

MEMORANDUM

To: Leyton Gunn, Division of the Budget
From: Scott M. Schultz, Executive Director
Date: February 14, 2022
Re: Prison Bed Impact Assessment, **SB 483 – Increasing criminal penalties for theft and criminal damage to property involving remote service units such as automated cash dispensing machines and automated teller machines.**

IMPACT ASSESSMENT

- This bill **may** impact prison admissions, but it cannot be determined at this time.
- This bill **may** impact prison bed space, but it cannot be determined at this time.
- This bill **may** impact the workload of the Commission, but it cannot be determined at this time.

SUMMARY OF THE BILL

Section 1. K.S.A. 2021 Supp. 21-5801 is amended to include the definition of "remote service unit" which means the same as defined in K.S.A. 9-1111, and includes, but is not limited to, automated cash dispensing machines and automated teller machines.

Section 2. K.S.A. 2021 Supp. 21-5813 is amended to include that criminal damage to property is knowingly damaging, destroying, defacing or substantially impairing the use of a remote service unit as defined in K.S.A. 9-1111 exceeding \$5,000 with the intent to obtain currency.

FINDINGS

- In FY 2021, there were **621** convictions for **felony theft** under K.S.A. 21-5801 at the following severity levels:
 - **Severity level five – 8**
 - Prison – 2 (25%)
 - Probation – 6 (75%)
 - **Severity level seven – 49**
 - Prison – 7 (14.3%)
 - Probation – 42 (85.7%)
 - **Severity level nine – 532**

- Prison – 129 (24.2%)
 - Probation – 403 (75.8%)
 - **Severity level ten – 31**
 - Prison – 3 (9.7%)
 - Probation – 28 (90.3%)
- In FY 2021, there were **85** convictions for **felony criminal damage to property** under K.S.A. 21-5813(a) at the following severity levels:
 - **Severity level seven – 2**
 - Probation – 2 (100.0%)
 - **Severity level nine – 82**
 - Prison – 16 (19.5%)
 - Probation – 66 (80.5%)
 - **Severity level ten – 1**
 - Probation – 1 (100.0%)
- In FY 2021, there were **zero** convictions for **aggravated criminal damage to property** under K.S.A. 21-5813(b).
- This bill creates a new factual circumstance that would lead to increased criminal penalties for theft and criminal damage to property involving remote service units such as automated cash dispensing machines and automated teller machines.
 - The KSSC, however, cannot determine the number of convictions for theft or criminal damage that will involve automated cash dispensing machines and automated teller machines.
 - Thus, this bill **may** impact prison admissions, prison bed space, and workload of the Commission, but the extent of the impact cannot be determined at this time.
 - Because the number of likely convictions under this factual circumstance will be low, and previous conviction data suggests the likelihood an offender would receive probation is high, any potential impact to prison admissions and beds would be small.

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