

MEMORANDUM

To: Leyton Gunn, Division of the Budget
From: Scott M. Schultz, Executive Director
Date: January 13, 2021
Re: Prison Bed Impact Assessment, **HB 2031 - Increasing good time and program credits for certain offenders.**

IMPACT ASSESSMENT

- **Impact on Prison Admissions:** This bill would have **no** impact on prison admissions.
- **Impact on Prison Beds:** This bill would save **86** prison beds in FY 2022 and **564** prison beds in FY 2031.
- **Impact on the Commission Workload:** This bill would result in **no** additional workload for the Commission.

Section 1. K.S.A. 21-6821 is amended to authorize the secretary of corrections to adopt rules and regulations providing a system of good time credit. Such rules and regulations shall provide circumstances upon which an inmate may earn good time credits and for the forfeiture of earned credits. **For crimes committed on or after July 1, 2021, good time credit will be calculated as 25% of the prison part of the sentence for a person felony and 40% of the prison part of the sentence for a nonperson felony.**

For a crime committed on or after July 1, 1993, but prior to June 30, 2021, an amount equal to 15% of the prison part of the sentence; for a nondrug severity level 7 through 10 crime committed on or after January 1, 2008, but prior to June 30, 2021, an amount equal to 20% of the prison part of the sentence; or for a drug severity level 3 or 4 crime committed on or after January 1, 2008, but prior to July 1, 2012, or a drug severity level 3 through 5 crime committed on or after July 1, 2012, but prior to June 30, 2021, an amount equal to 20% of the prison part of the sentence.

This bill would also increase the amount of program credit from **120 days to 150 days** for inmates successfully completing the programs offered by KDOC.

FINDINGS

- In FY 2020, **1,530 offenders** were directly sentenced to KDOC. Of this number, **845** were convicted of a **person** felony and **685** were a **nonperson** felony. The severity levels and the average length of prison sentence were:
 - 21 D1 – 104 months;
 - 54 D2 – 75 months;
 - 82 D3 – 59 months;
 - 46 D4 – 32 months;
 - 200 D5 – 26 months;
 - 76 N1 – 249 months;
 - 10 N2 - 286 months;
 - 135 N3 – 109 months;
 - 65 N4 – 66 months;
 - 165 N5 – 57 months;
 - 101 N6 – 39 months;
 - 218 N7 – 32 months;
 - 107 N8 – 19 months;
 - 239 N9 – 14 months; and
 - 11 N10 – 11 months.
- In FY 2020, 931 (61%) of the **1,530 offenders** were eligible for program credits
- Based on KDOC FY 2020 release file, the average program credit earned was **112** days, accounting for **93%** of the maximum 120 days.

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Prison Bed Space Impact Assessment

Fiscal Year	Current Policy Unchanged Beds Needed	Good Time and Program Credits Increased Beds Needed	Beds Saved
2022	1228	1142	86
2023	1993	1816	177
2024	2545	2257	288
2025	2926	2594	332
2026	3293	2916	377
2027	3634	3201	433
2027	3842	3359	483
2029	4066	3525	541
2030	4285	3755	530
2031	4513	3949	564