



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 May 24, 2007

The Honorable Ernest L. Johnson, Chairman, called the Kansas Sentencing Commission meeting to order on May 24, 2007, at 1:35 p.m. 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
Honorable Christel Marquardt
Honorable Larry Solomon
Senator John Vratil
Senator Greta Goodwin
Representative Janice Pauls
Roger Werholtz, Secretary of Corrections
Chris Mechler, Office of Judicial Administration
Annie Grevas, Director of Community Corrections, 28th Judicial District
Captain Dale Finger, Public Member
Thomas Drees, County Attorney
Daniel Monnat, Private Defense Council

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
Marty Schmiedeler, Accountant
Jennifer Dalton, Accountant
Amanda Nations, Program Consultant

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Welcome and Introduction of New Members

Chairman Johnson introduced two newly appointed Commission members. Mr. Thomas Drees has been practicing law as a prosecuting attorney for 18 years, and has been the Ellis County Attorney for the past 10 years. He also prosecuted in Trego County for four years. Mr. Daniel Monnat has been a practicing criminal defense attorney for the past 31 years. He is a Wichita native, where his current practice is located.

Approval of the Minutes

The Chairman referred to the minutes of the March 16th, 2007, Kansas Sentencing Commission meeting. A motion was made by Secretary Roger Werholtz and seconded by Ms. Chris Mechler to approve the minutes as written. The motion carried.

Kansas Recodification Commission Appointment

By statute, the Kansas Recodification Commission was recently enacted. Its purpose is to continue the efforts the 3-R's Committee may have directed toward criminal recodification. The statute reads the Recodification Commission shall be made up of specific members, which shall include a member from the Kansas Sentencing Commission, to be appointed by the Sentencing Commission. Chairman Johnson recommended the Honorable Larry Solomon represent the Sentencing Commission. A motion was made by Senator Goodwin and seconded by Captain Finger that the Commission designate Judge Solomon as the KSC representative to the Kansas Recodification Commission. The motion carried.

NASC Conference

Chairman Johnson reminded members of the NASC conference, which will be held in Oklahoma City August 5-7. The KSC will be represented by Senator Goodwin, Judge Marquardt and Ms. Mechler. If anyone else is interested, please contact Helen Pedigo or Brenda Harmon. Information was provided in the meeting packet.

Journal Entry Subcommittee Recommendations

Judge Solomon chaired the Journal Entry Subcommittee, and provided an overview of the committee results. Other members of this subcommittee included judges, defense attorneys, prosecutors, a legislative member, Department of Corrections staff and KSC staff. This subcommittee addressed changes, required in part by statute, to the sentencing Journal Entry of Judgment and Probation Revocation forms and related court filings. Copies had been emailed to Commission members, and were also provided in today's packet. A statutory amendment for the Legislature was also prepared for Commission approval.

The subcommittee had three goals:

- Review the forms to make sure everything required by statute or case law was included
- Discuss items that were not mandated but would be helpful to those using the forms
- Make forms more user and reader friendly.

Following discussion by Commission members, the following changes were requested:

- On the Offender Registration Supplement, page 2, the wording under the Sexually Violent Predator reference K.S.A. 59-29a01 - "*convicted* as sexually violent predator" will be changed to "*committed* as sexually violent predator"
- On the Special Rules Supplemental Page, the effective dates on the Special Rule changes that took effect this year will be added when available
- On the Sex Crime Supplement page, there is a reference to the Desk Reference Manual page number, which will be added when available.

A motion was made by the Honorable Christel Marquardt and seconded by Senator John Vratil for a conditional approval, pending the three changes requested above, of the reformatted 2007 Kansas Sentencing Guidelines Journal Entry of Judgment and Probation Revocation Hearing Forms, along with approval of the related statutory amendment to 22-3426 for the Legislature. The motion carried.

Plans are for KSC staff to begin state wide training on the use of these reformatted forms, hopefully before July 1st.

Kansas Reentry Policy Council and Steering Committee Updates

Chairman Johnson is a member of the Kansas Reentry Policy Council, and had no update available to present at this time. The next meeting for this group is scheduled Monday, June 4th from 9am – 4pm.

Ms. Pedigo is a member of the Kansas Reentry Policy Council Steering Committee. There were 20 initiatives identified as barriers to offender reentry into the community. What the Steering Committee has done is prioritize the top five. They have so far worked through the first one, which was Housing issues. Handouts of minutes and a listing of Council and Steering Committee members were provided.

Legislative Update

Staff Attorney Natalie Gibson gave a brief outline of Legislation of interest that was approved by the Legislature. A handout was provided.

Executive Director Report

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

- Vera Institute information update (36 month evaluation, report, relocation of consultants)
- Journal Entry data entry
- Training for updated Journal Entry and related forms
- 2003 SB 123 Drug Treatment Program
- Training

Next Meeting

The next Commission meeting is scheduled for Thursday, June 28th, 2007, at 1:30 p.m. in the Senate Room of the Jayhawk Tower.

A motion was made by Secretary Roger Werholtz and seconded by the Honorable Larry Solomon to adjourn the meeting. The motion carried, and the meeting was adjourned at 2:55 p.m.