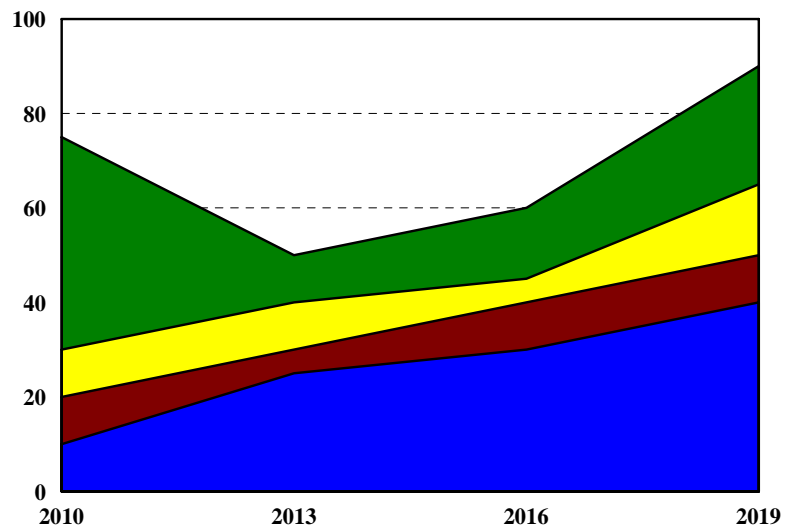


KANSAS SENTENCING COMMISSION

Fiscal Year 2010 Adult Inmate Prison Population Projections

Prison Population Projections



August 2009

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OVERVIEW OF FY 2010 PRISON POPULATION PROJECTIONS

Same as previous models, the FY 2010 prison population projection model contains a combination of intended and unintended impacts of various sentencing policies enacted by the legislature during the past several years. The continuous impacts of the policies in this model include the Senate Substitute for House Bill 2576 (Jessica's Law) enacted on July 1, 2006; the House Substitute for Senate Bill 14 enacted on July 1, 2007 and House Bill 2707 enacted on July 1, 2008. House Bill 2060 passed in 2009 legislation is not included in this model because of the insufficient information.

Overall, prison admissions decreased, releases increased and the number of condition violators revoked to prison was reduced. The most significant change in this model is the increase of offgrid prison population. Over the ten-year forecast period, offgrid prison population will increase by 784 inmates or 88%. The increase is primarily due to Jessica's Law. The impact of this law resulted in 56 offgrid offenders in FY 2009. This impact will continue to increase the offgrid prison population in the future.

The second observable trend is the probation condition violators entering into the state prisons. Probation condition violators admitted to prison decreased by 28.3% in FY 2009 when compared with that of FY 2006. The number of probation condition violators decreased from 2,038 in FY 2006 to 1,462 in FY 2009, a drop of 576 violators. The decrease of probation condition violators reflected the impact of House Substitute for Senate Bill 14, which requires at least a 20% reduction from that of FY 2006.

The third notable trend during FY 2009 was that prison releases exceeded prison admissions. This is a fifth consecutive year that releases exceeded admissions. Analyses of FY 2009 prison admissions and releases revealed that the largest releases in number over admissions were found on all drug severity levels, especially drug severity level I, followed by drug severity levels IV and III. Releases over admissions during FY 2009 were also found in nondrug severity levels II, III, VII, VIII and parole/postrelease condition violators.

The FY 2010 projections indicate an increase trend during the forecast period. The largest increase in number falls on offgrid inmates followed by nondrug severity levels I and V. Jessica's Law has a significant impact on the offgrid prison inmate population. Some child sex offenses categorized on nondrug severity levels I, II and III in the past are reclassified as offgrid offense. The projection of nondrug severity level V shows a mixed picture. Jessica's Law, on the one hand, reduces the population by moving the child sex offenders to the offgrid but, on the other hand, increases the population by increasing the offender registration violators from nondrug severity level X to nondrug severity level V. During FY 2009, 38 offenders who violated Kansas Offender Registration Act were admitted to prison.

Prison population projections primarily involve the use of two major data variables: the number of offenders admitted to prison and the corresponding length of the sentence imposed. Although various secondary data elements, such as good time earnings, revocation rates, and jail time credits are utilized in projections, they directly impact either admission rates or length of

stay (LOS). Any time a sentencing policy change or a court's decision is enacted, which either targets the admission rates or sentence lengths there will be a corresponding increase or decrease in prison population levels. Identifying the specific impact of policy change involves the simultaneous incorporation of valid data, accurate assumptions and a realistic implementation.

Admissions

Offenders primarily are admitted to prison as either a new commitment or as a parole/postrelease condition violator. New commitments include offenders who are sentenced directly by the court, probation condition violators whose revocation results in the imposition of their underlying prison sentence and probation violators who receive a new sentence. Parole/postrelease condition violators are those offenders who have been released from prison or county jails (4th or subsequent DUI offenders) to serve a term of community supervision and are returned to prison as the result of a violation of the terms of their supervision.

During FY 2010, the total new commitments indicate a slight decrease of 0.1% or 3 admissions when compared with that in FY 2009. New commitments account for 71.8% of all FY 2009 prison admissions, which include 37.8% direct new court commitments, 32.1% probation condition violators and 2% probation violators with new sentence. When specific types or levels of admissions are examined, the data shows that admissions of drug severity levels II and III increased; drug severity level IV decreased and drug severity level I remained unchanged when compared with that of FY 2008. Nondrug severity levels II, III, IV, V and VIII also indicated an increase in admissions while nondrug severity levels I, VI, VII, XI and X displayed a decrease. The largest increase in number of prison admissions was found on nondrug level V (48 admissions). The largest decrease in number of prison admissions was found on drug severity level IV (68 admissions).

Parole/postrelease supervision condition violators (including conditional release violators) accounted for 1,154 admissions during FY 2009 with an average of 96 returns per month, which indicated a total decrease of 114 returns as compared to FY 2008. Of the 1,154 returns, postrelease supervision condition violators accounted for 89.3% (1,031 returns); parole condition violators made up of 10.5% (121 returns) and conditional release violators consisted of 0.2% (2 returns). The number of parole/postrelease supervision condition violators had dropped significantly from 3,188 returns in FY 2000 to 1,154 returns in FY 2009, a drop of 64%, since Senate Bill 323 was enacted into law in 2000, which eliminated the postrelease supervision for probation condition violators upon the completion of their underlying imprisonment imposed pursuant to either the sentencing guideline grid for nondrug or drug crimes (K.S.A. 22-3716(e)).

Length of Sentence

The average length of sentence (LOS) of each severity level in FY 2009 varied. For nondrug offenses, the average length of sentence of nondrug severity level II indicated an increase of 59.3 months when compared with FY 2008 and 32.9 months when compared with FY 2005, representing the largest increase in the past five years. The average LOS of nondrug severity level I in FY 2009 demonstrated the second largest increase when compared with FY

2008 and the third largest increase when compared with FY 2005. The average LOS of nondrug severity level IV displayed a decrease of 6.5 months when compared with FY 2008 and a decrease of 4.9 months when compared with FY 2005. The average LOS of nondrug severity levels III also indicated a decrease of 1.1 and 8.6 months respectively, when compared with FY 2008 and FY 2005. Nondrug severity levels V to X in FY 2009 remained fairly consistent as compared with FY 2008, except nondrug severity level VII which indicated an increase of 1.8 months when compared with FY 2008.

The average LOS of drug severity level I in FY 2008 indicated an increase of 6.2 and 38.6 months respectively as compared with FY 2008 and FY 2005. The average LOS of drug severity level II demonstrated a decrease of 11.3 when compared with FY 2008 but an increase of 2.2 months when compared with FY 2005. The average LOS of drug severity level III in FY 2009 indicated an increase of 3.3 and 2.2 months when compared with FY 2008 and FY 2005. The average LOS of drug severity level IV also indicated an increase in sentencing length but less than two months during the last five years.

Forecast

In examining the estimated prison bed needs by individual severity levels, the most significant increase in number and percentage is found on offgrid over the ten-year forecast period. As mentioned above, the increase of offgrid prison population is due to Jessica's Law (Senate Substitute for House Bill 2567) which was passed during the 2006 legislature. According to Jessica's Law, some child sex offenses previously classified in nondrug severity levels I, II, III and V will be reclassified as offgrid offenses with a minimum sentence of not less than 300 months (Hard 25). This reclassification will increase the offgrid admissions to prison.

The second largest increase of prison population for the ten-year forecast period is fallen on nondrug severity level I with an increase of 228 beds. The increase in required prison beds for nondrug severity level I is twofold, the "stacking effect" of the longer pronounced sentence and the impact of House Bill 2707 which enacted into law on July 1, 2008. The mandatory sentence requirement of this bill for an extreme sexual offender is not less than 50% of the center of the grid range of the sentence.

Nondrug severity level V represents the third largest increase of prison population during the ten-year forecast period. Nondrug severity levels II to IV also indicate an increase during the ten-year forecast period. Nondrug severity levels VI to X remain relatively stable during the ten-year forecast period.

Drug severity levels I and II during the forecast period demonstrate an increase as compared with FY 2009 numbers (the current number), with drug severity level II representing the largest and drug severity level I the second. Drug severity levels III and IV display a relative stability during the forecast period.

Overall, the FY 2010 projections indicate that the state's prison population will increase by 1,367 inmates or 15.9% in FY 2019 over the current prison population. The total prison population is expected to reach 9,969 inmates by the end of FY 2019. Offgrid, nondrug severity levels I, II and III will account for 46.2% of the projected prison population in FY 2019. Nondrug severity levels IV, V and VI will make up 18% and nonviolent inmates will consist of 12.3% of the projected prison population in FY 2019. The projected drug inmate prison population will represent 15.9% while parole/post-release supervision condition violators will make up 7.6% of the forecasted prison population in FY 2019.

METHODS AND ASSUMPTIONS

Source of Data Used for the Projections

Data utilized for the fiscal year 2010 prison population projections are based upon the most recent felony sentencing information and current prison information as occurred during FY 2009. These data include the automated and non-automated data files collected from the Kansas Department of Corrections (KDOC) and the FY 2009 felony journal entry sentencing information collected by the Kansas Sentencing Commission (KSC). Data provided by KDOC include:

1. Prison admissions
2. Prison populations
3. Prison releases
4. Parole/post-release supervision populations
5. Parole/post release supervision discharges
6. Parole hearing decisions
7. DOC monthly offender population reports

Data collected by the Kansas Sentencing Commission include:

1. Prison sentences
2. Probation sentences
3. Probation revocations

The above data sources combined provide the information for the prison projection consensus group to make their final decisions regarding assumptions that must be built into the model. The sentencing journal entry databases from the Kansas Sentencing Commission provide sentencing trends that impact policy changes. The prison admission file contains each individual admission event with the type of admission, the length of sentence, jail credit, special sentencing rule applied, departure information, and concurrent or consecutive sentences applied, etc. The prison population stock file provides additional information that the projection consensus group needs and characteristics of the June 30th incarceration population. The prison release file informs the consensus group of the type of release and the actual length of stay for each individual prisoner. Parole/postrelease supervision file and parole hearing file provide information regarding parole

population, parole discharges, parole hearing decisions, and waiting time between each parole hearing. KDOC monthly offender population reports are utilized for the monitoring aspect of monthly population.

Consensus Group

In an attempt to formulate the most accurate assumptions, the Sentencing Commission utilizes a Prison Population Consensus Group to review and establish the final set of assumptions that are utilized in building the simulation model. Members of the Consensus Group represent various criminal justice agencies which play a role in processing an individual through the criminal justice system. Members contribute their agencies' expertise regarding formal and informal procedures and provide relevant information and data on specific issues or practices which may affect prison population.

Members of the FY 2010 Prison Population Projection Consensus Group:

Bartee, Tom	District of KS Federal Public Defender Office
Biggs, Patricia	Kansas Parole Board
Bowman, Scott	Kansas Department of Corrections
Brancart, Ed	Unified Government DA's Office
Chang, Kunlun	Kansas Sentencing Commission
George, Michael	Shawnee County Sheriff's Office
Gillespie, Betsy	Johnson County Community Corrections
Graves, Kathleen	Kansas Department of Corrections
Henderson, Patricia	Unified Government Court Services
Haneberg, Risë	Criminal Justice Coordinator, Johnson County
Lu, Fengfang	Kansas Sentencing Commission
Mechler, Chris	Office of Judicial Administration
Moison, Lora	Kansas Sentencing Commission
Patton, Hon. James	Twenty-second Judicial District
Pedigo, Helen	Kansas Sentencing Commission
Pellant, Keven	Kansas Department of Corrections
Riggin, Dave	Kansas Department of Corrections
Smith, Hon. Richard	Sixth Judicial District
Swegle, Ann	Sedgwick Co DA's Office
Trembley, John	NW Kansas Community Corrections
Werholtz , Secretary Roger	Kansas Department of Corrections

The Consensus Group held two meetings to review sentencing trends, identify policy changes that may affect future prison bed needs and identify assumptions to be incorporated into the forecast model.

