

**Minutes of the Kansas Sentencing Commission Meeting  
May 28, 2015**

The Honorable Evelyn Z. Wilson, Chair, called the Kansas Sentencing Commission meeting to order on May 28, 2015 at 1:37 p.m.

**Participants:**

**Members:**

- Honorable Evelyn Z. Wilson, Chair
- Honorable W. Lee Fowler, Vice Chair
- Honorable Patrick D. McAnany
- Senator David B. Haley
- Representative Tom Sawyer
- Representative John J. Rubin
- Senator Carolyn McGinn
- David W. Riggan, Kansas Prisoner Review Board
- Amy Hanley, Kansas Attorney General's Office
- Chris A. Mechler, Office of Judicial Administration
- Secretary Ray Roberts, Department of Corrections
- Kevin N. Berens, Thomas County Attorney
- J. Shawn Elliott, Attorney
- Elizabeth M. (Betsy) Gillespie, Director of Corrections, Johnson County
- Jennifer C. Roth, 3rd Judicial District Assistant Public Defender
- Edward (Eddie) J. Regan, Public Member
- Reverend Junius B. Dotson, Public Member

**Guests:**

Tim Madden, Department of Corrections  
Ed Klumpp, Kansas Association of Chiefs of Police and Kansas Sheriffs' Association  
Kathleen Graves, Deputy Secretary, Department of Corrections  
Stacey Donovan, 3<sup>rd</sup> Judicial District, Chief Public Defender  
Kim Brown, Vice President Marketing New Business Development, Mirror Inc.

**Staff:**

Scott M. Schultz, Executive Director  
Kunlun Chang, Director of Research  
Brenda Harmon, Special Assistant to the Executive Director  
Fengfang Lu, Senior Research Analyst  
Charlene Peacock, Utilization Review/SB 123 Program Director  
Trish Beck, Program Assistant  
Ebo Browne, Research Analyst  
Rachel Cole, Administrative Assistant

**Approval of Proposed Agenda**

Chair Wilson requested a motion to approve the proposed agenda as written. Chris Mechler moved to approve the agenda and Secretary Ray Roberts seconded the motion. The motion carried and the agenda was approved.

### **Approval of Minutes**

Chair Wilson referred to the Sentencing Commission Teleconference meeting minutes of March 20, 2015. Judge Lee Fowler moved to approve the minutes. Kevin Berens seconded. During discussion, Amy Hanley moved a friendly amendment to replace her name with Steve Karrer, as the Attorney General's designee. Judge Fowler and Kevin Berens accepted the amendment to the original motion. The minutes were approved as amended and Mr. Karrer will be inserted as the Attorney General's designee.

### **Welcome New Staff Members**

Scott Schultz, Executive Director introduced new Sentencing Commission staff members Charlene Peacock, SB123 Program Director/Utilization Review and Rachel Cole, Administrative Assistant.

### **SB 123 Update**

Charlene Peacock provided a summary of her involvement over the past several months regarding introductions, training, and meetings:

- SB 123 Working Group
- SB 123 Subcommittee
- Kansas Association of Addiction Professionals (KAAP) meeting
- Community Corrections Directors' meeting
- Total Offender Activity Documentation System (TOADS) training
- Treatment Providers Payment System (TPPS) training

Charlene Peacock discussed future matters being considered within the program:

- KDADS's Kansas Clinical Placement Criteria (KCPC) being integrated with KDOC's TOADS and the KSC's TPPS
- Working with Kansas Department of Aging and Disability (KDADS) on implementation of our outcome and data research driven system
- Updating KSC's current SB 123 payment database
- Reviewing Intermediate/Residential treatment length of stay caps

### **Review and Approval of SB 123 Intermediate/Residential Modality Length of Stay**

Scott Schultz and Charlene Peacock provided the *SB 123 Year to Date Activity* report and the list of *Approved Treatment Modalities and Cost Caps* as listed in the SB 123 Operations Manual. The SB 123 Subcommittee met and proposed a change regarding the reduction of length of stay days for Intermediate/Residential treatment from 40 days to 21 days when an offender is sentenced on or after July 1, 2015. The Commission approved reducing the Intermediate/Residential modality to 21 days for those offenders sentenced on or after July 1, 2015.

Judge McAnany suggested the language in the SB 123 Operations Manual referencing Approved Treatment Modalities and Cost Caps, Minimum Service Components be clarified to read:

- Treatment may range from 7-40 days in length

- Those offenders sentenced on or after July 1, 2015 are subject to a treatment range from 7-21 days in length
- Under no circumstances will payment be made for intermediate/residential services beyond 90 days
- Structured clinical program meeting ASAM specifications.
- Includes Group and Individual counseling, at a minimum up to 10 hours per day

### **JRI Steering Committee Report**

Chair Wilson reported the Justice Reinvestment Initiative (JRI) Steering Committee met April 28, 2015 and discussion took place referencing the complexity of the sentencing journal entries as well as the JRI Sanction language. Chair Wilson plans to clarify these topics at the Judge's JRI Summit in August.

### **KSC 2015 Legislative Update**

Scott Schultz prepared and reviewed a KSC Legislative Update - May 28, 2015 reporting on all of the KSC recommended bills:

- HB 2049- *Amending the penalties for first time and second time marijuana convictions*- bill has stalled and will be revisited next year.
- HB 2051- *Amendments to calculation of good time and program credits for inmates/Use of risk assessment tool for community corrections placement*- signed by Governor May 14.
- HB 2055 - *Conversion of out-of-state misdemeanors* - several bills were amended into it (SB 12- *Battery against a LEO including judge, attorney, CSO and CC officers*, and HB 2048 - *items that may be included in a search warrant.*) – awaiting signature of Governor.
- HB 2050 - *Probation absconders eligible for JRI prison sanctions*- Failed for lack of floor hearing.
- HB 2052 - *SB 123 treatment for drug diversions* – Failed for lack of floor hearing.

### **Agency Report**

Scott Schultz provided a summary of the agency's activities since the last meeting and advised the members on the agency's upcoming activities.

Mr. Schultz referred to and discussed Secretary Robert's monthly letter to the KSC reflecting the current prison capacity as well as the Prison Population Monthly Monitoring Report.

### **Recognition of Commission Member**

Chair Wilson recognized Commission member, Jennifer Roth who will be resigning at the end of May. Ms. Roth was appointed as a KSC Commission member July 29, 2009 and served on most KSC subcommittees. Jennifer's committed service is greatly appreciated and will be missed.

### **Next Meeting**

The next Sentencing Commission meeting will be at 1:30 p.m. on June 25, 2015 at the Jayhawk Tower, Senate Room.

Meeting adjourned 3:30 p.m.