

MEMORANDUM

To: Dennis Taylor, Secretary of Administration
Attn: Brendan Yorkey
From: Scott M. Schultz, Executive Director
Date: February 14, 2012
Re: Prison Bed Impact Assessment, HB 2602 Rapid Repatriation Act

SUMMARY OF THE BILL

- HB 2602 creates the Kansas Alien Rapid Repatriation Act. This bill would authorize the Secretary of Corrections to conditionally release any prisoner to the custody and control of the United States Immigration and Customs Enforcement if the Secretary has received an order of deportation for such prisoner and such prisoner (1) has served at least half of the prison portion of the sentence imposed by the court; and (2) is not serving a sentence imposed for a conviction of a person felony.

KEY ASSUMPTIONS

- The target population of the bill includes offenders who commit the nonperson felony crimes in the State of Kansas and who are not U.S. citizens.
- Such offenders must serve at least half of the prison sentence imposed by the court.
- The projected prison admission growth rate is assumed to be 2% annually, which is the same percentage used in relation to the baseline prison population forecast produced in August 2011 by the Kansas Sentencing Commission.
- **Scenario One:** It is assumed that **50%** of the non US citizens who are convicted of nonperson felony crimes will be released from prison after serving 50% of their sentence.
- **Scenario Two:** It is assumed that **75%** of the non US citizens who are convicted of nonperson felony crimes will be released from prison after serving 50% of their sentence.
- **Scenario Three:** It is assumed that **100%** of the non US citizens who are convicted of nonperson felony crimes will be released from prison after serving 50% of their sentence.
- The new policy effective date is assumed to be on July 1, 2012.

FINDINGS

- The Kansas Department of Corrections does not maintain data regarding the number of detainees, holds or orders of deportation for non-U.S. inmates in its prison facilities.
- As of February 6, 2012, 343 non-U.S. offenders were incarcerated in prison. Of these offenders,
 - 310 (90.4%) were convicted of person felony crimes, and
 - 33 (9.6%) were convicted of nonperson felony crimes.
 - The average length of sentence for offenders convicted of nonperson felony crimes was 33 months.
- FY 2011, 439 offenders who were convicted of the felony crimes in Kansas were not U.S. citizens. Of this number, 126 (28.7%) offenders were sentenced to prison. Of the 126 offenders:

- 86 (68.3%) were convicted of the person felony crimes and
- 40 (31.7%) were convicted of nonperson felony crimes.
- The average length of sentence for nonperson felony offenders was 15 months.

IMPACT ASSESSMENT

- **Current Policy:** If the current policy and practice remain unchanged:
 - by the year 2013, 41 prison beds will be needed and
 - by the year 2022, 49 prison beds will be needed.
- **Scenario One:** It is assumed that **50%** of the non-US citizens who are convicted of nonperson felony crimes will be released from prison after serving 50% of their sentence:
 - by the year 2013, 33 prison beds will be needed and
 - by the year 2022, 42 prison beds will be needed.
- **Scenario Two:** It is assumed that **75%** of the non-US citizens who are convicted of nonperson felony crimes will be released from prison after serving 50% of their sentence:
 - by the year 2013, 30 prison beds will be needed and
 - by the year 2022, 36 prison beds will be needed.
- **Scenario Three:** It is assumed that **100%** of the non-US citizens who are convicted of nonperson felony crimes will be released from prison after serving 50% of their sentence:
 - by the year 2013, 27 prison beds will be needed and
 - by the year 2022, 30 prison beds will be needed.

HB 2602 Impact Assessment: Prison Bed Needed

Fiscal Year	Current Policy Remain Unchanged Prison Bed Needed	Scenario 1: 50% Released After Serving 50% of the Sentence Prison Bed Needed	Scenario 2: 75% Released After Serving 50% of the Sentence Prison Bed Needed	Scenario 3: 100% Released After Serving 50% of the Sentence Prison Bed Needed
2013	41	33	30	27
2014	42	36	32	27
2015	42	33	31	27
2016	43	31	30	26
2017	44	37	34	29
2018	45	38	32	27
2019	46	38	33	27
2020	47	41	35	29
2021	48	40	32	30
2022	49	42	36	30

IMPACT SUMMARY

- **Impact of Prison Admissions:** This bill would have no impact on prison admissions.
- **Impact of Prison Beds:** This bill would **save 8, 11 and 14 prison beds** in FY 2013 and **7, 13 and 19** prison beds in FY 2022 respectively, based on the three different scenarios.
- **Impact on the workload of the Commission:** This bill would have no impact on the journal entry workload of the Commission.

HB 2602 Impact Assessment: Prison Bed Savings

Fiscal Year	Scenario 1: 50% Released After Serving 50% of the Sentence Prison Bed Saving	Scenario 2: 75% Released After Serving 50% of the Sentence Prison Bed Saving	Scenario 3: 100% Released After Serving 50% of the Sentence Prison Bed Saving
2013	8	11	14
2014	6	10	15
2015	9	11	15
2016	12	13	17
2017	7	10	15
2018	7	13	18
2019	8	13	19
2020	6	12	18
2021	8	16	18
2022	7	13	19