



KANSAS

KATHLEEN SEBELIUS, GOVERNOR

KANSAS SENTENCING COMMISSION

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

Minutes of the Kansas Sentencing Commission Meeting January 25, 2008

The Honorable Ernest L. Johnson, Chairman, called the Kansas Sentencing Commission meeting to order on January 25, 2008, at 1:43 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 Christel Marquardt
Senator John Vratil
Representative Janice Pauls
Representative Kevin Yoder
Roger Werholtz, Secretary of Corrections
Patricia Biggs, Kansas Parole Board
Chris Mechler, Office of Judicial Administration
Thomas Drees, Ellis County Attorney
Captain Dale Finger, Public Member
Daniel Monnat, Private Defense Council

Staff:

Helen Pedigo, Executive Director
Ed Britton, Staff Attorney
Kunlun Chang, Director of Research
Fengfang Lu, Senior Research Analyst
Brenda Harmon, Public Service Administrator
Janice Brasher, Fiscal Director
Marty Schmiedeler, Accountant
Jennifer Dalton, Accountant
Lora Moison, Research Analyst
Jessica Brunton, Research Analyst

Guests:

Chief Ed Klumpp, Retired, Topeka Police Dept., Kansas Recodification Commission
Alex Holsinger, Ph.D., University of Missouri-Kansas City

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Approval of the Minutes

The Chairman referred to the minutes of the December 20, 2007 Kansas Sentencing Commission meeting. A motion was made by Mr. Roger Werholtz and seconded by Mr. Thomas Drees to approve the minutes as written. The motion carried.

LSI-R Committee

Dr. Alex Holsinger presented Assessing the Predictive Validity of the Level of Service Inventory-Revised. A handout was provided. Ms. Patti Biggs, Ms. Chris Mechler, and Ms. Helen Pedigo had met earlier in the day with Dr. Holsinger regarding preliminary data from the Johnson County pilot project. Dr. Holsinger had three recommendations for the LSI-R:

- Recommend continued use of the LSI-R
- Recommend additional research while looking at subgroups
- Recommend looking at higher outcomes

The LSI-R Committee will meet February 22 before the KSC meeting to discuss the data and to consider whether to recommend expansion of the pilot program. The Committee will bring recommendations to the Commission.

Ms. Pedigo requested approval to request introduction of a House bill that would extend the Johnson County Pilot Program to June 30, 2009. Senator John Vratil moved and the Honorable Christel Marquardt seconded approval of the request. The motion carried.

Approve Report to Legislature

Ms. Pedigo provided an overview of the 2008 Report to the Kansas Legislature that is due February 1. A handout was provided. A motion was made by the Honorable Christel Marquardt and seconded by Ms. Chris Mechler to approve the report. The motion carried.

Proportionality Subcommittee

Mr. Drees provided an overview of the recommendations of the Proportionality Subcommittee. A handout was provided. Mr. Drees discussed amendments proposed by the proportionality subcommittee relating to departures, merging all crimes into one grid, and a policy that all felony sentences would be at least 12 months in length. All class A misdemeanants would be supervised by court services. Felony DUI and domestic battery offenders would be supervised by community corrections. Felonies were reviewed and re-ranked as necessary to make sentences proportionate. Drug sale and distribution would be divided into 4 severity levels based upon the quantity sold. Presumptive imprisonment border boxes would be expanded to allow the court discretion to sentence property and other lower level offenders to prison when warranted.

Legislation regarding felony DUI's and property offenses was discussed. That legislation could affect the recommendations of the Proportionality Subcommittee. After a brief discussion, a motion was made by Senator Vratil and seconded by Representative Janice Pauls to approve the report without the DUI provisions and authorize Ms. Pedigo to share it with legislators and stakeholders. The motion carried. The KSC anticipates further discussion of the proposal.

Reentry Policy Council

Judge Johnson gave a brief report on the Reentry Policy Council. Legislation regarding detainers (HB 2780) was discussed.

Recodification Commission

Representative Pauls and others reported on Recodification Commission activities. Mr. Ed Klumpp gave a brief summary of the Recodification Report to the Legislature. The report is due February 1.

Agency Report

Ms. Pedigo provided an agency report and pertinent legislation was discussed. A handout was provided.

Next Meeting

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

The meeting was adjourned at 4:15 p.m.