FY 2010 PRISON POPULATION PROJECTION ASSUMPTIONS

1. The model begins on July 1, 2009.
2. The model is based on FY 2009 data (July 1, 2008 - June 30, 2009).
3. This prison population projection is for a ten-year forecasting period (FY 2010 to FY 2019).
4. The projection model is designed to simulate all new commitments to prison, from FY 2010 forward, under sentencing guidelines, with a determinate sentence length.
5. Admission Trends
 - a) Direct New Court Commitments. Direct new court commitments to prison in FY 2009 (offenders not on any type of supervision at the time of conviction and subsequent admission to prison) indicated an increase of 15.1% or 226 admissions when compared to FY 2008. Compared with FY 2005, the admissions to prison indicate an increase of 15.8% or 235 admissions. FY 2005 data indicated a total of 1,489 admissions; FY 2006 demonstrated a total of 1,610 admissions; FY 2007 showed a total of 1,605 admissions; FY 2008 data revealed a total of 1,498 admissions and FY 2009 indicated a total of 1,724 admissions, the highest number during the past five years.
 - b) Probation Condition Violators. In FY 2009, 1,462 probation condition violators were admitted to prison, indicating a decrease of 10% or 162 admissions from FY 2008 and a decrease of 18% from FY 2005. In FY 2005, 1,783 probation condition violators were admitted to prison. In FY 2006, 2,038 probation condition violators were admitted to prison. In FY 2007, 1,750 probation condition violators were admitted to prison. In FY 2008, 1,624 probation condition violators were admitted to prison. As compared with FY 2006 number, the number from which SB 14 requires to reduce at least 20%, the FY 2009 data indicated a decrease of 28%.
 - c) Probation Violators with New Sentence. Probation violators with a new sentence in FY 2009 indicated a decrease of 42.9% (67 admissions) from FY 2008 and a decrease of 29.4% from FY 2005. During FY 2005, 126 probation violators with new sentences were admitted to prison. FY 2006 displayed 142 probation violators with a new sentence were admitted to prison. FY 2007 indicated 99 probation violators with a new sentence were admitted to prison. FY 2008 showed 156 admissions while FY 2009 displayed 89 admissions for this group.
 - d) Total New Commitments: Rate of Growth. Historic growth rates for new commitments (which, for projection purposes, include direct new court admissions, probation condition violators, and probation violators with new sentences) are as follows:

FY 1989 to FY 1990	5.8%
FY 1990 to FY 1991	-8.9%
FY 1991 to FY 1992	3.1%
FY 1992 to FY 1993	-0.2%
FY 1993 to FY 1994	-11.4%
FY 1994 to FY 1995	15.1%
FY 1995 to FY 1996	19.0%
FY 1996 to FY 1997	-1.0%
FY 1997 to FY 1998	2.1%
FY 1998 to FY 1999	6.0%
FY 1999 to FY 2000	-5.2%
FY 2000 to FY 2001	5.1%
FY 2001 to FY 2002	7.8%
FY 2002 to FY 2003	-0.8%
FY 2003 to FY 2004	0.5%
FY 2004 to FY 2005	0.9%
FY 2005 to FY 2006	11.5%
FY 2006 to FY 2007	-8.9%
FY 2007 to FY 2008	-5.1%
FY 2008 to FY 2009	-0.1%
<i>Average yearly growth rate (since FY1989)</i>	1.8%
<i>Average yearly growth rate (since FY1993)</i>	2.2%

The new commitment growth rate assumption utilized in last year's model was half percent annually through the year 2018. The consensus group agreed that a 2% growth rate should be used over the ten-year forecast period beginning in FY 2010.

6. Guideline post-incarceration supervision condition violators may serve up to 180 days. The average length of stay in FY 2005 model was 110 days. The average of 110 days used for this group remained unchanged in the FY 2006 model. The average of 120 days was used for this group in the FY 2007 model. The average length of stay in FY 2008 model was 130 days. The consensus group agreed to use the same length of stay (130 days) for this group in the FY 2009 model. The actual average length of stay for this group in FY 2009 was 140 days. The consensus group agreed to use an average stay of 145 days for this group in the FY 2010 model.
7. In FY 2009, a total of 1,154 parole/postrelease and conditional release condition violators were returned to prison. Of this number, 115 were 4th or subsequent DUI offenders, indicating an increase of 12 offenders when compared to last year (103 DUI violators in FY 2008). In FY 2009, the average rate of parole/postrelease and conditional release condition violators per month was 96 offenders, which was an average of 10 offenders per month below the projected 106 offenders per month in last year's projection model. The consensus group agreed that the return rate of 106 offenders per month will be used in the FY 2010 model.

8. In FY 2009, a total of 109 admissions of parole/post-release violators and conditional release violators were returned to prison with a new sentence, which was below the assumption by 61 admissions used in last year's forecast model (170 returns). In review of the past five years' data, parole and postrelease violators with new sentences in FY 2009 represented the lowest number of admissions (FY 2005-166; FY 2006-168; FY 2007-190; FY 2008-156 and FY 2009-109). The consensus group agreed to use 135 returns with new sentences for the FY 2010 model.

9. 2006 Senate Substitute for HB 2576-Jessica's Law.

(1) During FY 2009, 56 offenders were admitted to prison under Jessica's Law, an increase of eight offenders or 17% when compared with the number of FY 2008. Of this number, 55 were direct new court commitments and one was parole/postrelease violator with new sentence. Forty-six offenders were sentenced as offgrid; eight were sentenced as N1; one was sentenced as N3 and one was sentenced as N5. Of the offgrid, 33% offenders received a sentence length less than 150 months (50% of H25), indicating a decrease of 2% when compared with FY 2008. Overall, 59% of the child sex offenders admitted to prison received a sentence less than 300 months (the lowest length of sentence was 32 months).

(2) During FY 2009, the Commission received 59 Jessica Law sentences (including one concurrent sentence), indicating an increase of 10 sentences or 20%. Of this number, 2 offenders were sentenced to probation with an underlying prison sentence of 72 and 155 months respectively, representing 3% of the total sentence. The downward dispositional departure reasons for the 2 offenders were "no prior criminal history" and "the defendant physical or mental impairment." Last year, the consensus group agreed to use a 50% downward durational departure rate but no downward dispositional departure rate for this group. The consensus group agreed to use the same assumption in the FY 2010 model.

10. 2007 House Substitute for Senate Bill 14. This bill: (1) enacts, on July 1, 2007, a new grant program to encourage community corrections programs to reduce revocation rates by at least 20% from the FY 2006 revocation rate; (2) increases good time from 15% to 20% for those offenders who commit a drug severity level 3 or 4, or a nondrug severity level 7 through 10 felony on or after January 1, 2008 and (3) provides not more than 60 days good time credit for inmates who successfully complete certain programs.

During FY 2009, 1,462 probation condition violators were admitted to prison, indicating a decrease of 10% or 162 admissions from FY 2008. When compared with the FY 2006 number, probation condition violators admitted to DOC decreased by 28%. Last year, the consensus group agreed that an additional 5%, 2% and 1% deduction from FY 2008 probation revocation rate shall be used in FY 2009, FY 2010 and FY 2011 respectively for this group in the FY 2009 model. The consensus group agreed that the deductions for FY 2011 and FY 2012 will be zero for the FY 2010 model.

DOC's prison admission data indicated that in FY 2009, 622 offenders were eligible for SB 14 program credit. However, only 41 earned it, which accounted for 6.1% of the eligible

offenders. During FY 2009, 921 offenders admitted to DOC earned 20% good time and 22 offenders earned both 15% and 20% good time. The consensus group believed that there is still not enough information available to formulate an assumption at this time.

11. 2008 House Bill 2707.

(1) Third or subsequent criminal deprivation of a motor vehicle. In FY 2009, no offender was convicted of the crime of a third or subsequent criminal deprivation of a motor vehicle. However, in FY 1999, 99 offenders were convicted of criminal deprivation of property - motor vehicle and 93% was then classified as nongrid felony. One of them was sentenced to prison. The consensus group anticipated no impact for this group in the FY 2010 model.

(2) Felony theft offenders with 3 or more prior felony theft, burglary, or aggravated burglary convictions; burglary offenders with 2 or more prior felony theft, burglary, or aggravated burglary convictions, or any combination of the three; and offenders convicted of a third drug possession. During FY 2009, 20 offenders were convicted of a felony theft with 3 or more prior felony theft, burglary, or aggravated burglary convictions. Of this number, 15 were sentenced to prison and 5 were sentenced to probation. DOC's admission data indicated that 6 such offenders were admitted in FY 2009.

During FY 2009, 58 offenders were convicted of a burglary crime with 2 or more prior felony theft, burglary, or aggravated burglary convictions. Of this number, half were sentenced to prison and half were sentenced to probation. DOC's admission data indicated that 16 such offenders were admitted in FY 2009.

During FY 2009, 27 offenders were convicted of a third or subsequent drug possession, representing 1.5 % of the 1,844 drug possession convictions. Of the 27 offenders, 9 were sentenced to prison; 13 were sentenced to probation and 5 were sentenced to SB 123 treatment programs. DOC's admission data indicated that 9 such offenders were admitted in FY 2009.

Last year, the consensus group, based on the information that 23 offenders were convicted of a third felony drug possession in FY 2003 (prior to SB123) that accounted for 1.3% of the total drug possessions in that year, agreed that a rate of 1.3% of the drug possessions were used for the third drug possession offenders in FY 2009 model. The consensus group agreed that a rate of 1.5% of the drug possessions shall be used for the third drug possession offenders in FY 2010 model.

(3) Limitations on departures for crimes of extreme sexual violence. This group includes 1) Jessica's law offenders; 2) offenders convicted of non-consensual rape or sodomy; and 3) offenders convicted of specific sex crimes where the victim is at least 14, but less than 16 years of age. A downward durational departure is allowed for any crime of extreme sexual violence to not less than 50% of the center of the grid range of the sentence for such crime.

According to FY 2009 sentencing journal entry data, 130 offenders convicted of such crimes ranked from N1 to N10, including 37 Jessica's law offenders received downward departure sentences. Of this number, 97 (74.6%) received downward durational departures and 33 (25.4 %) received downward dispositional departures. Of the durational departures, 11 offenders' length of sentence was below the 50% of the center point of the grids and 21 Jessica's law offenders' length of sentence was less than 50% of the hard 25. In the FY 2009 model, no downward dispositional departure or downward durational departure outside the reductions allowed by law was allowed for this group in the FY 2009 model. The consensus group agreed that the assumptions will stay the same in the FY 2010 model.

12. 2009 House Bill 2060.

(1) Special rule regarding prison for battery on a law enforcement officer resulting in bodily injury. In FY 2009 (as of June 30, 2009), 9 offenders were convicted of crime of battery against a law enforcement officer under K.S.A. 21-3413 (a) (2). Of this number, 4 (44%) were sentenced to prison and 5 (56%) were sentenced to probation. The average length of sentence was 27 months.

(2) Sentence enhancements for drug felonies committed while in possession of a firearm or with discharge of a firearm. No information is available for this offense in the Commission databases.

(3) Cockfighting. No information is available for this offense in the Commission databases.

The consensus group made no assumptions for this group for the FY 2010 model due to the insufficient information.

Forecast Technique

The forecast technique used in the projection is the PROPHET Model developed by NCCD. The PROPHET Model utilizes a modeling technique that is a combination of stochastic entity simulation and a Monte Carlo simulation. The stochastic or probabilistic technique utilizes a random number process to simulate the movement of offenders through the correctional system. The Monte Carlo technique converts the random numbers chosen into individual cases (offenders admitted to prison) and places the inmate in one of the possible statuses available, such as prison, parole, post-release, or discharge. The PROPHET simulates and generates prison bed needs for a ten-year forecast period based upon the sentencing trends, the number of admissions, the length of stay, jail credits and good time lost or earned, etc., as well as the assumptions provided by the Consensus Group and changes of policies.

KEY FINDINGS OF FISCAL YEAR 2009 DATA

1. During FY 2009, 4,561 offenders were admitted to KDOC representing the lowest number of prison admissions in the last ten years. Of those 4,561 offenders, new commitments accounted for 71.8% (3,275 admissions). This group of offenders included 37.8% direct new court commitments, 32.1% probation condition violators and 2% probation violators with new sentence. The other large group of offenders was parole/postrelease/CR condition violators representing 25.3%. Parole/post-release/CR violators with new sentence made up 2.4% of all prison admissions.
2. Compared with FY 2008, the total number of new commitments sentenced to prison during FY 2009 slightly decreased by 0.1% or 3 admissions. Among the total of new commitments to prison (3,275 admissions), direct new court commitments represented 1,724 admissions, demonstrating an increase of 15.1% (226 admissions) over that of FY 2008. This indicates the highest number of admissions from direct new court commitments in the last ten years.
3. Condition violators, including probation condition violators, parole/post-release condition violators and conditional release violators, made up 57.4% (2,616 admissions) of the total admissions to KDOC in FY 2009. The percentage of condition violators decreased by 3.9% from that of FY 2008 (61.3%) and by 10.9% from that of FY 2005 (68.3%).
4. The average length of stay in prison of the probation condition violators admitted in FY 2009 was 11.2 months, which increased by 0.3 month (9 days) over that of FY 2008 and by 1.6 months (49 days) over the 9.6 months stay in FY 2005.
5. The average length of stay in prison for pre-guideline parole condition violators in FY 2009 is calculated to be 22.5 months, indicating a decrease of 0.8 months from the length of stay observed during FY 2008 (23.3 months). The average length of stay for the guideline postrelease supervision condition violators in FY 2009 was 4.6 months (140 days), 12 days longer than the average length of stay in FY 2008 (4.2 months or 128 days). The average length of stay for aggregate (combination of pre-guideline and guideline sentences) parole/postrelease condition violators increased from 16.6 months in FY 2008 to 24.5 months in FY 2009, representing an increase of 7.9 months (240 days) on average.
6. The comparative analyses on sentence lengths observed in FY 2009 and FY 2008 disclose that the average lengths of sentence of the guideline nondrug sentences in FY 2009 increased by 32.3 months at Severity Level I, 59.3 months at Severity Level II and 1.8 months at Severity Level VII; while the average sentence lengths decreased by 1.1 months at Severity Level III, 6.5 months at Severity Level IV and 1.5 months at Severity Level VI. As for Severity Level V and the lower Severity Levels at VIII, IX and X, the average sentence lengths have remained comparatively stable since FY 2005.
7. In FY 2009, the average sentence length of Drug Severity Level I guideline sentences increased by 6.2 months and 38.6 months, respectively, over those of FY 2008 and FY 2005. However, the number of admissions to this level in FY 2009 remained the same compared

with that of FY 2008 but decreased by 84 offenders when compared with those admitted in FY 2005. The decrease of admissions from FY 2005 reflects continuous impact from the implementation of Senate Bill 123 effective on November 1, 2003, under which drug possession offenders convicted of K.S.A. 65-4160 or K.S.A. 65-4162 are sentenced at Drug Severity Level IV with non-prison option of drug treatment programs in community corrections, if the offense is a first or second felony possession conviction. Additionally, the crime of possession of precursor drugs was amended from Drug Severity Level I to Drug Severity Level II during the 2006 Legislation Session. Currently, the admissions at this level are stable.

