

MEMORANDUM

To: John Kirk, Division of the Budget
From: Scott M. Schultz, Executive Director
Date: February 17, 2021
Re: Prison Bed Impact Assessment, **HB 2389 – Authorizing a notice to appear for unlawful possession of marijuana and defining complaint in the Kansas code of criminal procedure to include such notice to appear.**

IMPACT ASSESSMENT

- **Impact on Prison Admissions and Beds:** This bill will have **no** impact on prison admissions, beds, or the journal entry workload of the Commission.

SUMMARY OF BILL

Section 1. K.S.A. 2020 Supp. 22-2202 is amended to read that a complaint includes a citation or notice to appear issued by a law enforcement officer pursuant to and in compliance with K.S.A. 8-2106, a citation or notice to appear issued pursuant to and in compliance with K.S.A. 32-1049; or a notice to appear issued by a law enforcement officer pursuant to K.S.A. 22-2408, for a violation of K.S.A. 21-5706, when the substance involved is marijuana.

FINDINGS

- In FY 2019, there were **235** convictions for felony possession of marijuana under K.S.A. 21-5706.
 - 16 (6.8%) were sentenced to prison
 - 219 (93.2%) were sentenced to probation
 - All were severity level 5 drug felonies
- **This bill only addresses notices to appear on a charge. Thus, this bill will not directly impact sentencing outcomes.**

SUMMARY

- **Impact on Prison Admissions and Beds:** This bill will have **no** impact on prison admissions, beds, or the journal entry workload of the Commission.