

**Minutes of the Kansas Sentencing Commission Meeting
December 18, 2014**

The Honorable Evelyn Z. Wilson, Chair, called the Kansas Sentencing Commission meeting to order on December 18, 2014 at 1:35 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, attended via teleconference
- Representative John J. Rubin
- Senator Carolyn McGinn
- David W. Riggin, 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:

Stuart Little, Ph.D., Little Government Relations, LLC
Tim Madden, Department of Corrections
Ed Klumpp, Kansas Association of Chief of Police and Kansas Sheriffs' Association
Kathleen Graves, Deputy Secretary, Department of Corrections
Christopher Sullivan, Ph.D., University of Cincinnati
Marie Koeppel, Department of Corrections
David Frampton, Department of Corrections
Derek Hein, Mirror, Inc.

Staff:

Scott M. Schultz, Executive Director
Kunlun Chang, Director of Research
Brenda Harmon, Special Assistant to the Executive Director
Trish Beck, Program Assistant

Fengfang Lu, Senior Research Analyst
Jennifer Dalton, Accountant
Ebo Browne, Research Analyst

Approval of Proposed Agenda

Chair Wilson requested a motion to approve the proposed agenda as written. Kevin Berens moved to approve the agenda and Representative John Rubin seconded the motion. The motion carried and the agenda was approved.

Approval of Minutes

Chair Wilson referred to the Sentencing Commission Workshop minutes of November 19 and 20, 2014. Chris Mechler advised that she voted in favor rather than against legislative options 12, 13 and 14. Betsy Gillespie moved to amend the minutes as noted and approve them. Chris Mechler seconded the motion. The motion carried and the minutes were approved as amended.

Presentation of Findings for the SB 123 Study

Scott Schultz, Executive Director introduced Christopher Sullivan Ph.D., University of Cincinnati, who provided handouts for the 2003 SB 123 study entitled, *Evaluation of Kansas Senate Bill 123*.

Betsy Gillespie moved to approve the report and Chris Mechler seconded. The motion carried and the SB 123 study was approved.

Justice Reinvestment Summit Report & Recidivism Study

Ebo Browne, Research Analyst, presented a Justice Reinvestment Initiative update that was also presented at the National Justice Reinvestment Summit in San Diego in November 2014.

Approval of Proposed Letter to the Governor & Joint Committee on Corrections & Juvenile Justice Oversight

Chair Wilson provided a proposed letter to Gov. Brownback pursuant to K.S.A. 74-9101, which provides that the Kansas Sentencing Commission analyze policy options that would reduce prison beds.

After discussion it was agreed that Chair Wilson would amend the report and resubmit it to the Commission members electronically prior to sending to the Governor.

Review & Possible Action on Proposed Legislation

Chair Wilson provided the options outlined and discussed in the November workshop.

1) Betsy Gillespie moved to include option #11, Probation: K.S.A. 75-5291(a)(2) CC Target Population deletion of subsection (A). Chris Mechler seconded the motion and the motion carried.

2) Judge Fowler moved to include option #8, Drugs: If diversion is granted for a felony conviction of possession of a controlled substance, the diversion shall be counted as criminal

history in later felony proceedings. 2003 SB 123 substance abuse treatment is also available with CC during the diversion term. Judge Wilson seconded the motion and the motion carried.

3) Rev. Junius Dotson moved to include option #4, Drugs: Amend first and second marijuana possession to B and A misdemeanors. Jennifer Roth seconded the motion and the motion carried. Amy Hanley and Kevin Berens voted nay.

4) Judge Wilson moved to include option #10, Justice Reinvestment Initiative: Deleting quick dip requirement prior to prison sanctions for absconding, not new crimes. Secretary Roberts seconded the motion and the motion carried.

5) Chris Mechler moved to include option #12, Criminal History: Clarify out-of-state misdemeanor scoring. Betsy Gillespie seconded the motion and the motion carried.

6) Secretary Roberts moved to amend provisions of 2008 SB 14, found in K.S.A. 21-6821, by adding drug severity level 3 offenses to the list of crimes eligible for program credit while an offender is incarcerated. Length of program credit would also be increased from 60 to 90 days for drug level 3 offenses and those currently eligible for credit. Rev. Dotson seconded the motion and the motion carried.

7) Jennifer Roth moved to include the motion made by Secretary Roberts regarding the addition of the drug severity level 3 offenses into 2008 SB 14 language for program credit in the table of options that will be included in the letter to the Governor and Legislature. Betsy Gillespie seconded the motion and the motion carried.

Review and Approval of the Proposed 2015 KSC Meeting Dates

Chair Wilson moved to approve the dates proposed as meeting dates for 2015. Chris Mechler seconded the motion and the motion carried.

Review and Approval of the Journal Entry Forms

Betsy Gillespie moved to approve the Journal Entry and Presentence Investigation Report forms as proposed by Scott Schultz. Amy Hanley seconded the motion and the motion carried.

Executive Session

Chair Wilson moved to go into Executive Session for 20 minutes for personnel matters. Kevin Berens seconded the motion and the motion carried.

Back in open session, Chair Wilson moved to go back into Executive Session for an additional 20 minutes for personnel matters. Secretary Roberts seconded the motion and the motion carried.

Back in open session, Jennifer Roth moved to go back into Executive Session for an additional 10 minutes for personnel matters. Amy Hanley seconded the motion and the motion carried.

Agency Report

Back in open session, Scott Schultz will submit the Agency Report electronically to the Commission members due to time constraints.

New Business

Chair Wilson announced that a Compensation Subcommittee will be composed of Betsy Gillespie, Vice Chair Fowler and the Chair.

Jennifer Roth moved to return to Executive Session for five minutes pertaining to personnel matters. Secretary Roberts seconded the motion and the motion carried.

Adjournment

Back in open session, Vice Chair Fowler moved the meeting be adjourned, Kevin Berens seconded the motion and the meeting was adjourned.

Meeting adjourned at 5:46 p.m.