

KANSAS SENTENCING COMMISSION

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

Minutes of the Kansas Sentencing Commission Meeting Conference Call February 19, 2009

The Honorable Ernest L. Johnson, Chairman, called the Kansas Sentencing Commission meeting to order on February 19, 2009, at 1:37 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
Senator Tim Owens
Representative Janice Pauls
Chuck Simmons, Designee for Department of Corrections
Chris Mechler, Office of Judicial Administration
Annie Grevas, Director of Community Corrections, 28th District
Kristafer Ailslieger, Designee for Attorney General's Office
Thomas Drees, Ellis County Attorney
Captain Dale Finger, Public Member
Daniel Monnat, Private Defense Service
Reverend Junius Dotson, Public Member

Staff:

Helen Pedigo, Executive Director
Kunlun Chang, Director of Research
Fengfang Lu, Senior Research Assistant
Janice Brasher, Fiscal Director
Jennifer Dalton, Accountant
Brenda Harmon, Public Service Administrator
Lora Moison, Research Analyst
Carrie Krusor, Research Data Entry

Approval of the Minutes

Chairman Johnson referred to the minutes of the January 22, 2009, Kansas Sentencing Commission (KSC) meeting. A motion was made to approve the minutes as written by Ms. Chris Mechler and seconded by the Mr. Thomas Drees. The motion carried.

Recodification Commission Update

Representative Janice Pauls reported information on the work and progress of the Recodification Commission.

SB 278 Kansas Highway Safety Commission

Senator Tim Owens reviewed information included in SB 278. A handout was provided. After a brief discussion, a motion was offered by Ms. Chris Mechler to endorse Section 1; by drafting an amendment to modify the membership of the new Kansas Highway Safety Commission and ask that the KSC Chairman or a designee be added to the membership; endorse Section 2 in principle, which centralizes the recordkeeping/tracking of DUI convictions to ensure that offenders are held accountable; and strike Sections 3 and 4, expanding the jurisdiction of magistrate judges conducting felony jury trial for felony DUI. The motion was seconded by Representative Janice Pauls. The motion carried.

Proportionality Probation/Postrelease Subcommittee

Mr. Thomas Drees provided an update on Proportionality Probation/Postrelease Committee activity. Mr. Drees stated that he planned to testify before the House Corrections and Juvenile Justice Committee regarding HB 2332, KSC Proportionality and Kansas Criminal Code Recodification Commission recommendations.

State v. Schow Discussion

Ms. Helen Pedigo discussed establishing a committee of the KSC to study the criminal history practices and make recommendations in reference to legislation, practices and procedures to ensure accuracy, efficiency and cost effectiveness. A handout was provided. No action was taken. A request was made to develop language to address the State v. Schow issue by moving the burden of proving the offender's criminal history, once such criminal history has previously been established, to the offender.

Agency Report

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

Next Meeting

The next Kansas Sentencing Commission meeting is scheduled to be held via teleconference on Thursday, March 19, 2009, at 1:30 p.m.

Chairman Johnson adjourned the meeting at 3:57 p.m.