8. The average sentence length of Drug Severity Level II in FY 2009 decreased by 11.3 months when compared with the sentences at that severity level observed in FY 2008 but increased by 2.2 months when compared with that of FY 2005. The admissions to Drug Severity Level II increased by 14 and 5 offenders, respectively, compared to those in FY 2008 and FY 2005.
9. The average guideline sentence length of Drug Severity Level III did not fluctuate much compared with those of FY 2008 and FY 2005. The average sentence length observed in FY 2009 increased by 3.3 months and 2.2 months, respectively, compared with those of FY 2008 and FY 2005. Offenders admitted to prison at this level in FY 2009 increased by 13 compared with those admitted in FY 2008 but decreased by 27 compared with those of FY 2005.
10. The average length of sentence of Drug Severity Level IV in FY 2009 did not fluctuate much either, increasing by 1.9 months compared with that of FY 2008 and by 1.7 months compared with that observed in FY 2005. The number of offenders admitted to KDOC at Drug Severity Level IV decreased by 68 compared with that of FY 2008. This declining tendency may have resulted from the implementation of Senate Bill 123.

More specifically, condition violators under SB 123 programs have reduced from FY 2008 to FY 2009. In FY 2009, 115 probation condition violators under SB 123 drug treatment programs were revoked to prison, representing 20.8% of total 553 admissions of guideline new commitments at Drug Severity Level IV. While in FY 2008, 153 probation condition violators under SB 123 drug treatment programs were revoked to prison, representing 24.6% of total 621 admissions of guideline new commitments at Drug Severity Level IV. The percentage of probation condition violators admitted to prison under SB 123 drug treatment programs decreased by 3.8% or 38 admissions in FY 2009 compared with FY 2008.

11. Parole/postrelease condition violator returns (including conditional release violators) accounted for 1,154 admissions of FY 2009, representing an average of 96 per month, which indicates a decrease of 10 returns per month compared to that of FY 2008 (106 admissions per month) and a decrease of 82 returns per month compared with the data of FY 2005 (178 admissions per month). Among the total 1,154 parole/postrelease condition violators, 115 (10%) were the 4th and subsequent DUI violators who are classified as non-grid offenders. This mirrors the sentencing policy change on felony DUI under K.S.A. 8-1567 amended in the 2001 Legislative Session.

12. During FY 2009, the admissions of parole/postrelease condition violators with new felony sentences (including conditional release violators with new felony sentences) represented 109 admissions, indicating an annual decrease of 47 admissions compared with the returns in FY 2008 and an annual decrease of 57 compared with those of FY 2005.

13. In FY 2009, 56 sex offenders under Jessica's Law were admitted to prison, an increase of 8 admissions compared with FY 2008. Of the 56 offenders, 98.2% (55 offenders) were new court commitments and only one offender (1.8%) was a parole violator with new sentence. Of the 56 offenders, 20 were sentenced at Hard 25 or more; 3 were sentenced at 300 months, 586 months and 600 months respectively; 33 were sentenced below 300 months. The analysis of the sentence length demonstrates that 59% of the sentences were downward durational departure to guidelines, with an average sentence length of 130.7 months. The percentage of downward durational departures increased by 9% compared with that of FY 2008 (50%). The average sentence length of the downward durational departures increased from 95.5 months in FY 2008 to 130.7 months in FY 2009, an increase of 35.2 months.

**GUIDELINE ADMISSION CHARACTERISTICS
FISCAL YEAR 2009**

Severity Level	Number Admitted	Percent Admitted	Average Sentence (Months)	Jail Credit (Days)	Condition Probation Violators (%)	Probation Violators w/New Sentence (%)
D1	56	1.7%	92.0	200.8	12.7	1.8
D2	46	1.4%	56.0	154.9	19.6	4.3
D3	236	7.2%	30.7	171.7	37.3	3.0
D4	554	16.9%	22.8	151.2	65.5	2.5
N1	73	2.2%	249.8	461.0	5.5	N/A
N2	24	0.7%	203.6	335.0	4.2	N/A
N3	195	6.0%	90.9	226.3	10.3	1.0
N4	79	2.4%	63.8	189.1	13.9	2.5
N5	360	11.0%	54.9	222.0	24.0	0.8
N6	63	1.9%	36.8	212.9	38.1	3.2
N7	514	15.7%	27.8	198.7	55.1	4.7
N8	299	9.1%	16.7	148.2	54.5	5.7
N9	511	15.6%	12.2	137.3	60.4	2.2
N10	162	4.9%	8.6	110.8	53.1	1.2
Offgrid	93	2.8%	-	-	N/A	N/A
Nongrid	6	0.2%				
Missing	4	0.1%				
Total Admits	3275	100.0%				

Source: DOC admission file.

**PRISON POPULATION CHARACTERISTICS
JUNE 30, 2009**

Severity Level	Pre-Guideline		Guideline		Total	
	Number	Percent	Number	Percent	Number	Percent
D1	0	0.0%	321	3.7%	321	3.7%
D2	0	0.0%	149	1.7%	149	1.7%
D3	0	0.0%	415	4.8%	415	4.8%
D4	0	0.0%	626	7.3%	626	7.3%
N1	139	1.6%	772	9.0%	911	10.6%
N2	88	1.0%	310	3.6%	398	4.6%
N3	62	0.7%	1224	14.2%	1286	15.0%
N4	6	0.1%	281	3.3%	287	3.3%
N5	9	0.1%	1096	12.7%	1105	12.8%
N6	0	0.0%	153	1.8%	153	1.8%
N7	2	0.0%	740	8.6%	742	8.6%
N8	0	0.0%	197	2.3%	197	2.3%
N9	0	0.0%	233	2.7%	233	2.7%
N10	0	0.0%	35	0.4%	35	0.4%
Offgrid	244	2.8%	395	4.6%	639	7.4%
Parole Conditional Violators	317	3.7%	409	4.8%	726	8.4%
Aggregate Sentence	375	4.4%	0	0.0%	375	4.4%
Subtotal	1242	14.4%	7356	85.5%	8598	100.0%
Nongrid/Missing					4	0.0%
Total					8602	100.0%

Source: DOC prison population file.

**COMPARISON OF GUIDELINE NEW COMMITMENTS
ADMISSIONS TO PRISON BY SEVERITY LEVEL
FY 2005, FY 2008 AND FY 2009**

Severity Level	FY 2005	FY 2008	FY 2009	Difference Between 2005 & 2009	Difference Between 2008 & 2009
D1	140	56	56	-84	0
D2	41	32	46	5	14
D3	263	223	236	-27	13
D4	579	622	554	-25	-68
N1	57	79	73	16	-6
N2	27	22	24	-3	2
N3	210	189	195	-15	6
N4	58	60	79	21	19
N5	256	312	360	104	48
N6	62	72	63	1	-9
N7	584	537	514	-70	-23
N8	332	283	299	-33	16
N9	548	527	511	-37	-16
N10	190	190	162	-28	-28
Total	3347	3204	3172	-175	-32

Source: DOC admission file.

Note: New commitments include new direct court admissions, condition probation violators, and probation violators with new sentences.

**COMPARISON OF GUIDELINE NEW COMMITMENTS
AVERAGE LENGTH OF SENTENCE BY SEVERITY LEVEL
FY 2005, FY 2008 AND FY 2009**

Severity Level	FY2005	FY 2008	FY 2009	Difference Between 2005 & 2009 (Month)	Difference Between 2008 & 2009 (Month)
D1	53.4	85.8	92.0	38.6	6.2
D2	53.8	67.3	56.0	2.2	-11.3
D3	28.5	27.4	30.7	2.2	3.3
D4	21.1	20.9	22.8	1.7	1.9
N1	226.5	217.5	249.8	23.3	32.3
N2	170.7	144.3	203.6	32.9	59.3
N3	99.5	92.0	90.9	-8.6	-1.1
N4	68.7	70.3	63.8	-4.9	-6.5
N5	54.4	54.4	54.9	0.5	0.5
N6	33.7	38.3	36.8	3.1	-1.5
N7	27.3	26.0	27.8	0.5	1.8
N8	16.1	16.8	16.7	0.6	-0.1
N9	11.7	12.1	12.2	0.5	0.1
N10	7.9	8.5	8.6	0.7	0.1

Source: DOC admission file.

**COMPARATIVE ANALYSIS OF
CONDITION PAROLE/POST RELEASE SUPERVISION VIOLATORS
BETWEEN FY 2008 AND FY 2009**

Law	Admission Number				Average Length of Stay in Month			
	FY 2008	FY 2009	# Change	% Change	FY 2008	FY 2009	# Change	% Change
Guideline	1101	1031	-70	-6.4%	4.4	4.7	0.3	6.8%
Pre-guideline	167	123	-44	-26.3%	23.3	22.7	-0.6	-2.6%
Total	1268	1154	-114	-9.0%				

Source: KDOC admission and release files.

