



KANSAS

KANSAS SENTENCING COMMISSION

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

KATHLEEN SEBELIUS, GOVERNOR

Minutes of the Kansas Sentencing Commission Meeting

January 26, 2007

The Honorable Ernest L. Johnson, Chairman, called the Kansas Sentencing Commission meeting to order on January 26, 2007, at 1:35 p.m. in the Senate Room of the Jayhawk Tower Building, Topeka, Kansas.

Attendance:

Members:

Honorable Ernest L. Johnson, Chairman
Paul Morrison, Attorney General, Vice Chairman
Honorable Larry Solomon
Honorable Christel Marquardt
Senator John Vratil
Senator Greta Goodwin
Rick Kittel, Board of Indigents' Defense Services
Annie Grevas, Director of Community Corrections, 28th Judicial District
Patricia Biggs, designee, Kansas Parole Board
Chuck Simmons, designee, Department of Corrections
Chris Mechler, Office of Judicial Administration
Captain Dale Finger, Public Member
Reverend Junius Dotson, Public Member

Staff:

Helen Pedigo, Executive Director
Natalie Gibson, Staff Attorney
Fengfang Lu, Senior Research Analyst
Lora Moison, Research Analyst
Jessica Brunton, Research Analyst
Brenda Harmon, Administrative Assistant
Janice Brasher, Grant Administrator
Jennifer Dalton, Accountant
Marty Schmiedeler, Accountant

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Approval of the Minutes

The Chairman referred to the minutes of the December 21st, 2006, Kansas Sentencing Commission meeting. A motion was made to approve the minutes by Ms. Annie Grevas and seconded by the Honorable Christel Marquardt. The motion carried.

Ms. Patricia Biggs referred to an article in the December minutes on SB 123 payment length and asked if a discussion was needed on the fiscal impact of extending the duration of treatment. She was referring to a motion approved at the last meeting to entitle offenders to a maximum of 18 months of SB 123 treatment "commencing on their first day of treatment" rather than beginning with their sentencing date. Following a discussion, it was decided staff would research this area and provide an update to the Commission.

Approval of Report to the Legislature

Ms. Helen Pedigo provided a draft of the 2007 Report to the Kansas Legislature and discussed the report with Commission members. Fewer copies will be printed this year, with CD copies available, along with a posting of the report on the KSC web site. This will reduce printing costs. A motion to approve the draft was made by Ms. Patricia Biggs and seconded by the Reverend Junius Dotson. Ms. Biggs and the Reverend Dotson asked that the motion include room for staff to amend the draft as necessary if any corrections are needed after proofing the draft. The motion carried.

House Bill 2087, Statistical Analysis Center

Ms. Pedigo discussed the statistical analysis center bill that was approved at last months Commission meeting, along with drafts of testimony for an upcoming hearing. A copy of the bill was provided, along with a draft of testimony by the Criminal Justice Coordinating Council (CJCC), and a draft of testimony by Ms. Pedigo for the hearing. The hearing is scheduled next week in House Judiciary Committee. KSC has an agreement with the Governor's office to perform the SAC duties, and HB 2087 is language cleanup to conform to what the actual practice is.

The Council proposes an amendment to give the Council control of the form and format of information requests of the statistical analysis center. The Council wishes to retain control over the Criminal Justice Information System (CJIS) format and does not want the Commission to request data in a format that is costly to produce. While it was felt that the Coordinating Council's point was well taken, the amendment did not accomplish this.

Following a discussion by Commission members, a motion was made by the Honorable Christel Marquardt and seconded by the Honorable Larry Solomon to have the Commission oppose the Council's proposed amendment to HB 2087 and to support the Sentencing Commission draft testimony. The motion carried.

Desk Reference Manual Survey Responses

Ms. Natalie Gibson provided an overview of results from a desk reference manual survey. Out of 970 surveys sent, 256 have been completed and returned. The overall response of use/need of information provided in the manual was positive. The primary dislike was the way crimes are listed at the end of the manual. This is already being re-worked for the next desk reference manual.

Possible Legislative Proposals

Ms. Pedigo re-visited possible legislative proposals that were discussed at the December Commission meeting, after Commission members had a chance to review the handouts over the

past month. Most of these proposals are wording cleanup issues that have been on the books for many years, other than Jessica's Law and Senate Bill 123 issues. Following discussion by Commission members, a motion was made by Captain Dale Finger and seconded by the Reverend Junius Dotson to have the Sentencing Commission submit a cleanup bill suggesting repeal. The motion carried.

Executive Director Report

Ms. Pedigo provided and discussed an executive director report, which outlined last month's main activities for Commission staff. Items discussed included:

- Training for drug treatment providers
 - Ms. Nations attended SASSI training, the first step in achieving training certification
 - Ms. Nations and Ms. Gibson attended ASI training and will be pursuing training certification as well
- Budget – The Governor recommended \$50,000 in additional treatment appropriation and 2 additional staff were requested for electronic monitoring and sex offender/predator study duties
- Website updated with new Journal Entry and PSI forms to comply with DNA mandate
- Case Law Updates - Ms. Gibson worked out an agreement with Kansas Bar Association to use their sentencing guidelines case summaries free of charge for our website in exchange for appropriate credit on the Sentencing Commission website. The project is in process and will soon be posted to web by subject matter.
- Vera Institute giving presentations on SB 123 (18 & 36 month studies) to Legislature committees on February 27th and 28th
- Conferences and meetings
 - Council of State Governments presenting to a joint meeting of Senate Judiciary and Senate Ways and Means on February 5th
 - Continued monitoring of Senate and House Judiciary committees by Ms. Pedigo, Ms. Harmon and Ms. Gibson
 - Approximately 40 bed impacts have been prepared as requested by Division of Budget
 - Adult Prison Population Projections presented to Senate Judiciary, Senate Ways and Means and House Appropriations committees; scheduled for House Judiciary
- Reports
 - JJA Projections narrative report released to JJA in December and posted on Sentencing Commission website
 - Annual Report in progress, will seek approval in March
 - Updating to SB 123 Operations Manual
- Data entry of Journal Entries and related documents are caught up!

Next Meeting

The next Commission meeting is scheduled for Friday, February 16th, 2007, at 1:30 p.m. in the Senate Room of the Jayhawk Tower.

A motion to adjourn the meeting was made by Senator John Vratil and seconded by Ms. Chris Mechler. The motion carried. The meeting was adjourned at 2:30 p.m.