

**Bed Space Impact Assessment
House Bill 2613
Violation of Protection Order**

SUMMARY OF THE BILL

- HB ²⁶¹³2576 creates a severity level 5, person felony for violation of an extended protective order as described in subsection (e)(2) of K.S.A.61-3107, abuse and subsection (d) of K.S.A. 61.31a06, stalking.

KEY ASSUMPTIONS

- The target population of this bill includes offenders who commit the crime as listed above.
- 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.
- The percentage of sentence served in prison is assumed to be 85% for offenders at severity level 5, which is consistent with the Kansas Sentencing Commission's projections released in August 2011.
- The new policy effective date is assumed to be on July 1, 2012.
- **Scenario One:** It is assumed that **10** persons per year would commit the crime of violation an extended protective order. Of this number,
 - Five persons would be sentenced to prison and
 - Five would be sentenced to probation.
- **Scenario Two:** It is assumed that **20** persons per year would commit the crime of violation an extended protective order. Of this number,
 - 10 persons would be sentenced to prison and
 - 10 persons would be sentenced to probation.
- **Scenario Three:** It is assumed that **30** persons per year would commit the crime of violation an extended protective order. Of this number,
 - 15 persons would be sentenced to prison and
 - 15 persons would be sentenced to probation.
- It is assumed that the average length of sentence to be served in prison is 56 months, which were the actual average lengths of sentences imposed for severity level 5 offenders in FY 2011.

FINDINGS

- No felony sentences for violation of protective orders were reported to the Sentencing Commission in the past years because violation of protective orders under current law is a class A person misdemeanor.
- According to the Kansas Bureau of Investigation (KBI), in 2010, there were **1,372** reported violations of protective orders in Kansas. In 2009, there were **1,162** reported violations of protective orders and in 2008 there were **1,111** reported violations of protective orders.

IMPACT ASSESSMENT

- **Scenario One:** If **five persons** per year violate the extended protective order and are sentenced to prison at severity level 5 with 56 months sentence,
 - by the year 2013, 5 prison beds will be needed and
 - by the year 2022, 24 prison beds will be needed.
- **Scenario Two:** If **10 persons** per year violate the extended protective order and are sentenced to prison at severity level 5 with 56 months sentence,
 - by the year 2013, 10 prison beds will be needed and

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- by the year 2022, 47 prison beds will be needed.
- **Scenario Three:** If **15 persons** per year violate the extended protective order and are sentenced to prison at severity level 5 with 56 months sentence,
 - by the year 2012, 15 prison beds will be needed and
 - by the year 2022, 71 prison beds will be needed.

IMPACT OF THE BILL

- **Impact of Prison Admissions:** This bill would result in 5, 10 and 15 additional prison admissions in FY 2013 and 6, 12 and 18 additional prison admissions respectively in FY 2022 based on the three different scenarios.
- **Impact of Prison Beds:** This bill would result in 5, 10, and 15 additional prison beds needed in FY 2013 and 24, 47 and 71 additional prison beds needed respectively in FY 2022 based on the three different scenarios.
- **Impact on the workload of the Commission:** This bill would result in 10, 20 and 30 additional journal entries in FY 2013 and 12, 24 and 36 additional journal entries in FY 2022 to the workload of the Commission based on the three different scenarios.

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Fiscal Year	Additional Prison Admission			Additional Prison Beds Needed		
	Scenario #1 5 Persons Per Year Sentenced to Prison	Scenario #2 10 Persons Per Year Sentenced to Prison	Scenario #3 15 Persons Per Year Sentenced to Prison	Scenario #1 5 Persons Per Year Sentenced to Prison	Scenario #2 10 Persons Per Year Sentenced to Prison	Scenario #3 15 Persons Per Year Sentenced to Prison
2013	5	10	15	5	10	15
2014	5	10	16	10	20	31
2015	5	11	16	15	31	47
2016	5	11	16	20	41	62
2017	6	11	17	21	43	65
2018	6	11	17	22	43	65
2019	6	11	17	23	43	65
2020	6	12	18	24	44	68
2021	6	12	18	24	46	70
2022	6	12	18	24	47	71