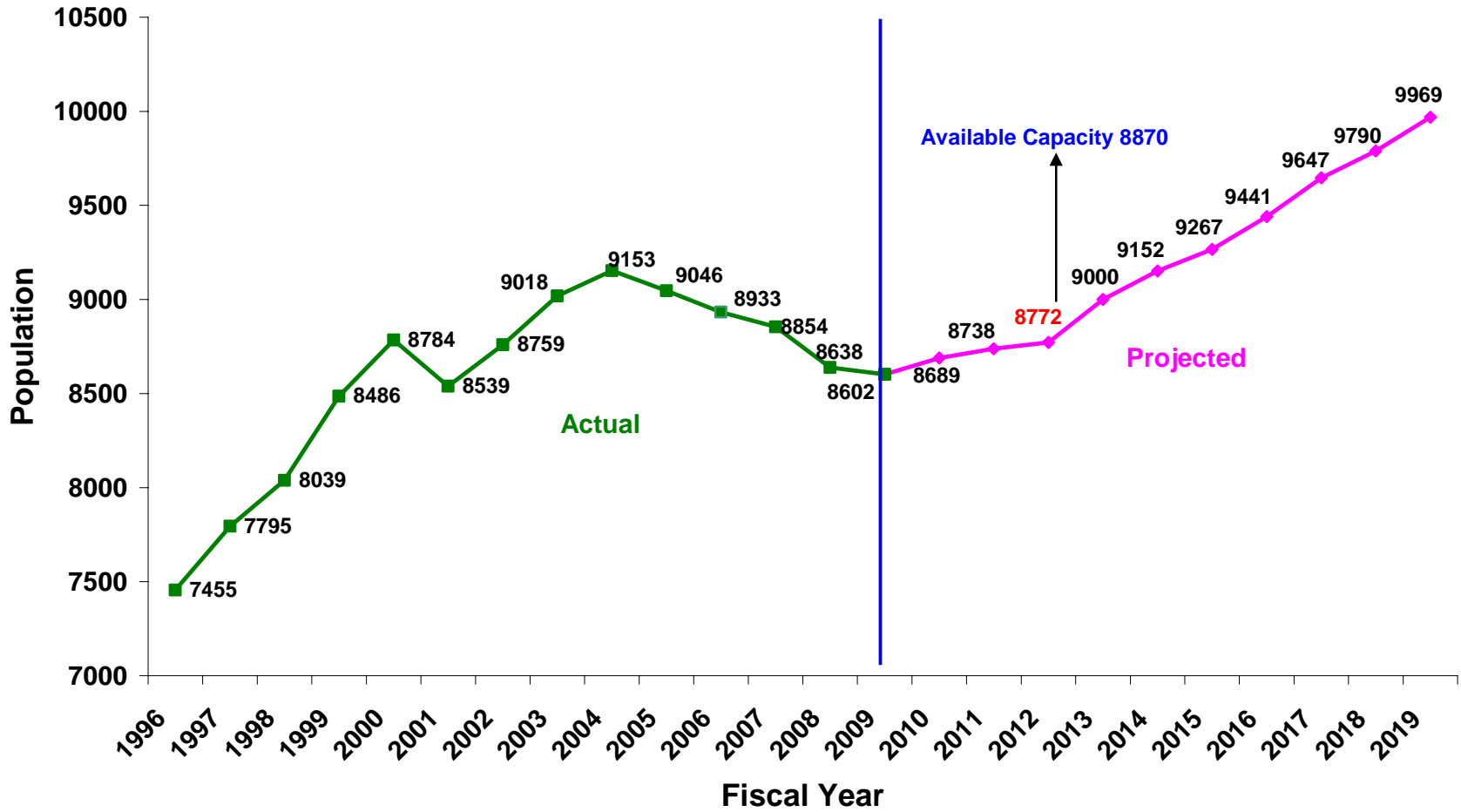
FY 2010 PRISON POPULATION PROJECTIONS

**KANSAS SENTENCING COMMISSION
FY 2010 ADULT INMATE PRISON POPULATION PROJECTIONS**

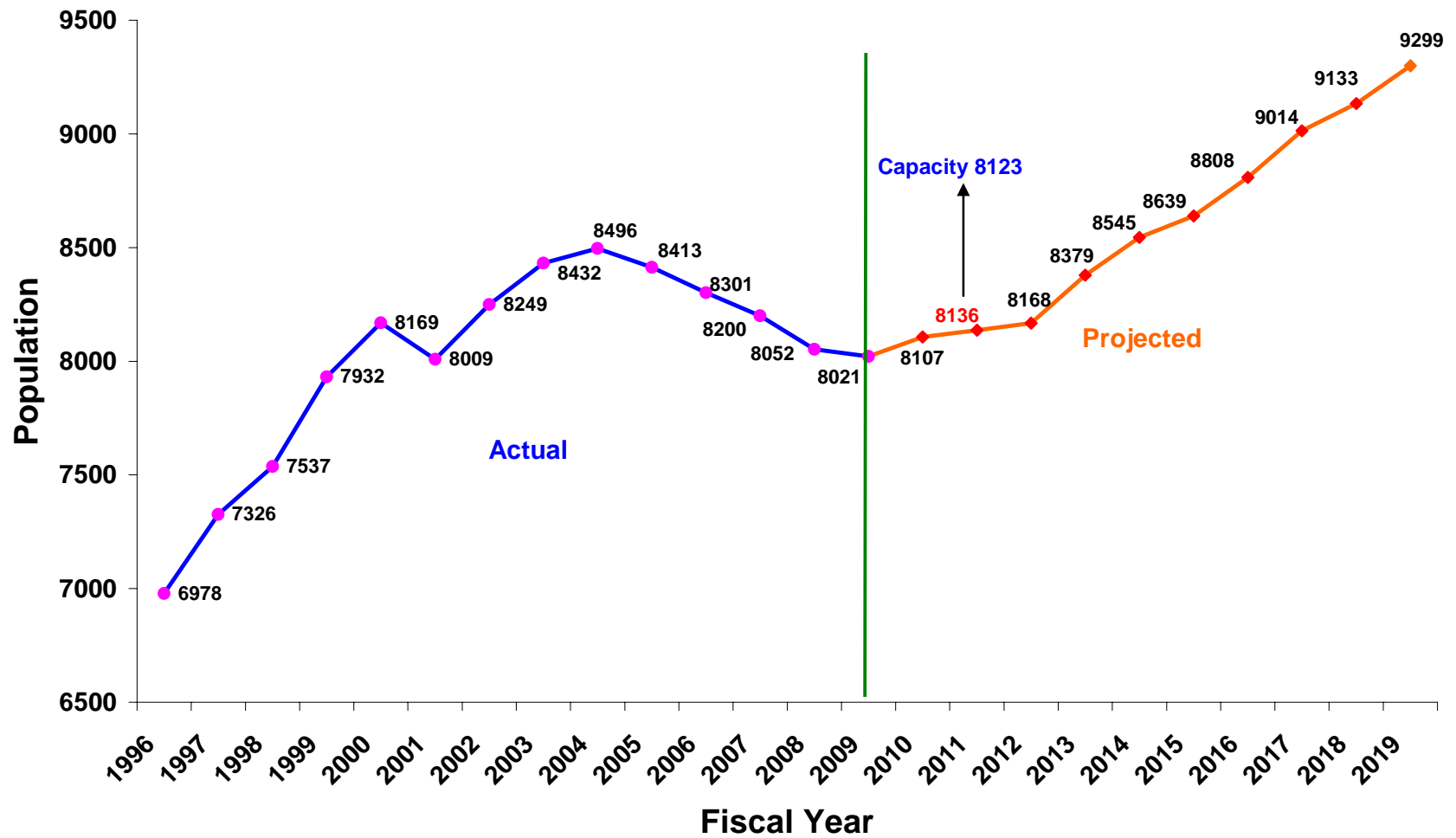
Severity Level	June 30 2009*	June 30 2010	June 30 2011	June 30 2012	June 30 2013	June 30 2014	June 30 2015	June 30 2016	June 30 2017	June 30 2018	June 30 2019	Total # Increase	Total % Increase
D1	321	318	312	305	316	318	314	320	340	344	348	27	8.4%
D2	150	136	151	151	161	167	166	179	192	182	188	38	25.3%
D3	415	418	422	418	419	390	407	410	409	426	422	7	1.7%
D4	630	621	597	578	589	583	558	585	597	591	632	2	0.3%
N1	930	961	991	1017	1047	1066	1085	1097	1122	1155	1158	228	24.5%
N2	415	420	420	424	427	429	441	438	433	436	428	13	3.1%
N3	1314	1276	1280	1287	1313	1301	1309	1320	1344	1359	1346	32	2.4%
N4	288	309	332	339	335	339	337	341	326	330	348	60	20.8%
N5	1120	1149	1164	1185	1212	1242	1269	1254	1262	1272	1295	175	15.6%
N6	153	153	154	145	134	145	147	143	146	144	153	0	0.0%
N7	746	772	767	762	746	747	732	715	748	774	751	5	0.7%
N8	197	191	176	169	166	181	190	199	201	189	200	3	1.5%
N9	233	209	192	195	204	193	207	202	204	212	230	-3	-1.3%
N10	35	43	39	42	41	57	50	47	48	49	45	10	28.6%
OFF GRID	891	958	1033	1096	1177	1262	1346	1429	1509	1586	1675	784	88.0%
Condition Parole/PIS Violators	760	755	708	659	713	732	709	762	766	741	750	-10	-1.3%
Total	8602	8689	8738	8772	9000	9152	9267	9441	9647	9790	9969	1367	15.9%

* The numbers on June 30, 2009 are the actual prison population on that date. Total numbers include one non-grid and three missing.

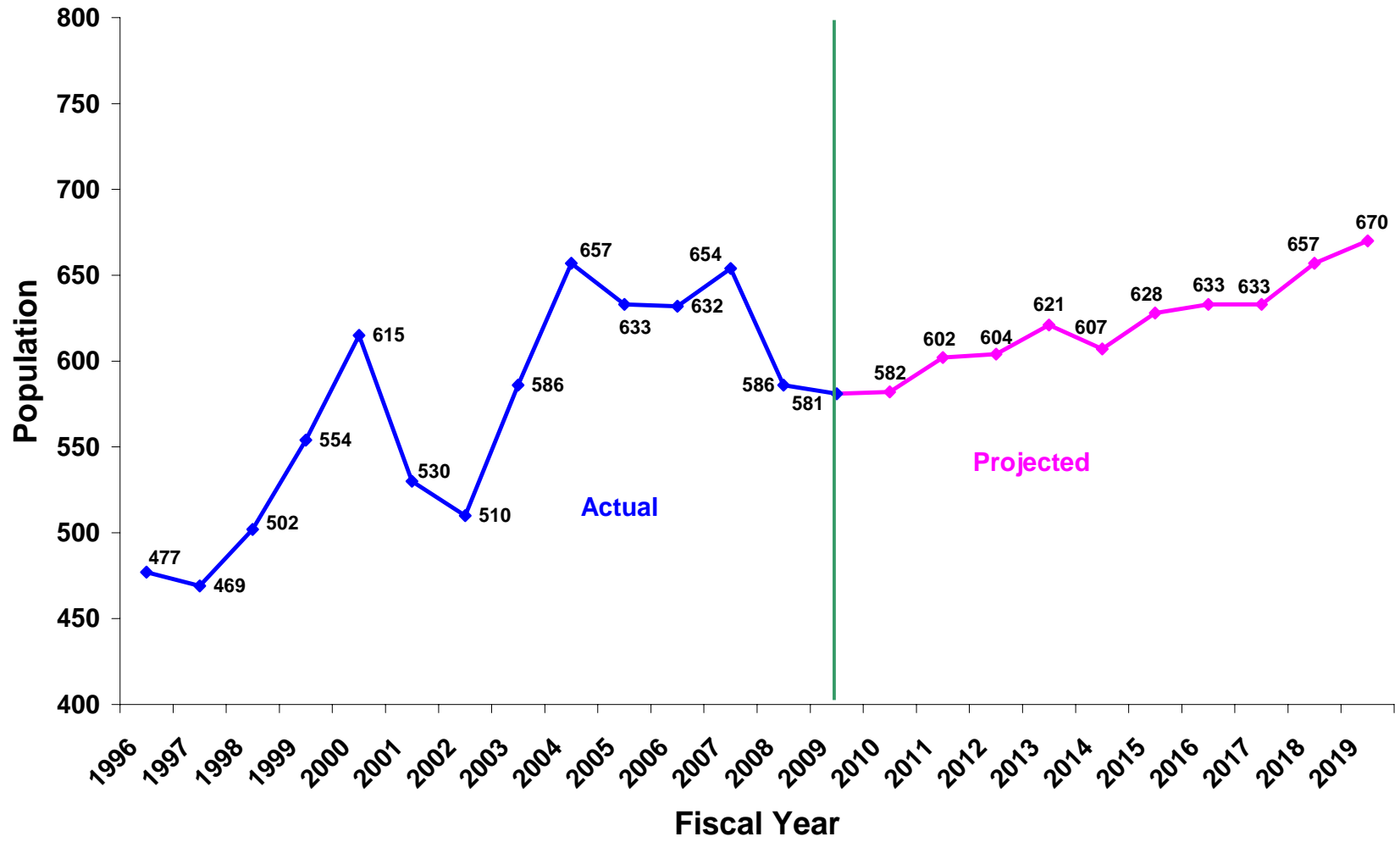
Kansas Prison Population Trend - Actual and Projected



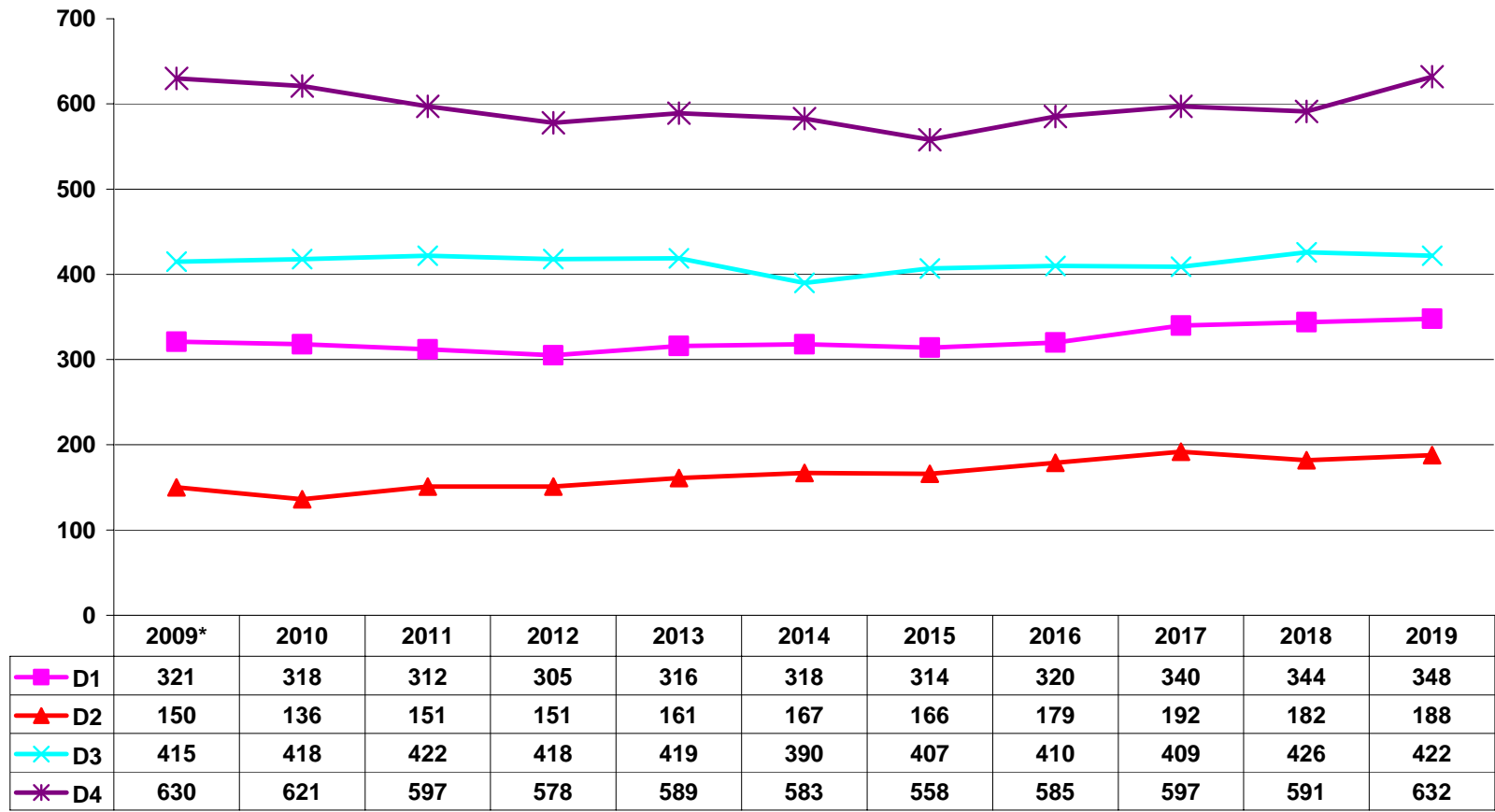
Male Prison Population Trend - Actual and Projected



