



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

**Minutes of the Kansas Sentencing Commission Meeting
Aug 27, 2009**

The Honorable Ernest L. Johnson, Chairman, called the Kansas Sentencing Commission meeting to order on August 27, 2009, at 1:34 p.m. The meeting was held in the Jayhawk Tower Senate Room, Topeka, Kansas.

Participants:

Members:

Honorable Ernest L. Johnson, Chairman
Honorable Christel Marquardt
Honorable Richard M. Smith
Senator David Haley
Representative Janice L. Pauls
Representative Pat Colloton
Patricia A. Biggs, Kansas Parole Board
Kristofer R. Ailslieger, Kansas Attorney General's Office
Chris Mechler, Office of Judicial Administration
Secretary Roger K. Werholtz, Department of Corrections
Daniel E. Monnat, Private Defense Council
Thomas Drees, Ellis County Attorney
Annie E. Grevas, Community Corrections Program Director
Jennifer C. Roth, Public Defender's Office
Captain Dale A. Finger, Public Member

Staff:

Helen Pedigo, Executive Director
Brenda Harmon, Public Service Administrator
Kunlun Chang, Director of Research
Fengfang Lu, Senior Research Analyst
Jan Brasher, Fiscal Director
Jennifer Dalton, Accountant
Trish Beck, Program Assistant
Carrie Kruser, Data Entry II

Approval of the Minutes

Chairman Johnson referred to the minutes of the July 23, 2009, Kansas Sentencing Commission (KSC) meeting. A motion was made to approve the minutes as written by Honorable Christel Marquardt and seconded by Sec. Roger Werholtz. The motion carried.

Adult Prison Population Projections

Ms. Pedigo provided a PowerPoint presentation and accompanying handouts. She thanked the members of the Consensus Group and all of those who represented the Justice System for their participation. In addition, a special thank you to Kunlun, Fengfang and the research staff for their hard work. Projections were accurate to within 1.6%.

Using data comparing 2005 to the present, projection results indicated that revocations and drug populations in prison are down. The percentage of prison population sentenced for violent offenses has increased.

Sec. Werholtz commented that the core issues of violator behavior needs to be addressed, such as focusing on the precipitating issues surrounding the crime vs. the crime that was committed, (example: crime convicted of is burglary, but the underlying problem could possibly stem from drug or alcohol addiction, or mental instability, to name a few). It's less expensive to treat the underlying issue than to send an offender to prison.

Male prison beds are at capacity, while female population is well within capacity.

Rep Colloton requested a breakdown of Burglary numbers.

Tom Drees made a motion to adopt the Adult Prison Population Projections for 2010. Annie Grevas seconded the motion, and the motion was adopted.

Judge Johnson commended the Consensus Group members for all their hard work.

Reentry Policy Council Update

Judge Johnson reported that Justice Lee Johnson has taken over as Chairman of the Reentry Policy Council. A meeting is scheduled the first part of September.

Proportionality Committee Update

Tom Drees reported that the committee continues to identify components of 2009 House Bill 2332 that will be part of a request for a new bill. A meeting is planned on August 31, 4:30pm, at the Ramada Inn to discuss further additions to the bill draft. The Committee hopes to have a proportionality package prepared for the Commission's approval in October.

Recodification Commission Update

Tom Drees reported that progress is being made and that work is moving at a steady pace. The language "person" and "nonperson" as it is stated in the statutes created a lot of discussion. Philosophically, the terms "violent" and "nonviolent" are more appealing and are used in most states. The Commission requested further study on this issue.

DUI Commission Update

Ms. Pedigo reported that the Commission has heard from treatment providers and ignition interlock providers. Three subcommittees criminal justice policy, records, and treatment continue working to craft solutions. Items discussed were the lack of ability to research data because there is no history, creating a unique DUI PSI Face Sheet (from Leavenworth County) and Journal Entry (from the City of Lenexa), and providing guidance regarding necessary components of assessments and evaluations.

KSC Agency Report

Helen Pedigo presented the KSC Agency Report. The Commission discussed the Post Audit process that is currently underway, as well as SB 123 and journal entries. Helen recently attended the National Association of Sentencing Commissions Conference and reported that it was an excellent opportunity to gain and exchange information with other sentencing guideline

states. Helen Pedigo was recognized as a new member of the Executive Board for the National Association of Sentencing Commissions.

Next Meeting

The next Kansas Sentencing Commission meeting is scheduled to be held on Thursday, September 24, 2009, at 1:30 p.m. in the Jayhawk Tower Senate Room.

Judge Johnson adjourned the meeting at 3:45pm.