

**Minutes of the Kansas Sentencing Commission Meeting
October 24, 2019**

The Honorable W. Lee Fowler, Chair, called the Kansas Sentencing Commission (KSSC) meeting to order on October 24 at 3:02 p.m. in the Lansing Community Center, Lansing, Kansas.

Participants:

Members:

- Honorable W. Lee Fowler, Chair
- Honorable Benjamin J. Sexton, Vice Chair
- Honorable Stephen D. Hill, Kansas Court of Appeals
- Senator David B. Haley
- Representative Dennis "Boog" Highberger
- Representative John Barker
- Senator Carolyn McGinn
- Jonathan Ogletree, Kansas Prisoner Review Board
- Jessica Domme, Kansas Attorney General's Office
- Chris A. Mechler, Office of Judicial Administration
- Jefferey Zmuda, Secretary of Corrections
- Dan Dunbar, Shawnee County Chief Deputy District Attorney
- Stacey L. Donovan, Third Judicial District Public Defender's Office
- Christopher Mann, Private Attorney
- Ronald Pauls, Public Member
- Shelly Williams, Community Corrections Director

Guests:

Norma Volkmer, Kansas Legislative Research Department
Murl Riedel, Kansas Legislative Research Department
Illewelyn Ogletree, United States Department of Defense
Natalie Scott, Revisor of Statutes

Staff:

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

- George “Ebo” Browne, Senior Research Analyst
- John Grube, Research Analyst
- Kira Johnson, SB 123 Program Director
- Trish Beck, Program Assistant
- Jamie Mai, Administrative Assistant
- Christopher Lyon, Staff Attorney
- Francis Givens, Special Projects Director
- Melissa Zoesch, Finance Director

Lansing Correctional Facility Tour

Prior to the meeting, Commission members and KSSC staff were guests of Secretary Zmuda, who provided a tour of the Lansing Correctional Facility, including the new construction that was anticipated to be open shortly.

Approval of Proposed Agenda

Chair Fowler asked if there were any objections or additions to the agenda. Vice Chair Sexton proposed adding 2019 HB 2052 to the agenda topic, “*Review and Discussion of Proposed Legislation*”. No objections were made and the item was added.

Approval of September 18 and 19, 2019, KSSC Workshop Minutes

Chair Fowler referred to the September 18 and 19, 2019, KSSC Workshop minutes. Representative Highberger moved to approve the minutes and Stacey Donovan seconded the motion. The motion carried and the minutes were approved.

Review and Approval of SB 123 Drug Treatment Modalities

Chris Mechler presented the KSSC SB 123 Drug Treatment Committee’s proposed changes to SB 123 drug treatment modalities. Jessica Domme moved to approve the changes and Vice Chair Sexton seconded the motion. The motion carried.

Creation of a Standing Committee

Chair Fowler discussed the creation of the KSSC Personnel and Compensation Committee. The Committee will be tasked with completing a market rate salary comparison for all KSSC staff members and creating a system for employee grievances. The Committee members include Chair Fowler, Vice Chair Sexton, Stacey Donovan and Shelly Williams. Stacey Donovan was designated as staff liaison.

Review and Discussion of Proposed Legislation

Chair Fowler referred the Commission’s 2020 proposed legislation and reviewed action taken during the September 18 and 19, 2019, KSSC Workshop.

Compassionate Release Policy

Representative Highberger moved to amend language in K.S.A. 22-3729(a)(2) to reflect that a physician could certify an inmate with a terminal illness that was likely to cause death within six months rather than the current 30-day requirement. Stacey Donovan seconded the motion. Jessica Domme, Chris Mechler, Ronald Pauls, Vice Chair Sexton, Jonathan Ogletree, Dan Dunbar, and Secretary Zmuda voted no. The motion failed.

Ronald Pauls moved to amend language in K.S.A. 22-3729(a)(2) to reflect that a physician could certify an inmate with a terminal illness that was likely to cause death within 90 days rather than the current 30-day requirement. Jonathan Ogletree seconded the motion. The motion carried.

Mandatory Minimums for Certain Misdemeanors

Representative Highberger moved to forward KSSC's legislative proposal removing mandatory minimums for certain misdemeanors, to the Kansas Criminal Justice Reform Commission. Chris Mechler seconded the motion. The motion carried.

WRNA Trailer Tool to LSI-R

The Commission discussed the legislative proposal to implement the Women's Risk Needs Assessment Trailer Tool (WRNA) and agreed to withdraw the proposed directive until further study has been completed.

SB 123 Diversion Proposal

Clarification was sought as to the LSI-R criteria that is contemplated to be applied to divertees. Discussion was centered on the use of the current total score (24 or above) or the use of the alcohol/drug subscale score of at least five or more of nine questions to determine eligibility. Shelly Williams asked the KSSC research division to gather data on the two methods and perform a comparative analysis, if possible. It was agreed to revisit the proposal at the November meeting.

2019 HB 2052 – Early Discharge from Probation

Vice Chair Sexton moved to amend the KSSC's 2019 HB 2052 legislative proposal from the September workshop by reinstating the previous removal of the seven days discharge credit per calendar month for probationers that are compliant with their terms and conditions of probation. Senator Haley seconded the motion. Jessica Domme and Chris Mechler voted no. The motion carried.

Agency Report

Executive Director Schultz provided an update on the agency's latest activities since the last meeting and discussed certain proposals made by the Commission during the KSSC Workshop.

Adjournment

Chris Mechler moved to adjourn. Jonathan Ogletree seconded the motion. The motion carried.

The meeting adjourned at 4:55 p.m.

The next Sentencing Commission meeting will be November 21, 2019 in the Senate Room of the Jayhawk Tower.