Female Prison Population Trend - Actual and Projected



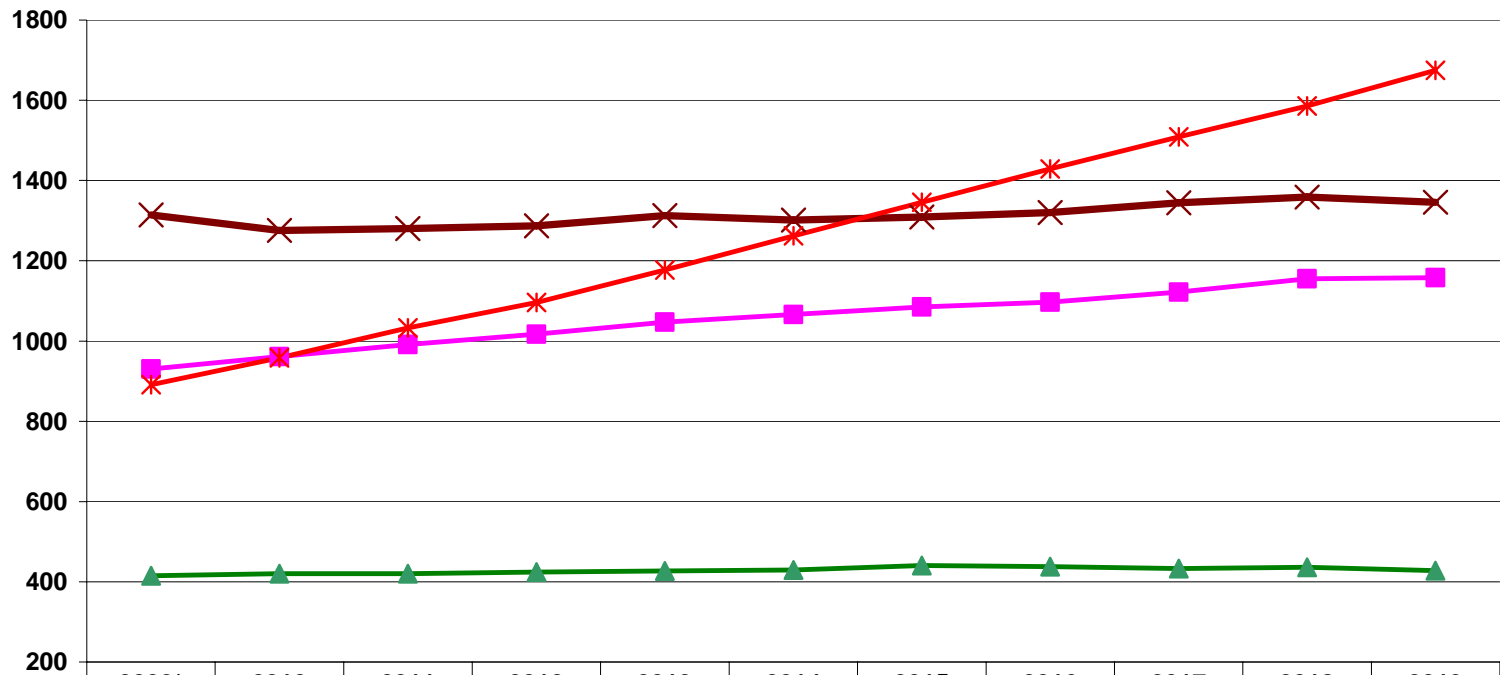
Projected Drug Inmate Prison Population



Fiscal Year

* Actual prison population on June 30, 2009.
 This group accounts for 15.9% of the total projected prison population in FY 2019.

Projected Violent Inmate Prison Population

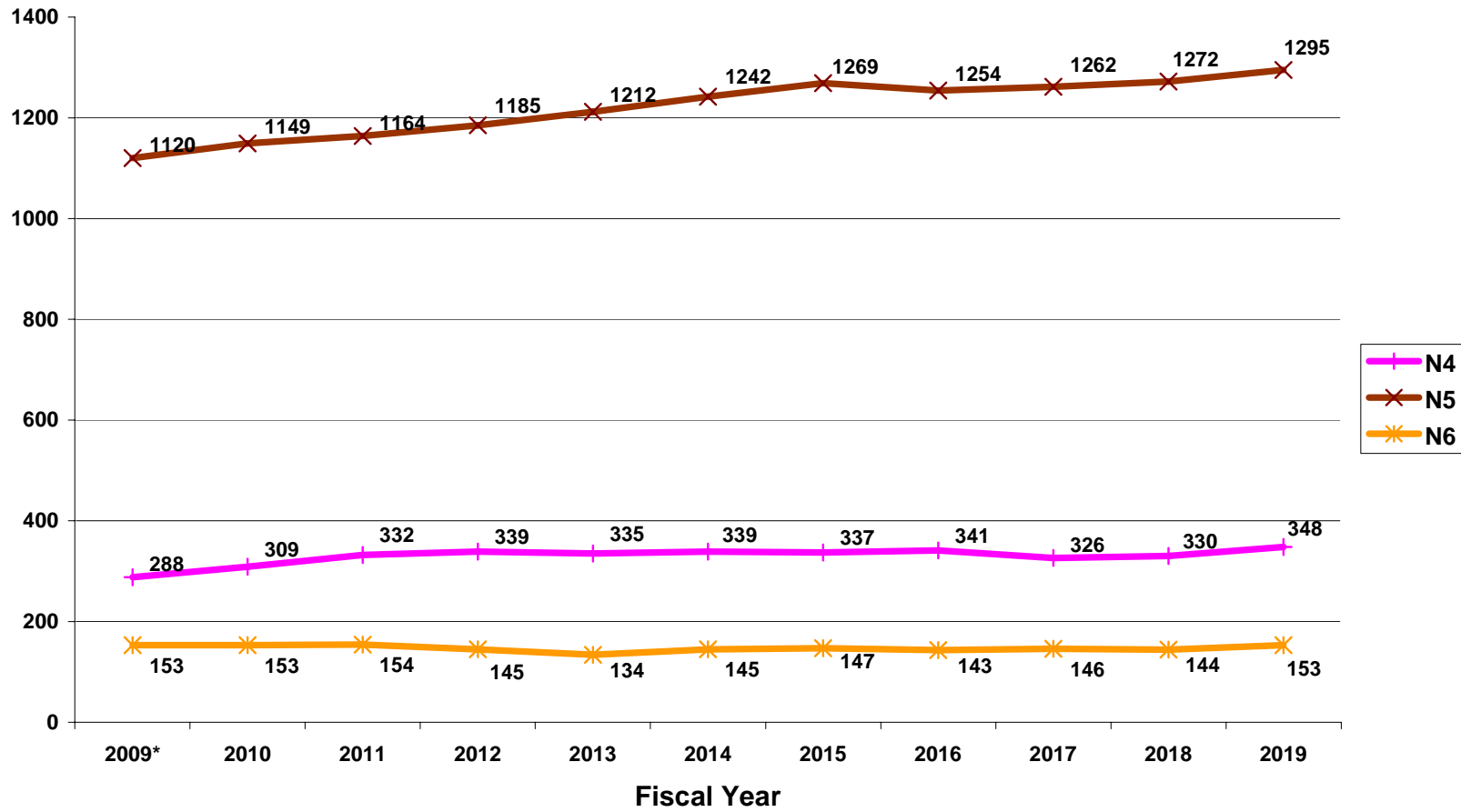


	2009*	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
■ N1	930	961	991	1017	1047	1066	1085	1097	1122	1155	1158
▲ N2	415	420	420	424	427	429	441	438	433	436	428
× N3	1314	1276	1280	1287	1313	1301	1309	1320	1344	1359	1346
* OFFGRID	891	958	1033	1096	1177	1262	1346	1429	1509	1586	1675

Fiscal Year

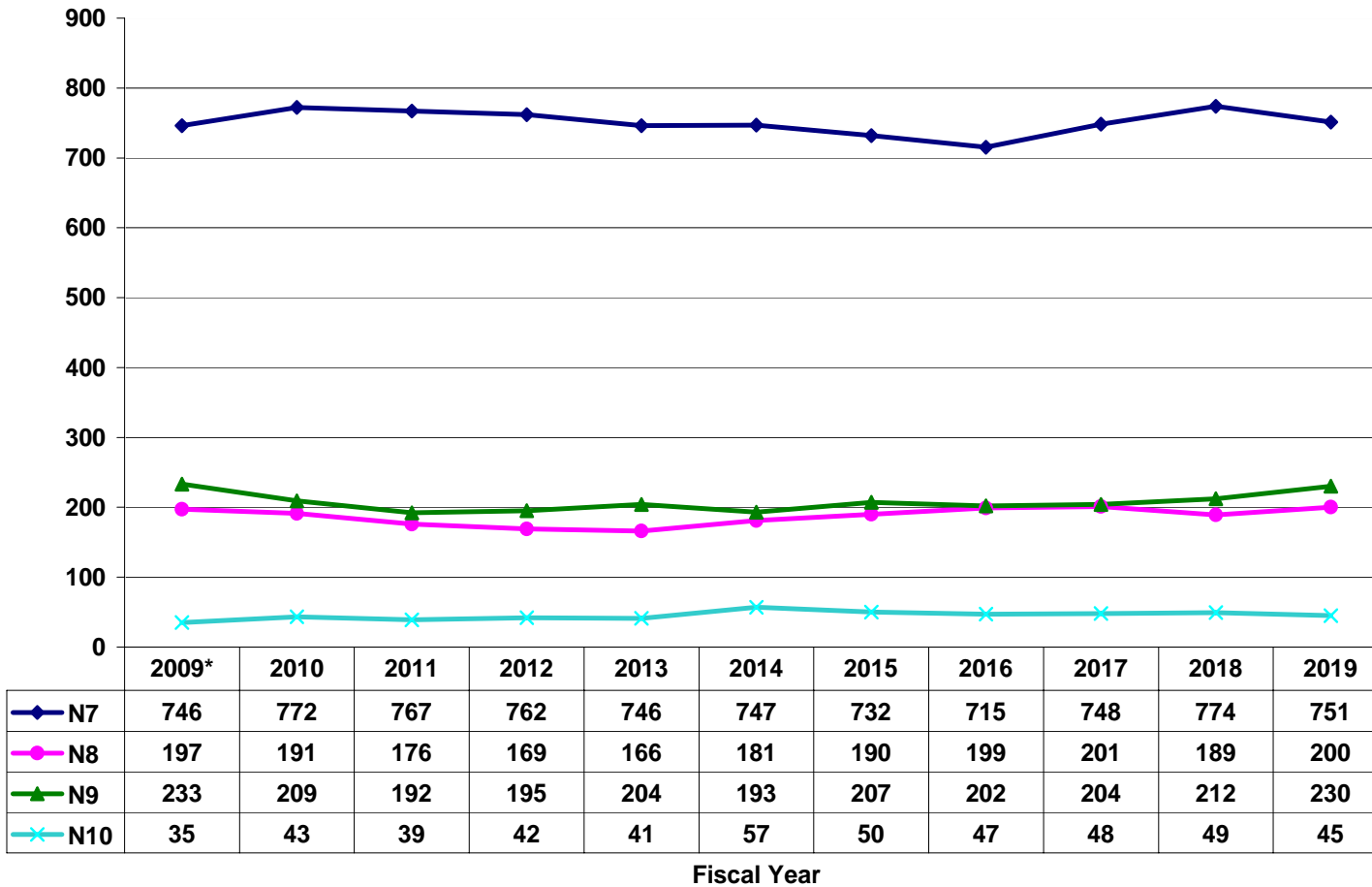
* Actual prison population on June 30, 2009.
 This group accounts for 46.2% of the total projected prison population in FY 2019.

Projected N4-N6 Inmate Prison Population



* Actual prison population on June 30, 2009.
 This group accounts for 18% of the total projected prison population in FY 2019.

Projected Nonviolent Inmate Prison Population

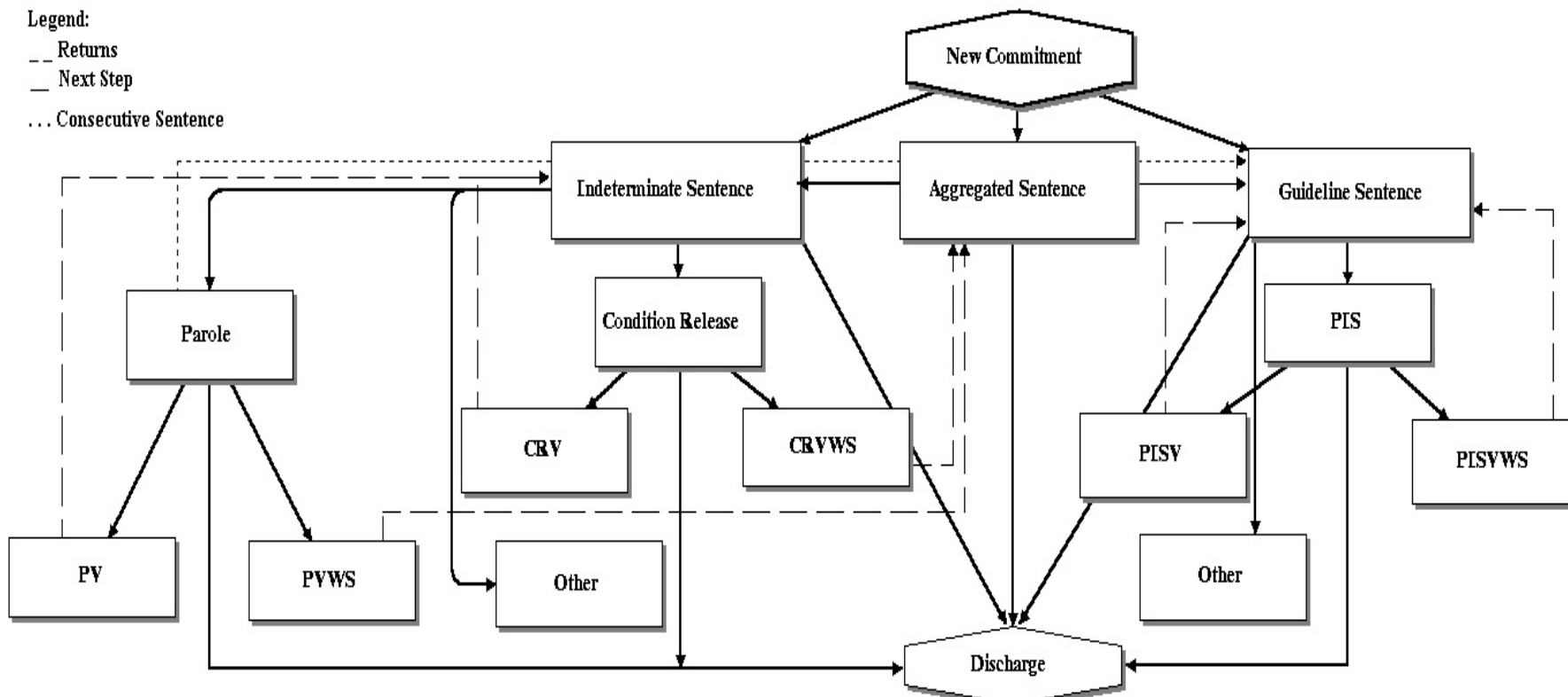


* Actual prison population on June 30, 2009.
 This group accounts for 12.3% of the total projected prison population in FY 2019.

