



# KANSAS

## KANSAS SENTENCING COMMISSION

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

KATHLEEN SEBELIUS, GOVERNOR

### **Minutes of the Kansas Sentencing Commission Meeting**

**July 26, 2007**

The Honorable Ernest L. Johnson, Chairman, called the Kansas Sentencing Commission meeting to order on July 26, 2007, at 1:36 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  
Attorney General Paul Morrison, Vice Chairman  
Senator John Vratil  
Senator Greta Goodwin  
Representative Janice Pauls  
Honorable Larry Solomon  
Chris Mechler, Office of Judicial Administration  
Patricia Biggs, Kansas Parole Board  
Captain Dale Finger, Public Member  
Thomas Drees, County Attorney  
Reverend Junius Dotson, Public Member

##### **Staff:**

Helen Pedigo, Executive Director  
Natalie Gibson, Staff Attorney  
Kunlun Chang, Director of Research  
Fengfang Lu, Senior Research Analyst  
Lora Moison, Research Analyst  
Brenda Harmon, Public Service Administrator  
Janice Brasher, Fiscal Director  
Marty Schmiedeler, Accountant  
Jennifer Dalton, Accountant  
Amanda Nations, Program Consultant

#### **Approval of the Minutes**

The Chairman referred to the minutes of the June 28<sup>th</sup>, 2007, Kansas Sentencing Commission meeting. A motion was made by Representative Janice Pauls and seconded by Ms. Chris Mechler to approve the minutes as written. The motion carried.

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### **Revisit Domestic Violence Proposal**

Attorney General Paul Morrison gave an update on the issue of identifying sexually violent offenders, and what means would best serve this purpose. The governor's office has a task force that is meeting monthly on domestic violence, and they are working on a legislative agenda that has not yet been formulated. The Attorney General's office is waiting to see what this task force comes up with so duplicate efforts are not wasted. Morrison will request a member of the Sentencing Commission be appointed to the governor's task force. If this is approved by the governor, Representative Janice Pauls volunteered to represent the Commission on this task force.

### **Journal Entry of Judgment and related forms**

Ms. Pedigo discussed feedback received at recent training sessions for the new Journal Entry forms, and changes subsequently made. The jail credit area seemed to be the most confusing. A DOC staff person was available at the training sessions to explain what this area is used for, and why accuracy is so important. A few minor changes have been made to this area of the Journal Entry and Revocation forms, along with changes on the Instruction pages to match. One of the two boxes for the court case number was removed, and "Aggravated Habitual Sex Offender" was removed from the Special Rule listing since it is not a special rule, but rather a sentence.

At the May 24<sup>th</sup>, 2007, Commission meeting, a motion was made and approved to accept the new Journal Entry of Judgment and related forms on "conditional approval" pending any minor changes that may be needed over the next few weeks. At the current meeting Senator John Vratil made a motion to approve the final version of the journal entries. Ms. Patricia Biggs made a second to the motion, and the motion carried.

### **Proportionality Subcommittee**

Mr. Drees and A.G. Morrison presented an overview of today's proportionality subcommittee meeting, discussing the primary issues they are reviewing to include: disproportionality of the drug grid; consolidation of grids; address career criminals; adjusting underlying prison terms to a minimum 12 months; and increasing value thresholds for property felonies. Their next meeting is scheduled for 9 a.m. – 12 p.m. on August 23<sup>rd</sup>.

### **Recodification Commission**

Judge Solomon and Senator Vratil provided an overview of the statutory mandates of the Recodification Commission. The Model Penal Code's (MPC) culpability proposal was discussed. A major decision reached by the Recodification Commission was that in drafting a proposed Recodification of Code, their emphasis will be on correcting inconsistencies, dealing with duplication and overlap and organizing the statutes so the organization makes sense, as contrasted with changing policy. The Recodification Commission hopes to utilize the research and groundwork of the Proportionality Subcommittee.

The Sentencing Commission has worked with Vera for several years on proportionality issues. For the Recodification Commission to consider adopting the MPC criminal liability culpability standards, this could possibly conflict with KSC standards which focus on victim impact. A request was made that Ms. Pedigo attend and give a presentation on guidelines philosophy at the next meeting. At this time, the Recodification Commission does not intend to spend a significant amount of time on proportionality.

### **Kansas Reentry Policy Council Update**

Judge Johnson provided an update on the Kansas Reentry Policy Council. At the most recent meeting they discussed ongoing efforts, especially in Wichita, to take an integrated approach to reentry which addresses not just criminal tendencies - but interrelated housing, employment and environmental (living in areas where other people are criminals) problems. Ms. Pedigo provided an update on the Steering Committee. Their recent meeting included discussion on issues such as legal barriers - specifically detainers, driver's licenses, support payments, employment barriers and child support. A task force has been assigned to this issue.

### **Executive Director Report**

Ms. Pedigo provided and discussed an executive director report, which outlined this month's main staff accomplishments. Items discussed included:

- Value Options, new state Medicaid contractor, issues
- FY 2008 Projections
- Journal Entry data entry stats
- Journal Entry state wide training held, recorded
- SB 123 invoices and expenditures
- Reentry
- Media contacts, KORA requests
- Office Assistant position open, interviews scheduled

### **Next Meeting**

The next Commission meeting is scheduled for Thursday, August 23<sup>rd</sup>, 2007, at 1:30 p.m. in the Senate Room of the Jayhawk Tower.

The meeting was adjourned.