

## MEMORANDUM

**To:** Konnie Leffler, Division of Budget  
**From:** Scott M. Schultz, Executive Director  
**Date:** March 22, 2021  
**Re:** Prison Bed Impact Assessment, **SB 300** – Amending the Kansas racketeer influenced and corrupt organization act to add a person who has engaged in identity theft or identity fraud to the definition of "covered person" and add identity theft and identity fraud to the definition of "racketeering activity."

### IMPACT ASSESSMENT

- **Impact on Prison Admissions and Beds:** This bill **may** have an impact on prison admissions and beds, but it cannot be determined at this time. Any impact will be negligible.
- **Impact on the Commission Workload:** This bill **may** have an impact on the journal entry workload of the Commission, but it cannot be determined at this time. Any impact will be negligible.

### SUMMARY OF BILL

**Section 1.** K.S.A. 2020 Supp. 21-6328 is amended to include as a "Covered person" any person who has engaged in or is engaging in any conduct prohibited by K.S.A. 21-6107, identity theft or identity fraud.

Additionally, "Racketeering activity" means to commit, attempt to commit, conspire to commit or to solicit, coerce or intimidate another person to commit any felony or misdemeanor violation of K.S.A. 21-6107, identity theft or identity fraud.

### FINDINGS

- In FY 2019, there were **0** convictions for racketeering under **K.S.A. 21-6328**.
- In CY 2020, there were **0** arrests for any violations **K.S.A. 21-6328**.
- In FY 2019, there were **226** convictions for identity theft or identity fraud under **K.S.A. 21-6107**.
  - **224** convictions at severity level 8
    - **48 (21.4%)** sentenced to prison; and

- **176 (78.6%)** sentenced to probation.
  - **2** convictions at severity level 10
    - **1 (50%)** sentenced to prison; and
    - **1 (50%)** sentenced to probation.
- While this bill includes provisions that makes identity theft or identity fraud applicable under the racketeering statute, it is unlikely to result in a significant increase in convictions. As evidenced by the numbers in this section, there were **no** convictions under the racketeering statute in FY 2019. Thus, this bill may result in an increase in prison admissions and prison beds, but the impact would negligible.

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