ATTACHMENT A

Kansas Prisoner Movement Simulation Model

Kansas Prison Inmate Movement Simulation Model



Note: PV=condition parole violator; PVWS=parole violator with new sentence; CRV=condition release violator; CRVWS=condition release violator with new sentence; PIS=post incarceration supervision; PISV=post incarceration supervision violator; PISVWS=post incarceration supervision violator with new sentence.

ATTACHMENT B

Prison Population Projection Monitoring Report

**PRISON POPULATION MONTHLY MONITORING REPORT
FY 2009 OFFICIAL MODEL**

Month/Year	Projected	Actual	Difference	Percent Error
July 2008	8719	8688	31	0.36%
August 2008	8728	8604	124	1.44%
September 2008	8723	8620	103	1.19%
October 2008	8713	8566	147	1.72%
November 2008	8716	8553	163	1.91%
December 2008	8709	8541	168	1.97%
January 2009	8699	8500	199	2.34%
February 2009	8718	8501	217	2.55%
March 2009	8711	8601	110	1.28%
April 2009	8731	8611	120	1.39%
May 2009	8751	8552	199	2.33%
June 2009	8743	8602	141	1.64%

Note: The projected population is from FY 2009 prison population projections and the actual population is from DOC monthly offender population reports. Federal female inmates housed at Topeka Correctional Facility are excluded.

ATTACHMENT C

Trend Analyses – Tables

**HISTORIC GROWTH RATES FOR NEW COMMITMENTS
FY 1989 THROUGH FY 2009**

Fiscal Year (From)	Fiscal Year (To)	*Growth Rate (%)
FY 1989	FY 1990	5.8
FY 1990	FY 1991	-8.9
FY 1991	FY 1992	3.1
FY 1992	FY 1993	-0.2
FY 1993	FY 1994	-11.4
FY 1994	FY 1995	15.1
FY 1995	FY 1996	19.0
FY 1996	FY 1997	-1.0
FY 1997	FY 1998	2.1
FY 1998	FY 1999	6.0
FY 1999	FY 2000	-5.2
FY 2000	FY2001	5.1
FY 2001	FY 2002	7.8
FY 2002	FY 2003	-0.8
FY 2003	FY 2004	0.5
FY 2004	FY 2005	0.9
FY 2005	FY 2006	11.5
FY 2006	FY 2007	-8.9
FY 2007	FY 2008	-5.1
FY 2008	FY 2009	-0.1
Guideline Average Growth Rate (Since FY 1993) Change%		1.8
Total Average Growth Rate (Since FY 1989) Change %		2.2

Note: New commitments include new direct court admissions, condition probation violators, and probation violators with new sentences.

* Based on DOC Admission Files.

**COMPARATIVE ANALYSIS ON ADMISSION TYPE
FY 2005 THROUGH FY 2009**

Admission Type	FY2005		FY2006		FY 2007		FY 2008		FY 2009	
	N	%	N	%	N	%	N	%	N	%
New Court Commitment	1489	25.9	1610	28.7	1605	32.8	1498	31.7	1724	37.8
Probation Condition Violator	1783	31.1	2038	36.3	1750	35.7	1624	34.4	1462	32.1
Probation Violator With New Sentence	126	2.2	142	2.5	99	2.0	156	3.3	89	2.0
Inmate Received on Interstate Compact	6	0.1	4	0.1	5	0.1	4	0.1	11	0.2
Parole/Post-release/CR Condition Violator	2138	37.2	1641	29.3	1239	25.3	1268	26.9	1154	25.3
Parole/Post-release/CR Violator With New Sentence	166	2.9	168	3.0	190	3.9	156	3.3	109	2.4
Paroled to Detainer Returned With New Sentence	33	0.6	6	0.1	11	0.2	15	0.3	12	0.2
Total	5741	100.0	5609	100.0	4899	100.0	4721	100.0	4561	100.0

Source: DOC admission file.

Note: Federal female admissions are excluded.

**COMPARISON OF GUIDELINE NEW COMMITMENTS BY SEVERITY LEVEL
ADMISSIONS AND AVERAGE LENGTH OF SENTENCE (LOS)
FY 2005 THROUGH FY 2009**

Severity Level	FY 2005		FY 2006		FY2007		FY 2008		FY 2009	
	Admission Number	LOS in Month	Admission Number	LOS in Month	Admission Number	LOS in Month	Admission Number	LOS in Month	Admission Number	LOS in Month
D1	140	53.4	145	69.0	89	71.9	56	85.8	56	92.0
D2	41	53.8	50	61.8	26	50.6	32	67.3	46	56.0
D3	263	28.5	310	29.3	284	30.0	223	27.4	236	30.7
D4	579	21.1	657	19.8	741	20.5	622	20.9	554	22.8
N1	57	226.5	76	245.6	67	263.8	79	217.5	73	249.8
N2	27	170.7	36	186.5	29	158.4	22	144.3	24	203.6
N3	210	99.5	227	90.1	187	89.5	189	92.0	195	90.9
N4	58	68.7	64	65.4	54	71.8	60	70.3	79	63.8
N5	256	54.4	309	50.6	293	51.9	312	54.4	360	54.9
N6	62	33.7	77	36.5	66	33.1	72	38.3	63	36.8
N7	584	27.3	611	26.2	525	26.3	537	26.0	514	27.8
N8	332	16.1	345	17.0	322	16.2	283	16.8	299	16.7
N9	548	11.7	650	11.6	549	11.5	527	12.1	511	12.2
N10	190	7.9	184	8.3	183	8.3	190	8.5	162	8.6
Total	3347		3741		3415		3204		3172	

Source: DOC admission file.

Note: Guideline new commitment admissions include new court commitments, probation condition violators and probation violators with new sentence.

**PRISON POPULATION CHARACTERISTICS
JUNE 30, 2009**

Severity Level	Pre-Guideline		Guideline		Total	
	Number	Percent	Number	Percent	Number	Percent
D1	0	0.0%	321	3.7%	321	3.7%
D2	0	0.0%	149	1.7%	149	1.7%
D3	0	0.0%	415	4.8%	415	4.8%
D4	0	0.0%	626	7.3%	626	7.3%
N1	139	1.6%	772	9.0%	911	10.6%
N2	88	1.0%	310	3.6%	398	4.6%
N3	62	0.7%	1224	14.2%	1286	15.0%
N4	6	0.1%	281	3.3%	287	3.3%
N5	9	0.1%	1096	12.7%	1105	12.8%
N6	0	0.0%	153	1.8%	153	1.8%
N7	2	0.0%	740	8.6%	742	8.6%
N8	0	0.0%	197	2.3%	197	2.3%
N9	0	0.0%	233	2.7%	233	2.7%
N10	0	0.0%	35	0.4%	35	0.4%
Offgrid	244	2.8%	395	4.6%	639	7.4%
Parole Conditional Violators	317	3.7%	409	4.8%	726	8.4%
Aggregate Sentence	375	4.4%	0	0.0%	375	4.4%
Subtotal	1242	14.4%	7356	85.5%	8598	100.0%
Nongrid/Missing					4	0.0%
Total					8602	100.0%

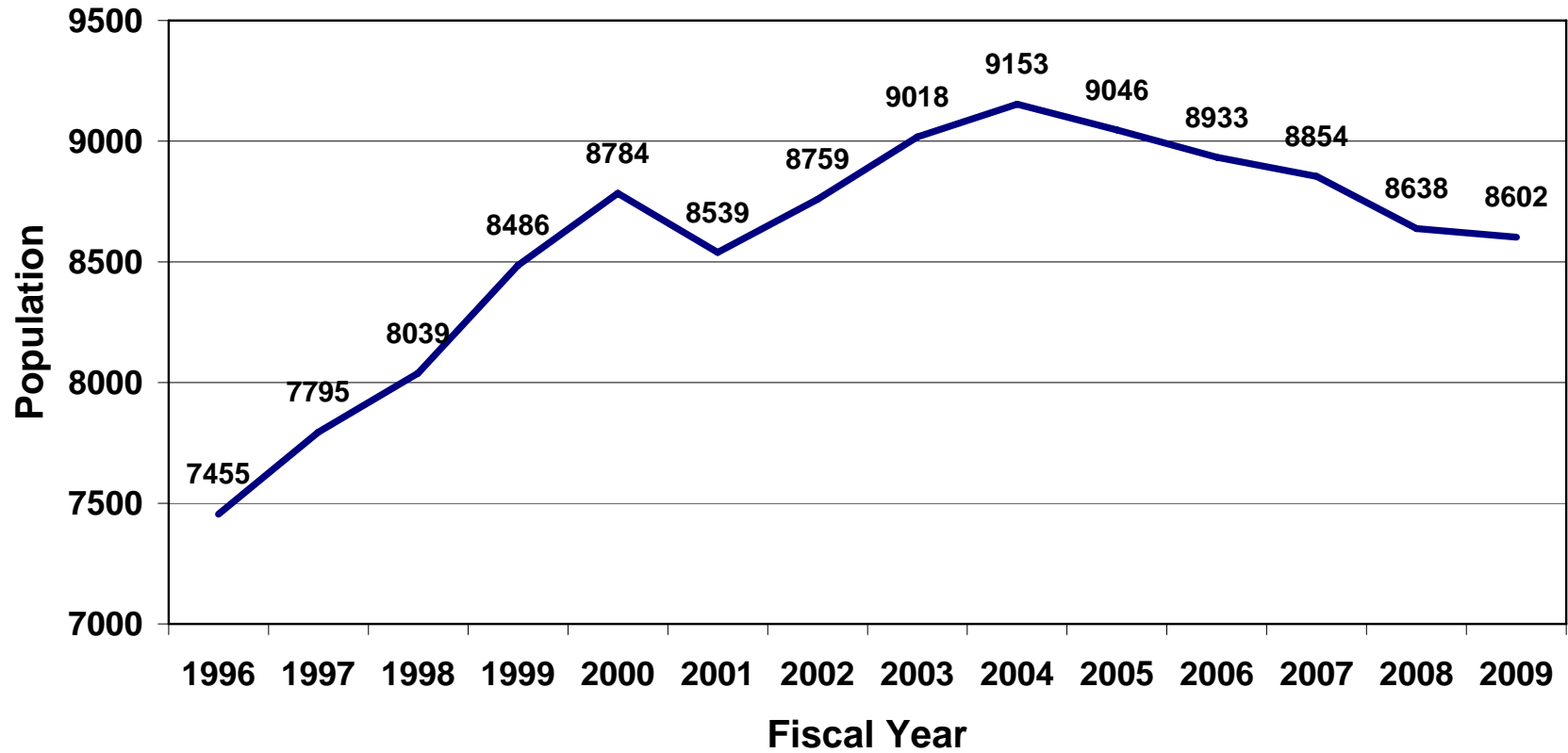
Source: DOC prison population file.

