

MEMORANDUM

To: John Kirk, Division of the Budget
From: Scott M. Schultz, Executive Director
Date: January 29, 2021
Re: Prison Bed Impact Assessment, **HB - 2120 - Removing the spousal exception from the crime of sexual battery.**

IMPACT ASSESSMENT

- **Impact on Prison Admissions:** This bill **may** impact prison admissions, but it cannot be determined at this time
- **Impact on Prison Beds:** This bill **may** impact prison bed space, but it cannot be determined at this time.
- **Impact on the Commission Workload:** This bill **may** impact the workload of the Kansas Sentencing Commission, but it cannot be determined at this time.

SUMMARY OF THE BILL

This bill removes the spousal exception from the crime of sexual battery under K.S.A. 21-5505.

FINDINGS

- In FY 2019, **30** offenders were convicted of sexual battery under K.S.A. 21-5505.
 - 26 convictions were severity level 5 person felonies
 - 13 (50%) were sentenced to prison
 - 13 (50%) were sentenced to probation
 - 4 conviction were severity level 7 person felonies (convictions for attempt)
 - 1 (25%) was sentenced to prison
 - 3 (75%) were sentenced to probation
 - The KSSC does not track the relationship of the victim to the offender.

SUMMARY

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