

## MEMORANDUM

**To:** John Kirk, Division of the Budget  
**From:** Scott M. Schultz, Executive Director  
**Date:** January 13, 2021  
**Re:** Prison Bed Space Impact Assessment, **SB 5 – Aligning the felony loss thresholds for certain property crimes with theft.**

### IMPACT ASSESSMENT

- **Impact on Prison Admissions:** This bill would reduce **4** prison admissions each year during the ten-year forecasting period.
- **Impact on Prison Bed Space:** This bill would result in **2** prison bed savings each year during the ten-year forecasting period.
- **Impact on the Commission Workload:** This bill would reduce the workload of the Commission by **4** journal entries each year.

### SUMMARY OF THE BILL

Section 1. K.S.A. 21-5802 is amended to increase the threshold amounts for misdemeanor and felony violations of **theft of property lost, mislaid or delivered by mistake**. The level 9 nonperson felony cutoff value is increased from \$1,000 to \$1,500 (but less than \$25,000) and the class A misdemeanor is increased from \$1,000 to \$1,500.

Section 2. K.S.A. 21-5813 is amended to increase the threshold amounts for misdemeanor and felony violations of **criminal damage to property**. The level 9 nonperson felony cutoff value is increased from \$1,000 to \$1,500 (but less than \$25,000) and the class B misdemeanor is increased from \$1,000 to \$1,500.

Section 3. K.S.A. 21-5821 is amended to increase the threshold amounts for misdemeanor and felony violations of **giving a worthless check**. The level 9 nonperson felony cutoff value is increased from \$1,000 to \$1,500 (but less than \$25,000) or three checks within seven days with a value of \$1,500 increased from \$1,000 (but less than \$25,000) and the class A misdemeanor is increased from \$1,000 to \$1,500.

Section 4. K.S.A. 21-5825 is amended to increase the threshold amounts for misdemeanor and felony violations of **counterfeiting**. The level 9 nonperson felony cutoff value is increased from \$1,000 to \$1,500 (but less than \$25,000) and the class A misdemeanor is increased from \$1,000 to \$1,500.

Section 5. K.S.A. 21-5828 is amended to increase the threshold amounts for misdemeanor and felony violations of **criminal use of a financial card**. The level 9 nonperson felony cutoff value is increased from \$1,000 to \$1,500 (but less than \$25,000) and the class B misdemeanor is increased from \$1,000 to \$1,500.

Section 6. K.S.A. 21-5830 is amended to increase the threshold amounts for misdemeanor and felony violations of **impairing a security interest**. The level 9 nonperson felony cutoff value increased from \$1,000 to \$1,500 (but less than \$25,000) and the class A misdemeanor is increased from \$1,000 to \$1,500.

Section 7. K.S.A. 21-5927 is amended to increase the threshold amounts for misdemeanor and felony violations of **Medicaid fraud**. The level 9 nonperson felony cutoff value is increased from \$1,000 to \$1,500 (but less than \$25,000) and the class A misdemeanor is increased from \$1,000 to \$1,500.

Section 8. K.S.A. 21-56002 is amended to increase the threshold amounts for misdemeanor and felony violations of **official misconduct**. The level 9 nonperson felony cutoff value is increased from \$1,000 to \$1,500 (but less than \$25,000) and the class A misdemeanor is increased from \$1,000 to \$1,500.

Section 9. K.S.A. 21-6004 is amended to increase the threshold amounts for misdemeanor and felony violations of **presenting a false claim**. The level 9 nonperson felony cutoff value is increased from \$1,000 to \$1,500 (but less than \$25,000) and the class A misdemeanor is increased from \$1,000 to \$1,500.

Section 10. K.S.A. 21-6005 is amended to increase the threshold amounts for misdemeanor and felony violations of **misuse of public funds**. The level 9 nonperson felony cutoff value is increased from \$1,000 to \$1,500 (but less than \$25,000) and the class A misdemeanor is increased from \$1,000 to \$1,500.

Section 11. K.S.A. 21-5813 is amended to increase the threshold amounts for misdemeanor and felony violations of **criminal desecration**. The level 9 nonperson felony cutoff value is increased from \$1,000 to \$1,500 (but less than \$25,000) and the class A misdemeanor is increased from \$1,000 to \$1,500.

## FINDINGS

- In FY 2019, **125 offenders** were convicted of the following crimes relating to loss values. Of this number:
  - **13** (10.4%) were sentenced to prison; and
  - 112 (89.6%) were sentenced to probation. The convicted statutes and offenses are listed below:

<b>Statute</b>	<b>Name of Offense</b>	<b>Number of Convictions</b>	<b>Percent</b>
21-5802	Theft of property lost	2	1.6
21-5813	Criminal damage to property	87	69.6
21-5821	Giving a worthless check	17	13.6
21-5825	Counterfeiting	1	0.8
21-5828	Criminal use of a financial card	12	9.6
21-5830	Impairing a security interest	2	1.6
21-5927	Medicaid fraud	1	0.8
21-6005	Misuse of public funds	2	1.6
21-6205	Criminal desecration	1	0.8
<b>Total</b>		<b>125</b>	<b>100.0</b>

- Of the 13 offenders sentenced to prison, the restitution range was from \$361 to \$186,930, with **four** less than \$1,500, including two less than \$1,000. One of the two had a special rule applied.
- The average prison sentence was 14 months with 186.5 days or six months jail credit.

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