ATTACHMENT D

Trend Analyses -Figures

KANSAS PRISON POPULATION TRENDS

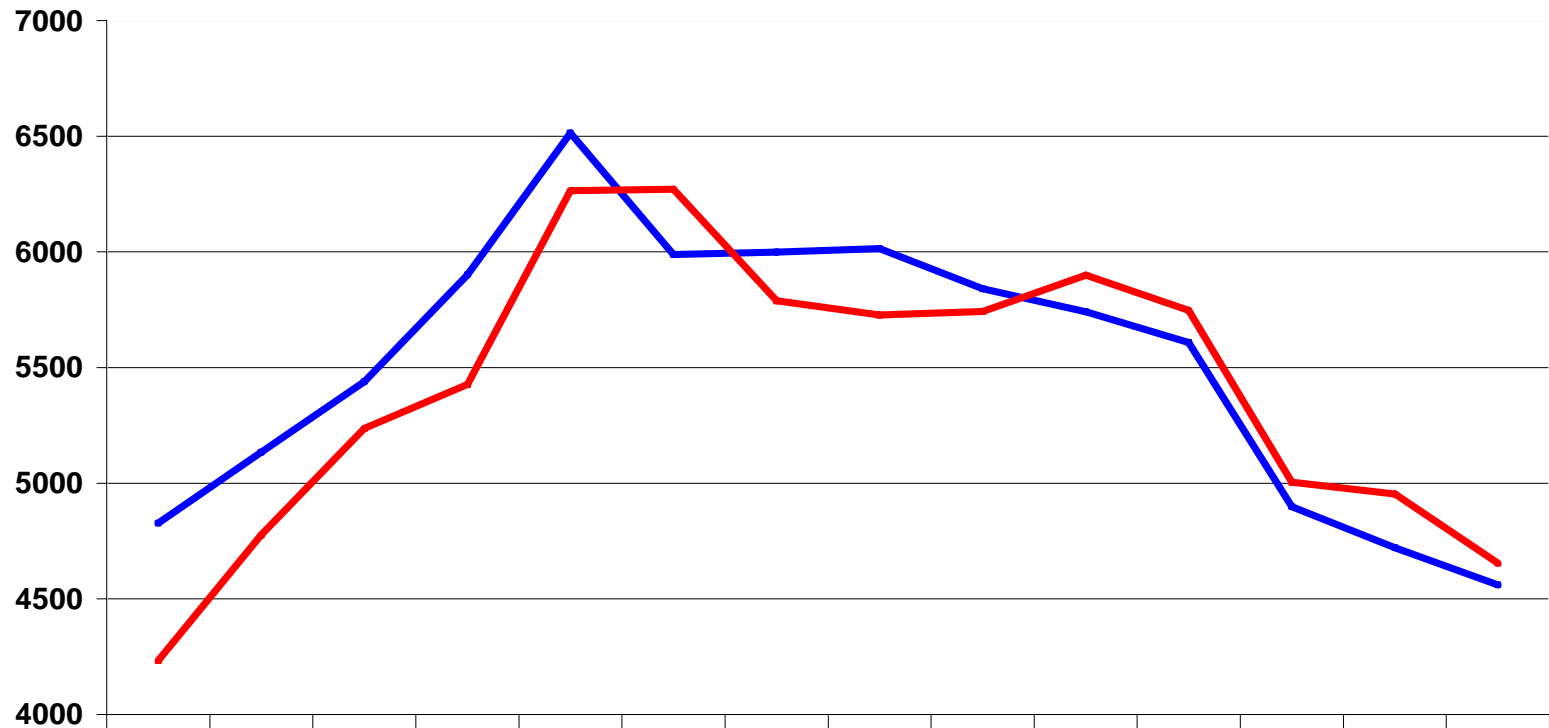
Total Prison Population



Source: KDOC prison population files

Note: Federal female inmates housed in KDOC are excluded

Kansas Prison Admissions vs Releases



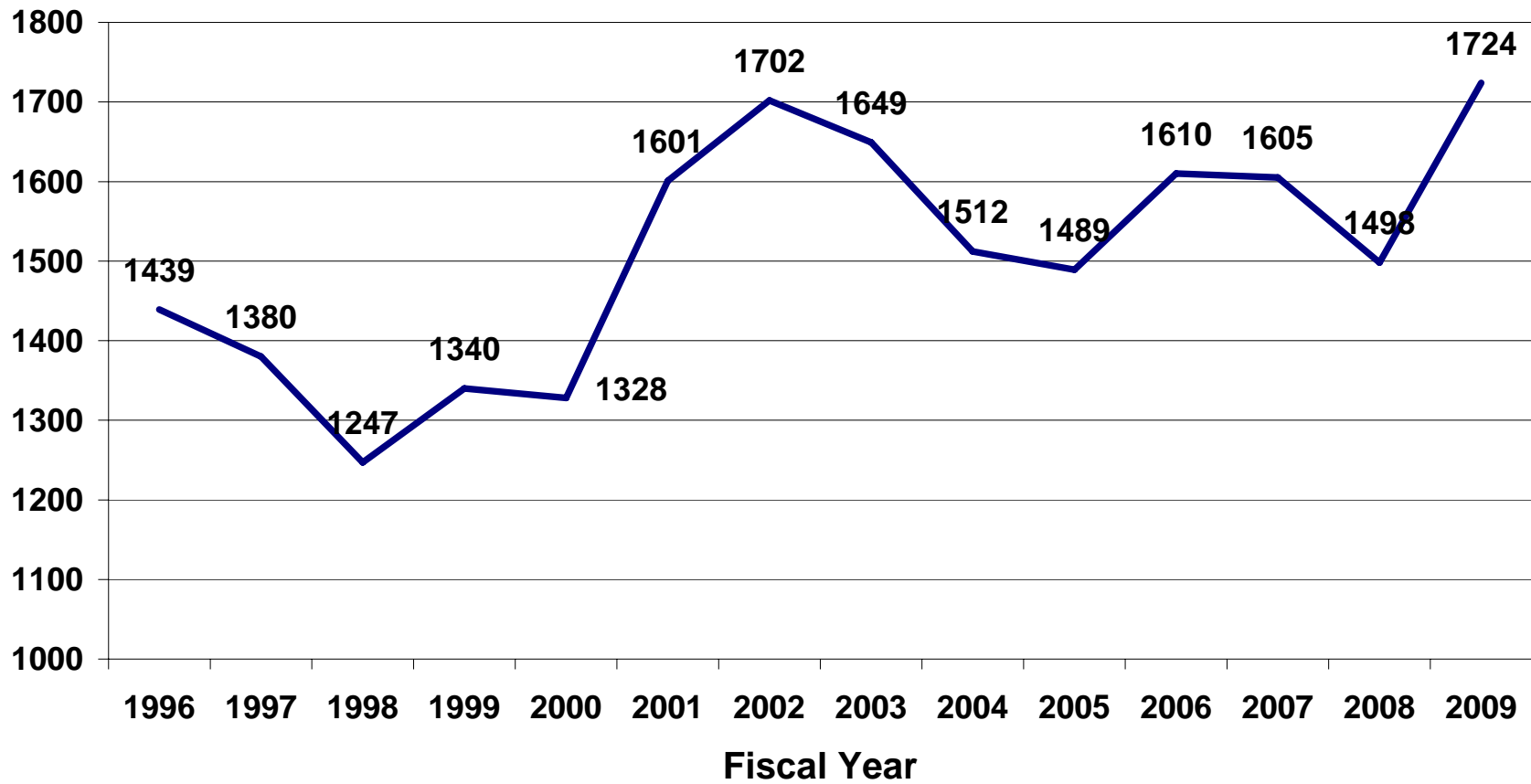
	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
— Admission	4827	5134	5439	5901	6513	5989	5999	6014	5841	5741	5609	4899	4721	4561
— Release	4233	4776	5237	5427	6265	6271	5789	5727	5742	5900	5748	5005	4953	4655

Fiscal Year

Source: [KDOC admission and release files](#)

