

**Minutes of the Kansas Sentencing Commission Zoom Meeting  
November 19, 2020**

The Honorable W. Lee Fowler, Chair, called the Kansas Sentencing Commission (KSSC) Zoom Meeting to order on November 19 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:**

Randall Bowman, Kansas Department of Corrections  
Murl Riedel, Legislative Research  
Kim Parker, Kansas County and District Attorneys Association  
Ed Klumpp, KS Association of Chiefs of Police, KS Sheriff’s Association, KS Peace Officers Association  
Carl Reynolds, The Council for State Governments Justice Center  
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. No objections or additions were made. The agenda was approved.

### **Approval of October 22, 2020, KSSC Meeting Minutes**

Chair Fowler referred to the October 22, 2020, meeting minutes. Vice Chair Sexton moved to approve. The Honorable Stephen Hill seconded. The motion carried and the minutes were approved.

### **Review and Discussion of Proposed Legislation**

#### *Codify the Definition Of “Absconder” In Statute*

Pat Colloton moved to amend the proposal by substituting the word “intentionally” rather than “knowingly” and including language to include parole officers. Representative Dennis Highberger seconded. Vice Chair Sexton, Representative Dennis Highberger, Jonathan Ogletree, Secretary Jefferey Zmuda, Jessica Glendening, Pat Colloton, and Shelly Williams voted yes. Chair Fowler, The Honorable Stephen Hill, Senator David Haley, Representative John Barker, Jessica Domme, and Mark Dupree voted no. Spence Koehn abstained from voting. The motion carried and the amended proposal was approved.

#### *Clarifying Concurrent or Consecutive Sentencing for Persons Convicted of New Crimes While on Release for A Felony*

The Commission discussed the previously approved bill to clarify concurrent or consecutive sentencing for persons convicted of new crimes while on release for a felony and the impact on the proposal of the recent *State v. Vaughn* case decided this past summer. No action was taken.

#### *Limiting Total Time on Probation to Twice Original Term*

Jessica Glendening moved to approve the proposal to limit probation times to twice the original term and to send remaining restitution, costs, and fees to collections. Representative Dennis Highberger seconded. The motion carried and the proposed bill was approved.

#### *Expanding SB 123 Substance Abuse Treatment to Nondrug Offenders*

Pat Colloton moved to make funds available to nondrug offenders convicted of nonperson severity levels 7-10, if the offender is eligible via current SB 123 risk assessments. Vice Chair Sexton seconded the motion. The motion carried and the proposal was approved.

#### *Early Prison Release for Certain Drug Offenders*

The Commission discussed how the Prisoner Review Board could release direct commit drug levels 2-5 offenders to probation. The Commission agreed to return with bill language at the next meeting for further review.

### **Review and Approval of Letter to Governor Kelly**

Chair Fowler referred the Commission to the draft of the Letter to Governor Kelly for discussion. Chair Fowler and Jessica Domme asked for modification regarding language relating to the Commission's statutory obligations relating to prison capacity. No objections were made to the amendments.

### **Review and Approval of 2021 KSSC Meeting Dates**

Executive Director Scott Schultz referred the Commission to the handout *2021 KSSC Proposed Meeting Schedule*. Jessica Domme moved to approve the proposed schedule. Representative Highberger seconded. The motion carried and the schedule was approved.

### **KSSC Assessment Selection Committee Update**

Jessica Domme informed the Commission of the progress of the Assessment Selection Committee regarding cutoff scoring for the LS/CMI and the WRNA. She advised the committee needs more time to discuss the assessments and possible policy changes.

### **Agency Report**

Executive Director Scott Schultz informed the Commission about the recent activities of the staff, discussing the presentation to the Joint Committee on Corrections and Juvenile Justice Oversight and that an appeal has been filed with the Division of Budget regarding the salary study.

### **Adjournment**

The Honorable Stephen Hill moved to adjourn. Jonathan Ogletree seconded. The motion carried.

The meeting adjourned at 3:04 p.m.

The next Sentencing Commission meeting will be Thursday, December 17, 2020, in the Senate Room of the Jayhawk Tower.