



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

September 27, 2007

The Honorable Ernest L. Johnson, Chairman, called the Kansas Sentencing Commission meeting to order on September 27, 2007, at 1:40 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
Patricia Biggs, Kansas Parole Board
Annie Grevas, Director of Community Corrections, 28th Judicial District
Thomas Drees, County Attorney
Captain Dale Finger, Public Member
Rick Kittel, Board of Indigents' Defense Services
Daniel Monnat, Private Defense Council

Staff:

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

Guests:

Don Stemen, PhD., Loyola University
Chief Ed Klumpp, Retired, Topeka Police Dept., Recodification Member

Approval of the Minutes

The Chairman referred to the minutes of the August 23, 2007, Kansas Sentencing Commission meeting. A motion was made by the Honorable Christel Marquardt and seconded by Ms. Annie Grevas to approve the minutes as written. The motion carried.

Presentation of 2003 Senate Bill 123 36-month Evaluation

Dr. Don Stemen presented a PowerPoint presentation on the SB 123 evaluation of recidivism after 36-months. A handout of the Draft Report describes the percentages of SB 123 clients who were re-convicted or remanded to custody for new offenses or for probation violations. It shows how soon after being sentenced to SB 123, the events occurred and what factors were most closely related to an increased risk that an individual sentenced to SB 123 would be involved again in the criminal justice system. The report also compared outcomes for SB 123 clients to the individuals convicted of simple drug possession but sentenced to prison, or standard probation going to community corrections or court services.

The presentation asked two questions:

- How do SB 123 offenders compare to similar offenders who do not participate in the SB 123 program?
- Internally among SB 123 offenders what factors predict recidivism?

The outcome of recidivism was based on:

- Re-incarceration
- Reconviction, which was based on the Journal Entry Data and TOADS

The SB123 evaluation shows that offenders who receive more treatment interventions are more likely to succeed, and the more treatment an offender has the better the outcome. The offenders with less supervision interventions were less likely to fail. There was a brief question and answer session. Dr. Stemen will add to and revise the draft based upon the questions presented. He plans to return to the October meeting with the final report.

Kansas Reentry Policy Council Detainer Task Force

Judge Johnson provided an update on the KRPC Detainer Task Force. A handout of the September 12, 2007, minutes was provided, as well as a recent Court of Appeals decision, State v. Hall. At the most recent meeting, the Detainer Task Force discussed the 2007 House Bill 3716, which provides that if an offender commits a new felony while on probation, the sentencing judge can impose any sentence mandated by the Sentencing Guidelines.

Kansas Recodification Commission

Judge Solomon provided an update from September 26, 2007, Recodification Commission meeting. A handout was provided. Proposed drafts were approved by the committee. The Recodification Commission voted to:

- Incorporate Chapter 65 drug offenses into Chapter 21 with the rest of the Criminal Code.
- Clarify and clean-up any problems with the Criminal Code. Any changes to the code should be handled by the Recodification Commission as recommendations to the Legislature. If a statute needs to be redrafted and approved for recodification it subsequently changes the law.

The Recodification Commission approved numerous drug statutes with no changes to the statute. The committee voted and recommended that drug distribution be raised from drug severity level 3

to drug severity level 2, with the exception of marijuana. Next month the committee plans to look at other changes using the same format. Recodification meetings take place the day before KSC meetings.

KSC Proportionality Subcommittee

Mr. Drees provided an overview of the Kansas Sentencing Commission Proportionality Subcommittee's meeting held this morning from 9 a.m. to noon. Discussion at the meeting included looking at all crimes and the level of punishment; and whether two grids are needed.

For future meetings, the following topics are planned:

- October 18, 2007, an extra meeting, from noon to 4:30 p.m. The subcommittee will rank all felonies on a scale of 1-10.
- October 25, 2007, meeting from 9:00 a.m. to noon, before KSC meeting. The Subcommittee will provide a range of sentence for those levels.
- November 7, 2007, meeting from noon to 4:30 p.m. The Subcommittee plans to review bed space impacts.
- November 15, 2007, meeting from 9:00 to noon, before KSC meeting. The Subcommittee plans to possibly finalize the report and present it at the KSC meeting that day.

KSC Agency Report

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

- Juvenile projections-JJA would like to discontinue or modify the KSC contractual agreement. A motion was made by Senator Vratil and seconded by Judge Solomon to have a Delegation Task Force approach the governor with the Commission's concerns on this issue. The motion carried. The Delegation Task Force will include: Chair Johnson, Senator Goodwin, Senator Vratil, and Ms. Pedigo.
- Value Options: KSC sent letters to providers.
- Classification projections: Copies will be available at next meeting.
- Desk reference manuals: First batch has been mailed out.
- Budget has been submitted to Division of Budget.
- Presentence Investigation Report: The courts would like there to be space for a stamp on the form.
- SB 123: Update conference was held in Salina.
- Statistics: Journal Entry data entry and SB 123 invoices processed.

Next Meeting

The next Kansas Sentencing Commission meeting is scheduled for Thursday, October 25, 2007, at 1:30 p.m. in the Senate Room of the Jayhawk Tower.

A motion was made by Senator Vratil and seconded by Captain Finger to adjourn the meeting. The motion carried, and the meeting was adjourned at 4 p.m.