

## MEMORANDUM

**To:** John Kirk, Division of the Budget  
**From:** Scott M. Schultz, Executive Director  
**Date:** January 26, 2020  
**Re:** Prison Bed Impact Assessment, **HB - 2093 - Increasing criminal penalties for fleeing or attempting to elude a police officer when operating a stolen vehicle and making fleeing or attempting to elude a police officer evidence of intent to commit theft of a vehicle.**

### IMPACT ASSESSMENT

- **Impact on Prison Admissions:** This bill **may** impact prison admissions, but it cannot be determined at this time
- **Impact on Prison Beds:** This bill **may** impact prison bed space, but it cannot be determined at this time.
- **Impact on the Commission Workload:** This bill **may** impact the workload of the Kansas Sentencing Commission, but it cannot be determined at this time.

### SUMMARY OF THE BILL

Section 1. K.S.A. 8-1568 is amended to include language that any driver of stolen a motor vehicle who willfully fails or refuses to bring such driver's vehicle to a stop for a pursuing police vehicle or police bicycle, when given visual or audible signal to bring the vehicle to a stop, shall be guilty be of a level 9, person felony. In addition, the court shall impose a fine of not less than \$500 when the driver is operating a stolen motor vehicle during the commission of the offense.

Section 2. K.S.A. 21-5804 is amended to include that in a prosecution for theft as defined in K.S.A. 21- 5801, and amendments thereto, and such theft is of a motor vehicle as defined in K.S.A. 8-126, and amendments thereto, fleeing or attempting to elude a police officer as defined in K.S.A. 8-1568(a)(1)(B) or (b), and amendments thereto, shall be prima facie evidence of intent to permanently deprive the owner of the motor vehicle of the possession, use or benefit thereof.

## FINDINGS

- According to the FY 2019 KSSC felony sentencing database:
  - **418** offenders were convicted of felony Fleeing and Eluding under K.S.A. 8-1568.
    - **411** convictions were for **severity level 9** person felonies
      - **139 (34%)** were sentenced to prison
      - **272 (66%)** were sentenced to probation
    - **7** convictions were for **severity level 10** person felonies
      - **5 (71%)** were sentenced to prison
      - **2 (29%)** were sentenced to probation
- There is no data in the KSSC felony sentencing database that tracks whether convictions for Fleeing and Eluding under K.S.A. 8-1568 were committed in a stolen vehicle, nor is there data that tracks whether any corresponding theft convictions were the specific result of having driven a stolen vehicle.
- The KSSC does not maintain misdemeanor convictions, so it does not possess data regarding misdemeanor Fleeing and Eluding.

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