



KANSAS

KATHLEEN SEBELIUS, GOVERNOR

KANSAS SENTENCING COMMISSION

Honorable Ernest L. Johnson, Chairman
Attorney General Paul Morrison, Vice Chairman
Helen Pedigo, Executive Director

Minutes of the Kansas Sentencing Commission Meeting December 20, 2007

The Honorable Ernest L. Johnson, Chairman, called the Kansas Sentencing Commission meeting to order on December 20, 2007, at 1:37 p.m., once a quorum had been met. The meeting was held in the Senate Room of the Jayhawk Tower Building, Topeka, Kansas.

Participants:

Members:

Honorable Ernest L. Johnson, Chairman
Honorable Larry Solomon
Honorable Christel Marquardt
Senator Greta Goodwin
Senator John Vratil
Representative Janice Pauls
Representative Kevin Yoder
Roger Werholtz, Secretary of Corrections
Chris Mechler, Office of Judicial Administration
Annie Grevas, Director of Community Corrections, 28th District
Thomas Drees, Ellis County Attorney
Captain Dale Finger, Public Member
Rick Kittel, Board of Indigents' Defense Service
Daniel Monnat, Private Defense Council
Reverend Junius Dotson, Public Member

Staff:

Helen Pedigo, Executive Director
Ed Britton, Staff Attorney
Kunlun Chang, Director of Research
Fengfang Lu, Senior Research Analyst
Lora Moison, Research Analyst
Jessica Brunton, Research Analyst
Brenda Harmon, Public Service Administrator
Janice Brasher, Fiscal Director
Jennifer Dalton, Accountant

Guests:

Chief Ed Klumpp, Retired, Topeka Police Dept., Kansas Recodification Commission
Don Stemen, PhD., Loyola University, Chicago
Andres Rengifo, PhD., University of Missouri-St. Louis

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Approval of the Minutes

The Chairman referred to the minutes of the November 15, 2007 Kansas Sentencing Commission meeting. A motion was made by Ms. Chris Mechler and seconded by the Honorable Christel Marquardt to approve minutes as written. The motion carried.

Recodification Commission-Appointment of KSC Representative

Judge Johnson made the motion to appoint Representative Janice Pauls to the Recodification Commission. A motion was made by Judge Marquardt and seconded by Judge Solomon; Senator Goodwin abstained from the motion. The motion carried.

SB 123 Evaluation

Dr. Don Stemen and Dr. Andres Rengifo presented an update on the progress of the 36-month evaluation of SB 123. A handout was provided.

The Commission discussed the preliminary data that was presented and inconsistencies with that data. The Commission discussed auditing the accuracy of the data entered into TOADS. The Commission also discussed initiating a utilization review of treatment providers.

Proportionality Subcommittee

Mr. Drees provided an overview of the Proportionality Subcommittee. Minutes from the last meeting were provided, as well as a Report on Proposed Improvements and Modifications to Kansas Sentencing Laws. Mr. Drees discussed amendments proposed by the proportionality subcommittee relating to departures, merging all crimes into one grid, and a policy that all felony sentences would be at least 12 months in length. All class A misdemeanants would be supervised by court services. Felony DUI and domestic battery offenders would be supervised by community corrections. Felonies were reviewed and re-ranked as necessary to make sentences proportionate. Drug sale and distribution would be divided into 4 severity levels based upon the quantity sold. Presumptive imprisonment border boxes would be expanded to allow the court discretion to sentence property and other lower level offenders to prison when warranted.

Mr. Drees asked that the KSC look over the proposed changes and bring back any concerns and discussions to the next meeting.

Next Meeting

The next Kansas Sentencing Commission meeting is scheduled for Friday, January 25, 2008, at 1:30 p.m. in the Senate Room of the Jayhawk Tower.

The meeting was adjourned at 4:45 p.m.