Kansas Sentencing Commission 700 SW Jackson, Suite 501 Topeka, KS 66603 Phone: (785) 296-0923



Honorable W. Lee Fowler, Chair Honorable Benjamin J. Sexton, Vice Chair Scott M. Schultz, Executive Director http://www.sentencing.ks.gov

Laura Kelly, Governor

MEMORANDUM

To: Leyton Gunn, Division of Budget **From:** Scott M. Schultz, Executive Director

Date: January 27, 2020

Re: Prison Bed Impact Assessment, HB 2467 – **Removing the spousal exception from sexual**

battery.

IMPACT ASSESSMENT

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

SUMMARY OF THE BILL

Section 1 removes the provision "who is not the spouse of the offender," making 21-5505(a) applicable to spouses and non-spouses alike.

FINDINGS

- According to KSSC data, in FY 2019 there were 30 convictions for violation of K.S.A. 21-5505.
 - \circ **0** convictions for 21-5505(a).
 - Subsection (a) is a misdemeanor offense and specific data regarding this misdemeanor is not collected by KSSC.
 - o **30** convictions for 21-5505(**b**).
- According to KBI data, in CY 2019 there were **170** arrests for violation of K.S.A. 21-5505.
 - o **107** arrests for 21-5505(a)
 - o **63** arrests for 21-5505(**b**)

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