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Sam Brownback, Governor

Honorable Evelyn Z. Wilson, Chair Honorable W. Lee Fowler, Vice Chair Scott M. Schultz, Executive Director

Minutes of the Kansas Sentencing Commission Meeting October 20, 2016

The Honorable Evelyn Z. Wilson, Chair, called the Kansas Sentencing Commission (KSSC) meeting to order on October 20, 2016 at 2:01 p.m.

Participants:

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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 Barker ☐ Representative Janice Pauls ☐ Senator Carolyn McGinn ☐ Jonathan Ogletree, Kansas Prisoner Review Board ☐ Jessica G. Domme, Kansas Attorney General's Office ☐ Chris A. Mechler, Office of Judicial Administration ☐ Tim Madden, Secretary of Corrections Designee ☐ Kevin N. Berens, Thomas County Attorney ☐ Stacey L. Donovan, Third Judicial District Public Defender's Office ☐ Meredith Butler, Eighth Judicial District Community Corrections ☐ Nathan Barnes, Public Member ☐ Terry J. Malone, Attorney
Guests:
Natalie Scott, Assistant Revisor of Statutes Jason Thompson, Senior Assistant Revisor of Statutes Mitchel DePriest, Hein Governmental Consulting, LLC Stuart Little, Ph.D., Little Government Relations, LLC Robert Mealy, Kearney & Associates, LLC Mark Keating, Kansas Prisoner Review Board
Staff:
 Scott M. Schultz, Executive Director ☑ Brenda Harmon, Special Assistant to the Executive Director ☑ Kunlun Chang, Director of Research ☑ Fengfang Lu, Senior Research Analyst ☑ Charlene Becker, Utilization Review/SB 123 Program Director ☐ George "Ebo" Browne, Research Analyst ☑ Jesse Becker, Finance Director ☐ Trish Beck, Program Assistant ☑ Erica Waggoner, Administrative Assistant

Karen Wittman, Attorney

Approval of Proposed Agenda

Chair Wilson asked for a motion to approve the proposed agenda as written. Vice Chair Fowler moved to approve the agenda and Kevin Berens seconded the motion. The motion carried and the agenda was approved.

Approval of Minutes

Chair Wilson referred to the Sentencing Commission Workshop minutes of September 27-28, 2016. Vice Chair Fowler moved to approve the minutes as written. Senator Haley seconded the motion. The motion carried and the minutes were approved.

Consideration of 2017 Legislative Proposals

KSSC members were provided handouts of 2017 KSSC Legislative Proposals in draft form. Chair Wilson and Scott Schultz explained the proposed legislation as referenced below:

Controlled Substance Study

KSSC members reviewed and discussed the proposal. Chair Wilson proposed to have Scott send an e-mail to the Commission in regards to developing a KSSC committee to explore options for offenders with substance abuse and mental illness.

16rs4428 - Pre-trial SB 123 Program

Chair Wilson moved to omit "until the court determines the person is suitable for discharge by the court" from (b)(2) of K.S.A. 21-6824 in the proposed legislation. Vice Chair Fowler seconded the motion and the motion carried. Jessica Domme, Kevin Berens, and Chris Mechler opposed the motion.

16rs4431 - Allow SB 123 Treatment to be used for Severity Level 4 Drug Crimes

Vice Chair Fowler moved to approve the proposal for legislation. Chair Wilson seconded the motion and the motion carried.

16rs4429 - Repeal Special Rule 26 for Third Time Possession of Controlled Substance

Jessica Domme moved to approve the proposal for legislation. Jonathan Ogletree seconded the motion and the motion carried.

16rs4432 – Amending the Criminal Penalties for Unlawful Tampering with Electronic Equipment

Chris Mechler moved to approve the proposal for legislation. Chair Wilson seconded the motion and the motion carried. Jessica Domme and Kevin Berens opposed the motion.

16rs4433 – Allow Certain Juvenile Adjudications to Decay from Adult Criminal History

Chair Wilson moved to approve the proposal for legislation. Tim Madden seconded the motion and the motion carried. Jessica Domme and Kevin Berens opposed the motion.

16rs4430 – KSSC Interagency Cooperation

Kevin Berens moved to approve the proposal for legislation. Jessica Domme seconded the motion and the motion carried.

16rs4425 – Resolving Postrelease Supervision When Considering K.S.A. 22-3717(d)(1)(D) and (G)

Jessica Domme moved to change the effective date language in section three from publication in the statute book to the Kansas register. Kevin Berens seconded the motion and the motion carried. Kevin Berens moved to approve the amended proposal for legislation. Jessica Domme seconded the motion and the motion carried.

16rs4427 - Sentencing of Juveniles Certified as Adults

Jessica Domme moved to combine the proposal with 16rs4425 and amend the effective date language from "July 1, 2006" to the "effective date of this act". Kevin Berens seconded the motion and the motion carried. Senator Haley opposed the motion.

16rs4424 – Offender Registration Act

Vice Chair Fowler moved to approve the proposal for legislation. Chair Wilson seconded the motion and the motion carried. Jessica Domme and Kevin Berens opposed the motion.

The draft legislative proposal to Increase Felony Loss Thresholds will be presented at the next commission meeting.

Chair Wilson moved to add all proposals above to the draft letter to the Governor. Vice Chair Fowler seconded the motion and the motion carried. The letter will be available to members for review and approval at the November meeting.

SB 123 Committee Update

Chris Mechler, SB 123 Committee Chair provided a SB 123 Committee update on the bi-weekly meetings stating the Committee is still in the process of drafting a Request for Proposal (RFP) for replacement of the current Treatment Provider Payment System (TPPS).

Agency Report

Executive Director, Scott Schultz provided a summary of the agency's activities since the last meeting and reviewed KDOC prison population reports. Mr. Schultz informed the Commission of the recent resignation of Charlene Becker, SB 123 Director. Mrs. Becker's last day at the agency will be October 27, 2016.

Mr. Schultz also advised that Amy Hanley, a former member, has recently received an appointment by Governor Brownback to the bench as the newest district court judge in Douglas County.

Next Meeting

The next Sentencing Commission meeting will be at 1:30 p.m. on November 17, 2016 at the Jayhawk Tower, Senate Room.

Meeting adjourned 3:55 p.m.