25.8%).

- The breakdown of inmates between the **ages of 71-80** years is as follows:

○ **Latest Admission Type:**

- New Court Commitments
 - D2=1 inmate (2.1%)

- N1=5 inmates (10.6%)
- N2=4 inmates (8.5%).
- N3=3 inmates (6.4%)
- N4=6 inmates (2.3%).
- N5=1 inmate (2.1%)
- N7=1 inmate (2.1%)
- N9=1 inmate (2.1%).
- Probation Technical Violators=1 inmate (2.1%)
- Parole Technical Violators=3 inmates (6.4%).
- Offgrid=27 inmates (57.4%).

- **Primary Offense Type:**
 - Aggravated battery=1 inmate (2.1%).
 - Aggravated criminal sodomy=9 inmates (19.1%).
 - Aggravated assault=1 inmate (2.1%).
 - Aggravated indecent liberties with a child=2 inmates (4.3%).
 - Capital Murder=2 inmates (4.3%).
 - Drugs=1 inmate (2.1%).
 - Electronic solicitation=1 inmate (2.1%).
 - Failure to register=1 inmate (2.1%).
 - Indecent liberties with a child=7 inmates (14.9%).
 - 1st degree Murder=10 inmates (21.3%).
 - 2nd degree Murder=2 inmates (4.3%).
 - Other=4 inmates (8.5%).
 - Rape=5 inmates (10.6%).
 - Stalking=1 inmate (2.1%).

- **Custody Classification:**
 - Special Management=3 inmates (6.4%)/
 - Maximum=4 inmates (8.5%).
 - Medium High=2 inmates (4.3%).
 - Medium Low=26 inmates (55.3%).
 - Minimum=11 inmates (23.4%).
 - Unclassified=1 inmate (2.1%).

- The breakdown of inmates **81 years old and above** is as follows:
 - **Latest Admission Type**
 - Offgrid=2 inmates (100%).
 - **Primary Offense Type:**
 - Indecent liberties with a child =1 inmate (50.0%).
 - 1st degree Murder=1 inmate (50.0%).
 - **Custody Classification**
 - Medium High=1 inmate (50.0%).
 - Medium Low=1 inmate (50.0%).

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