

## KANSAS SENTENCING COMMISSION

Honorable Ernest L. Johnson, Chairman  
Helen Pedigo, Executive Director

### **Minutes of the Kansas Sentencing Commission Meeting Conference Call December 18, 2008**

The Honorable Ernest L. Johnson, Chairman, called the Kansas Sentencing Commission meeting to order on December 18, 2008, at 1:35 p.m. The Conference Call was held in the Conference Room of the KSC Office, Jayhawk Tower Building, Topeka, Kansas.

#### **Participants:**

##### **Members:**

Honorable Ernest L. Johnson, Chairman  
Honorable Christel Marquardt  
Honorable Richard M. Smith  
Representative Janice Pauls  
Chuck Simmons, Designee for Department of Corrections  
Chris Mechler, Office of Judicial Administration  
Annie Grevas, Director of Community Corrections, 28<sup>th</sup> District  
Kevin Graham, Designee for Attorney General's Office  
Thomas Drees, Ellis County Attorney  
Captain Dale Finger, Public Member  
Rick Kittel, Board of Indigents' Defense Service  
Daniel Monnat, Private Defense Service  
Reverend Junius Dotson, Public Member

##### **Staff:**

Helen Pedigo, Executive Director  
Kunlun Chang, Director of Research  
Janice Brasher, Fiscal Director  
Marty Schmiedeler, Accountant  
Jennifer Dalton, Accountant  
Brenda Harmon, Public Service Administrator

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

Chairman Johnson referred to the minutes of the November 13, 2008, Kansas Sentencing Commission meeting. A motion was made to approve the minutes as written by Ms. Chris Mechler and seconded by Mr. Kevin Graham. The motion carried.

### **Probation Term for SB123 Offenders-KSC Position**

The Commission discussed details of State v. Holt. The current statute sets the probation term for a level four drug felony at 12 months which conflicts with the 18 month assignment for substance abuse treatment under SB 123. Members of the Commission discussed and considered possible options. Further discussion regarding State v. Holt was delayed until the January meeting.

### **Report to the Legislature**

Ms. Helen Pedigo presented information regarding the Sentencing Commission's 2009 Report to the Kansas Legislature. A handout was provided. A motion was made by Reverend Junius Dotson and seconded by Mr. Thomas Drees to approve the 2009 Report to the Legislature within the framework provided; LSI-R section amendments should include reference to instrument validation in Kansas and other locations, and clarification that the LSI-R is presently being used by community corrections, parole, Department of Corrections and in Johnson County, by court services. In addition, information referencing the quality of record keeping and striving to improve the quality of substance abuse treatment will be added to the SB 123 section. Chairman Johnson suggested that any future changes be emailed to Ms. Pedigo. The motion carried. Ms. Pedigo will send the final copy out to members.

### **Recodification Commission Update**

Representative Janice Pauls provided an update on the Recodification Commission. The Commission is on schedule and plans to have the report a year from January.

### **SB123 Draft Report Discussion**

The Commission acknowledged receipt of the SB123 Draft Report by the Vera Institute of Justice and conveyed gratitude for the work done thus far. The Commission also acknowledged that, as the work is being done under a National Institute of Justice grant, the Commission does not have control of the final product. The Commission urged continued input into the product and directed Ms. Pedigo to prepare a Commission statement in preparation for the release of the report.

### **Proportionality Probation/Postrelease Subcommittee**

Ms. Chris Mechler provided an update on the Proportionality Probation/Postrelease Subcommittee. The Subcommittee is looking for a date to meet.

### **Substance Abuse Policy Board**

Ms. Chris Mechler provided an update on the Substance Abuse Policy Board. The Board Members met December 18. Ms. Mechler reported that discussion was held relating to the Report to the Legislature and the struggles of obtaining the DUI data reflecting the number of DUI convictions an offender has had in the past. The Substance Abuse Policy Board will meet again on January 13.

### **Legislation Update**

As discussed during the November KSC meeting, Ms. Pedigo provided an update on the KSC legislative proposals which fall outside the scope of the Recodification Commission.

Discussion was held regarding offenders receiving dual supervision by Court Services and Community Corrections. It was recommended that an offender being supervised by Community Corrections for a felony case, and also being supervised by Court Services for a Misdemeanor

conviction, not receive supervision by both entities. The offender would be supervised by Community Corrections for both cases.

**Agency Report**

Ms. Pedigo provided and discussed the agency report. A handout was provided.

**Next Meeting**

The next Kansas Sentencing Commission meeting is scheduled for Thursday, January 22, 2008, at 1:30 p.m. in the Senate Room of the Jayhawk Tower.

Chairman Johnson adjourned the meeting at 3:10 p.m.