

Minutes of the Kansas Sentencing Commission Zoom Meeting December 17, 2020

The Honorable W. Lee Fowler, Chair, called the Kansas Sentencing Commission (KSSC) Zoom Meeting to order on December 17 at 1:30 p.m.

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
- Spence Koehn, Office of Judicial Administration
- Jefferey Zmuda, Secretary of Corrections
- Mark Dupree, Wyandotte County District Attorney
- Jessica A. Glendening, Third Judicial District Public Defender’s Office
- Pat Colloton, Public Member
- Jermaine Wilson, Public Member
- Shelly Williams, Community Corrections Director

Guests:

Jason Thompson, Revisor of Statutes
Murl Riedel, Legislative Research Department
Ed Klump, KS Association of Chiefs of Police, KS Sheriff’s Association, KS Peace Officers Association
Deisy Saenz, Private Citizen
Chris Esquibel, Kansas Association of Court Services Officers

Staff:

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

Approval of Proposed Agenda

Chair Fowler asked if there were any objections or additions to the agenda. The agenda was approved with no modifications.

Approval of November 19, 2020, KSSC Meeting Minutes

Chair Fowler referred to the November 19, 2020 minutes. Pat Colloton moved to record all votes for the absconder definition proposal. Representative John Barker seconded the motion. The motion carried. As to the absconder definition proposal:

Those voting yes: Vice Chair Sexton, Representative Dennis Highberger, Jonathan Ogletree, Secretary Jefferey Zmuda, Jessica Glendening, Pat Colloton, and Shelly Williams

Those voting no: Chair Fowler, The Honorable Stephen Hill, Senator David Haley, Representative John Barker, Jessica Domme, and Mark Dupree

Those abstaining: Spence Koehn

Review and Discussion of Proposed Legislation

Early Prison Release for Certain Drug Offenders

Pat Colloton asked for a technical correction in New Section 1 subsection (a)(1), where “The length of such probation or assignment **or** a community correctional services program shall be...” should be changed to “The length of such probation or assignment **to** a community correctional services program shall be...”

Secretary Zmuda and Chair Fowler requested two modifications in New Section 1:

(a)(3) – adding the phrase in bold, “Upon release, the district court in which the person was convicted shall have jurisdiction over the person **for all further proceedings.**”; and

(a)(4) – deleting the phrase “, and shall have the authority to initiate revocation of the person at any time for the reasons indicated in subsection (a)(3)”

Vice Chair Sexton moved to approve the bill with the discussed modifications. Jonathan Ogletree seconded the motion. Jessica Domme voted no. The motion carried and the modified bill was approved.

Agency Report

Executive Director Scott Schultz informed the Commission about the recent activities of the staff, including updates on the progress of staff performance reviews, as well as the current progress of the Assessment Selection Committee and the SB 123 Committee and the progress of the budget appeal regarding the salary study raises.

Adjournment

Jonathan Ogletree moved to adjourn. Representative Dennis Highberger seconded the motion. The motion carried.

The meeting adjourned at 2:05 p.m.

The next Sentencing Commission meeting will be Friday, January 22, 2021, in the Senate Room of the Jayhawk Tower.