KANSAS PRISON ADMISSION TRENDS

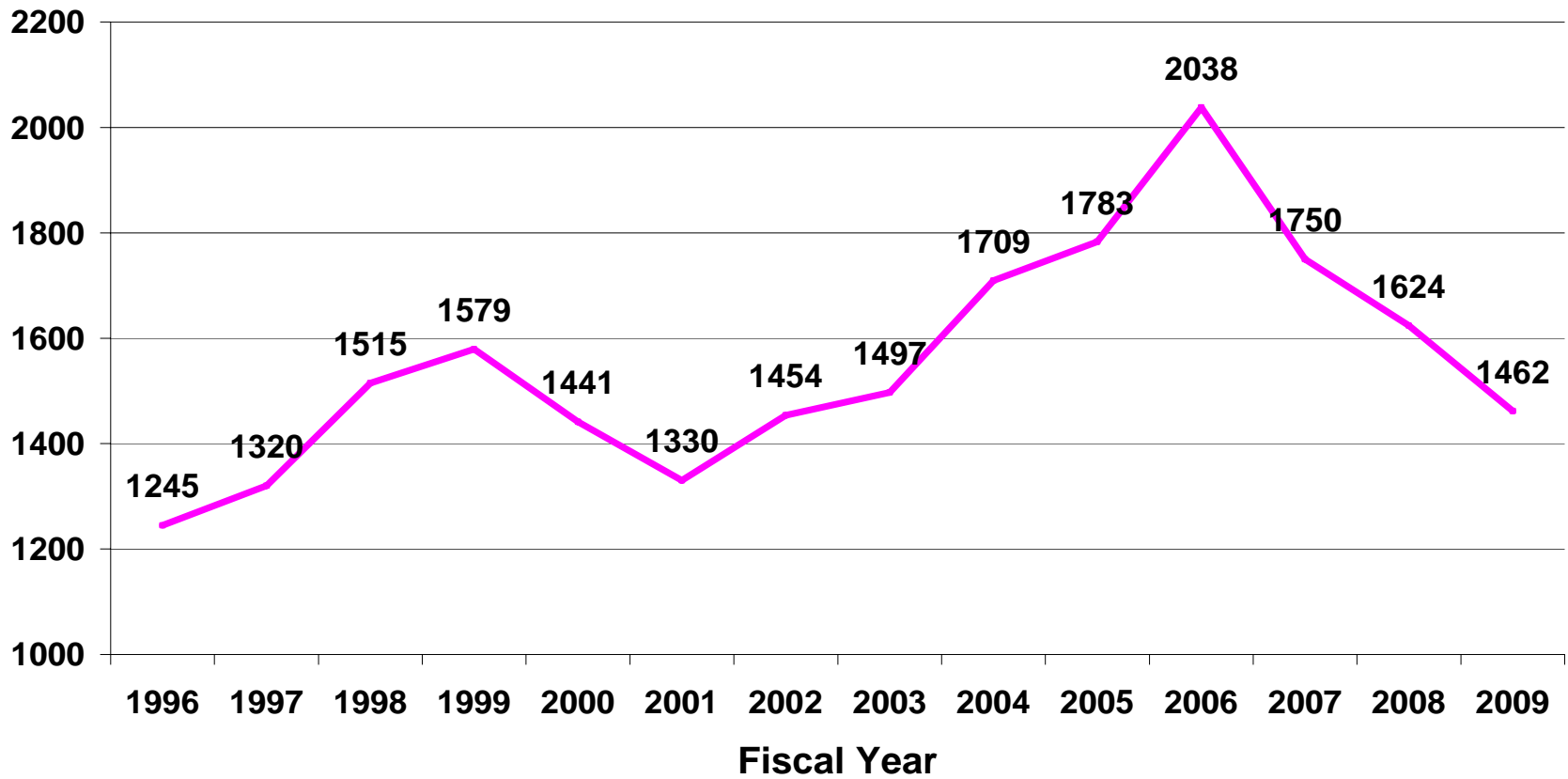
Direct New Court Commitments



Source: KDOC admission files

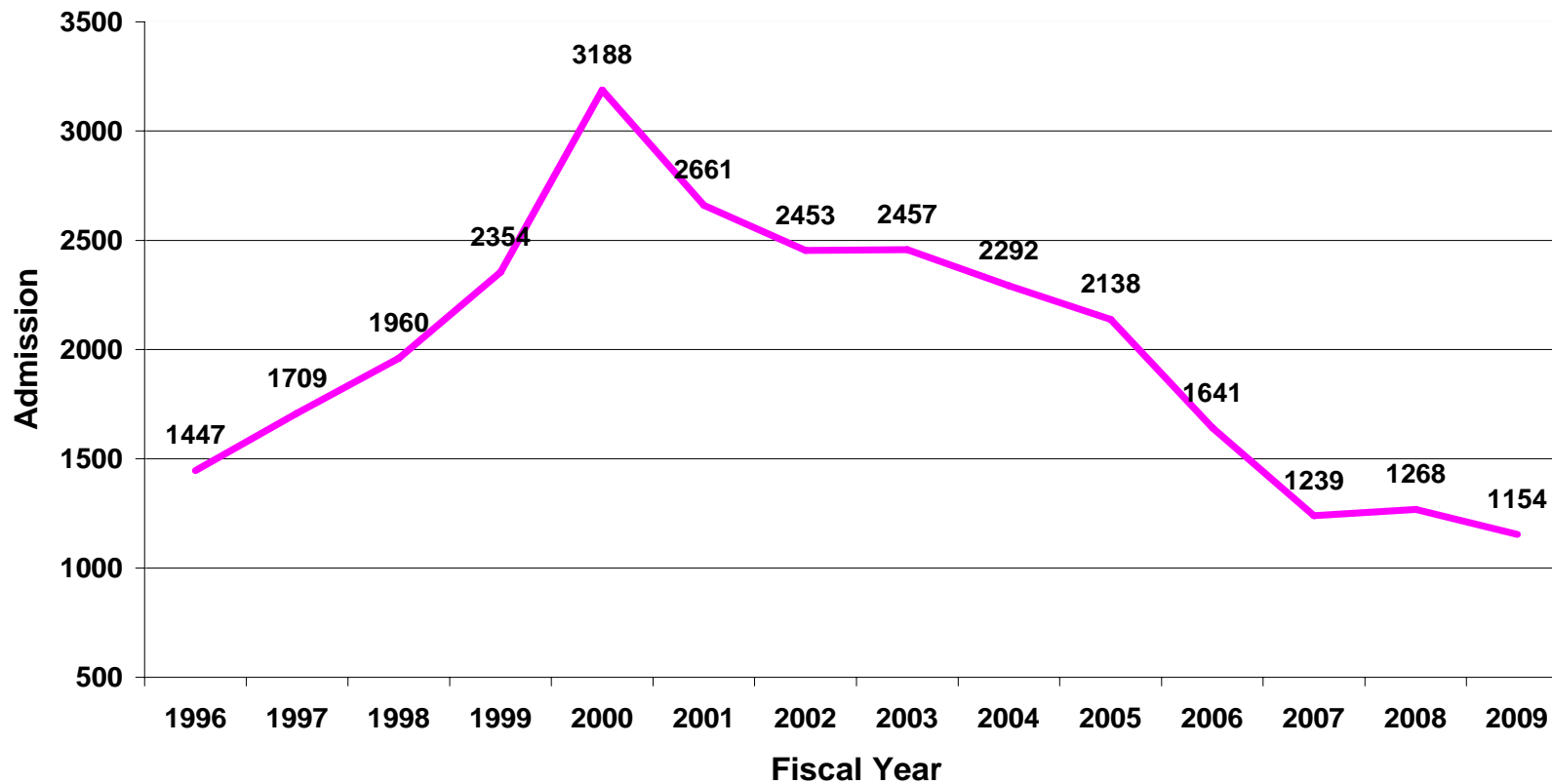
KANSAS PRISON ADMISSION TRENDS

Probation Condition Violators



Source: KDOC admission files

KANSAS PRISON ADMISSION TRENDS Parole/Postrelease Condition Violators

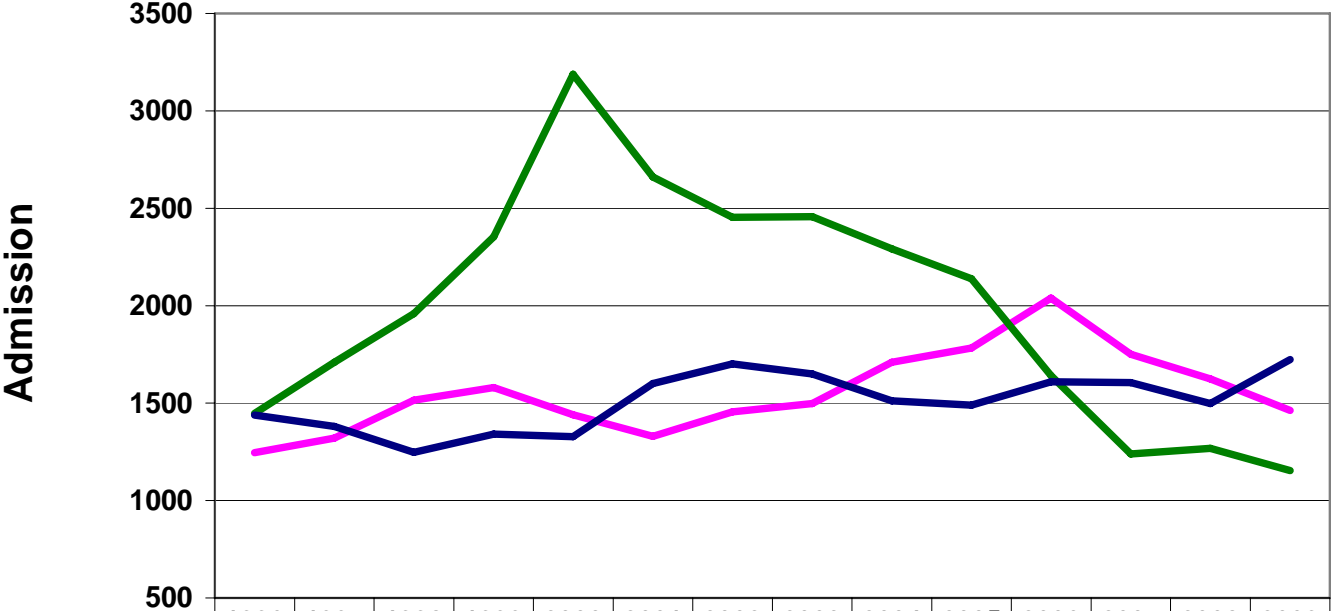


Source: KDOC admission files

Note: Including condition conditional-release violators

KANSAS PRISON ADMISSION TRENDS

Admissions by Type



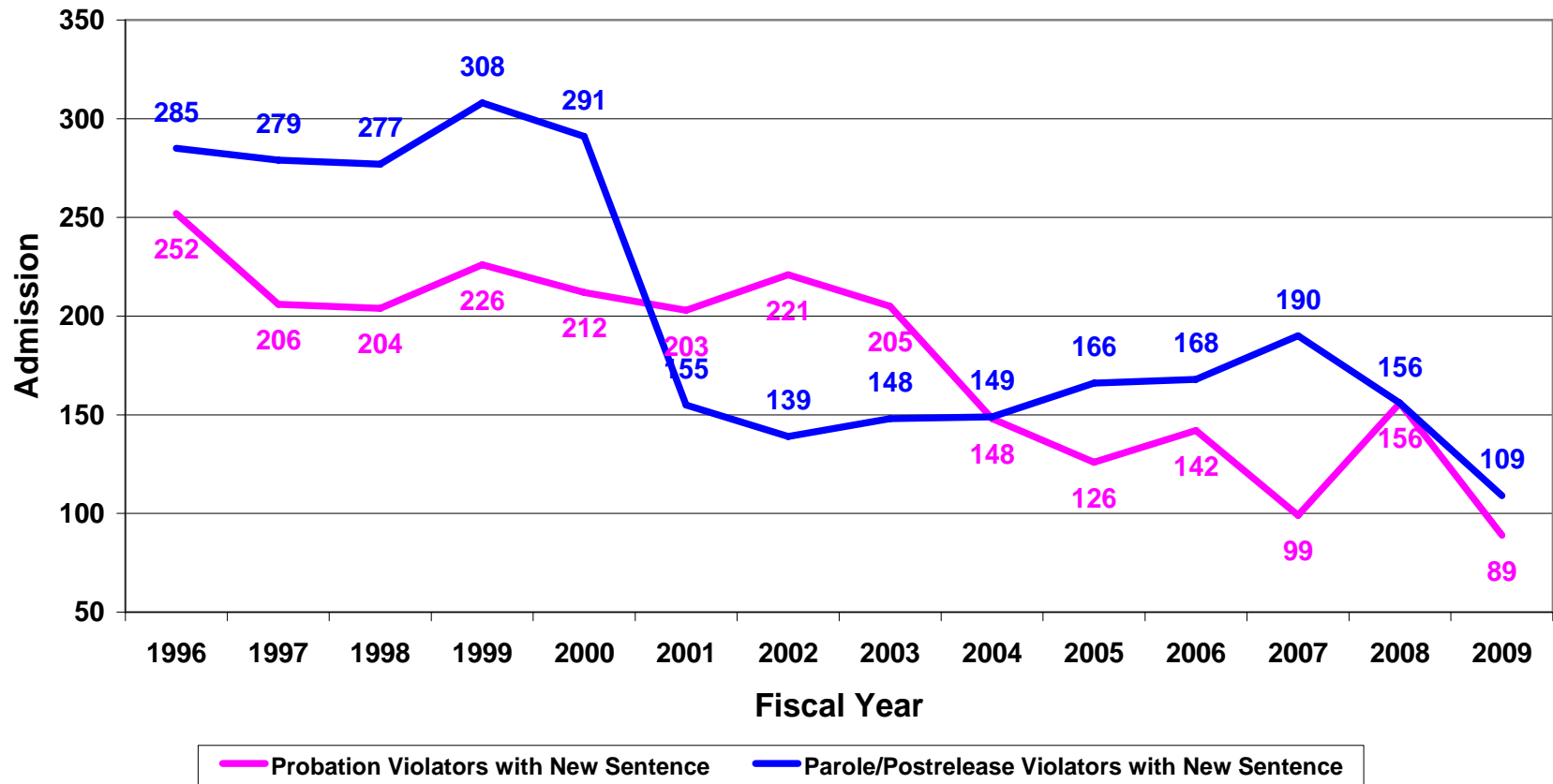
	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
— Probation Condition Violators	1245	1320	1515	1579	1441	1330	1454	1497	1709	1783	2038	1750	1624	1462
— Parole/Postrelease Condition Violators	1447	1709	1960	2354	3188	2661	2453	2457	2292	2138	1641	1239	1268	1154
— Direct New Court Commitments	1439	1380	1247	1340	1328	1601	1702	1649	1512	1489	1610	1605	1498	1724

Fiscal Year

Source: KDOC admission files

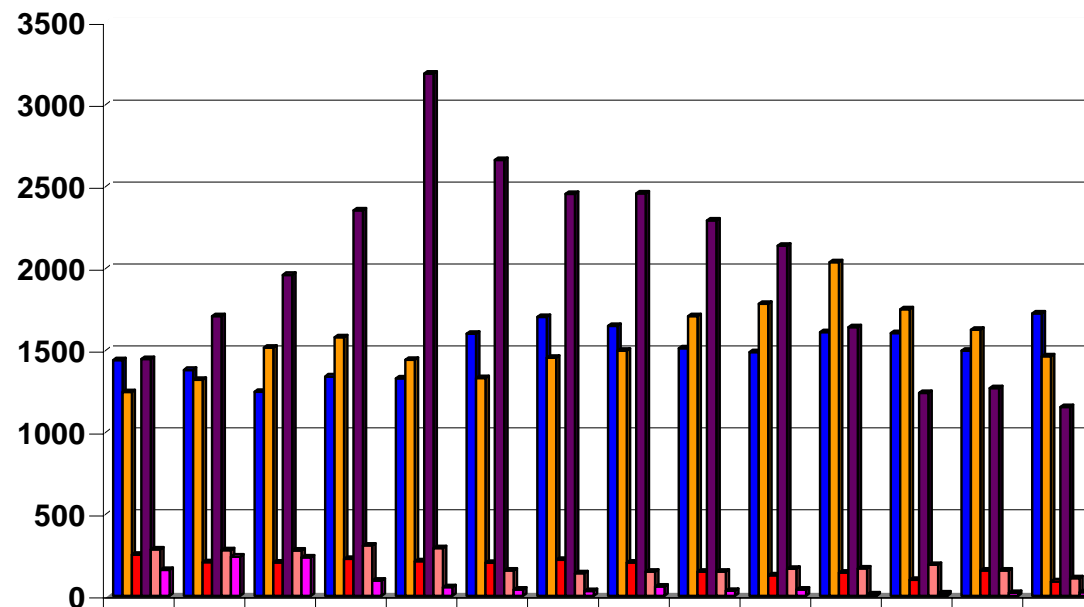
KANSAS PRISON ADMISSION TRENDS

Comparison between Probation and Parole/Postrelease Violators with New Sentence



Source: KDOC admission files

KANSAS PRISON ADMISSION TRENDS BY TYPE FY 1996 Through FY 2009



	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Direct New Court Commitment	1439	1380	1247	1340	1328	1601	1702	1649	1512	1489	1610	1605	1498	1724
Probation Condition Violators	1245	1320	1515	1579	1441	1330	1454	1497	1709	1783	2038	1750	1624	1462
Probation Violators w/New Sent	252	206	204	226	212	203	221	205	148	126	142	99	156	89
Parole/PIS Condition Violators	1447	1709	1960	2354	3188	2661	2453	2457	2292	2138	1641	1239	1268	1154
Parole/PIS Violators w/New Sent	285	279	277	308	291	155	139	148	149	166	168	190	156	109
Other	159	240	236	94	53	39	30	58	31	39	10	16	19	23

Fiscal Year

Source: KDOC admission files

ATTACHMENT E

Guideline Sentencing Grids

SENTENCING RANGE - NONDRUG OFFENSES

Category →	A	B	C	D	E	F	G	H	I
Severity Level ↓	3+ Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3+ Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2+ Misdemeanor	1 Misdemeanor No Record
I	653 620 592	618 586 554	285 272 258	267 253 240	246 234 221	226 214 203	203 195 184	186 176 166	165 155 147
II	493 467 442	460 438 416	216 205 194	200 190 181	184 174 165	168 160 152	154 146 138	138 131 123	123 117 109
III	247 233 221	228 216 206	107 102 96	100 94 89	92 88 82	83 79 74	77 72 68	71 66 61	61 59 55
IV	172 162 154	162 154 144	75 71 68	69 66 62	64 60 57	59 56 52	52 50 47	48 45 42	43 41 38
V	136 130 122	128 120 114	60 57 53	55 52 50	51 49 46	47 44 41	43 41 38	38 36 34	34 32 31
VI	46 43 40	41 39 37	38 36 34	36 34 32	32 30 28	29 27 25	26 24 22	21 20 19	19 18 17
VII	34 32 30	31 29 27	29 27 25	26 24 22	23 21 19	19 18 17	17 16 15	14 13 12	13 12 11
VIII	23 21 19	20 19 18	19 18 17	17 16 15	15 14 13	13 12 11	11 10 9	11 10 9	9 8 7
IX	17 16 15	15 14 13	13 12 11	13 12 11	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5
X	13 12 11	12 11 10	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5	7 6 5	7 6 5

Probation Terms are:

36 months recommended for felonies classified in Severity Levels 1-5

24 months recommended for felonies classified in Severity Levels 6-7

18 months (up to) for felonies classified in Severity Level 8

12 months (up to) for felonies classified in Severity Levels 9-10

Postrelease Supervision Terms are:

36 months for felonies classified in Severity Levels 1-4

24 months for felonies classified in Severity Level 5-6

12 months for felonies classified in Severity Levels 7-10

Postrelease for felonies committed before 4/20/95 are:

24 months for felonies classified in Severity Levels 1-6

12 months for felonies classified in Severity Level 7-10

LEGEND	
	Presumptive Probation
	Border Box
	Presumptive Imprisonment

SENTENCING RANGE – DRUG OFFENSES

Category →	A	B	C	D	E	F	G	H	I
Severity Level ↓	3+ Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3+ Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2+ Misd.	1 Misd. No Record
I	204 194 185	196 186 176	187 178 169	179 170 161	170 162 154	167 158 150	162 154 146	161 150 142	154 146 138
II	83 78 74	77 73 68	72 68 65	68 64 60	62 59 55	59 56 52	57 54 51	54 51 49	51 49 46
III	51 49 46	47 44 41	42 40 37	36 34 32	32 30 28	26 24 23	23 22 20	19 18 17	16 15 14
IV	42 40 37	36 34 32	32 30 28	26 24 23	22 20 18	18 17 16	16 15 14	14 13 12	12 11 10

LEGEND	
Presumptive Probation	
Border Box	
Presumptive Imprisonment	

Probation Terms are:

- 36 months recommended for felonies classified in Severity Levels 1-2
- 18 months (up to) for felonies classified in Severity Level 3
- 12 months (up to) for felonies classified in Severity Level 4

Postrelease Supervision Terms are:

- 36 months for felonies classified in Severity Levels 1-2
- 24 months for felonies classified in Severity Level 3
- 12 months for felonies classified in Severity Level 4 except for some K.S.A. 65-4160 and 65-4162 offenses on and after 11/01/03.

Postrelease for felonies committed before 4/20/95 are:

- 24 months for felonies classified in Severity Levels 1-3
- 12 months for felonies classified in Severity Level 4