

Minutes of the Kansas Sentencing Commission Workshop

September 18, 2024

The Honorable Stacey L. Donovan, Vice-Chair, called the Kansas Sentencing Commission (KSSC) Workshop to order on September 18 at 9:20 a.m. at the Topeka Shawnee County Public Library.

Participants:

Members:

- Honorable Benjamin J. Sexton, Chair
- Honorable Stacey L. Donovan, Vice-Chair
- Honorable Stephen D. Hill, Kansas Court of Appeals
- Senator David B. Haley
- Representative Dennis "Boog" Highberger
- Representative Stephen Owens
- Senator Carolyn McGinn
- Mark Keating, Kansas Prisoner Review Board
- Jessica Domme, Kansas Attorney General's Office
- Spence Koehn, Office of Judicial Administration
- Secretary Jefferey Zmuda, Department 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
- Dustin Curry, Private Attorney
- Pam D. Weigand, Douglas County Criminal Justice Services Director

Guests:

Arthur L. Gonzales Jr., Student at Donnelly College, Forklift Operator, Fastenal
Jeremiah Bourgeois, J.D., Judicial Law Clerk, Washington Court of Appeals
Honorable Mary Katherine Huffman, Second District Court of Appeals, Montgomery County, Ohio
Jennifer Roth, Deputy Appellate Defender, Kansas Board of Indigents' Defense
Melissa Waldock, Department of Corrections
Mary Stafford, Department of Corrections
Audrey Cress, Kansas Department of Administration
Jason Thompson, Kansas Office of Revisor of Statutes
Jeff Wagaman, Kearney and Associates

Staff:

- Scott M. Schultz, Executive Director
- Brenda Harmon, Administrative Services Manager
- John Grube, Director of Research
- Jason Lamprecht, Senior Research Analyst
- Elliott Smith, SB 123 Program Director
- Gwyn Harvey, SB 123 Program Consultant
- Trish Beck, Program Auditor
- Chris Lyon, Staff Attorney
- Grazi Gifford, Administrative Specialist
- Francis Givens, Special Projects Manager
- Kim Sage, Finance Manager

Approval of Proposed Agenda

Vice-Chair Donovan asked if there were objections or additions to the agenda. Mark Dupree moved to approve the agenda with no modifications. Pam D. Weigand seconded the motion. The motion carried, and the agenda was approved.

Approval of August 29, 2024, KSSC Meeting Minutes

Vice-Chair Donovan referred to the August 29, 2024, KSSC meeting minutes. Pam D. Weigand moved to approve the minutes. Mark Dupree seconded the motion. The motion carried, and the minutes were approved.

Humanity Hits Home/ Life After Prison

Executive Director Scott Schultz welcomed and introduced the roundtable participants Arthur L. Gonzales Jr., Jeremiah Bourgeois, and Jermaine Wilson.

The participants discussed their challenges after being released from prison and provided information regarding what policymakers can do to make the path easier for formerly incarcerated individuals to be successful. Other topics discussed were:

- Initial challenges
- Limitations of Offender Registration
- Employment
- Education
- Housing
- Personal growth, support
- Future goals

Offender Registration

Executive Director Scott Schultz welcomed and introduced the Honorable Mary Katherine Huffman. Judge Huffman presented, *Is It Worth the Cost? The Efficacy of Registries*. Topics covered were:

- The purpose of offender registration and who is required to register
- Defining evidence-based practices
- The nature of moral panic

- Perceptions of sex offenders
- Sex offender data
- Failing to report
- The Adam Walsh Act and
- Legislative changes based on research and data

Kansas Offender Registration Act: Statutory & Caselaw Overview

Executive Director Scott Schultz welcomed and introduced Jennifer Roth, Deputy Appellate Defender, Kansas Board of Indigents' Defense. Mrs. Roth presented the *Kansas Offender Registration Act*. Topics covered were:

- Statutory expansion and changes to the Kansas Offender Registration Act (KORA) from 1993 to 2022.
- Case law for KORA requirements on adults and children upheld by the Kansas Appellate courts.
- The Offender Registration Supplement of the Journal Entry of Sentencing and
- Recommendations included in the Judicial Council Advisory Committee Report on Sex Offenses and Registrations.

Program Credit – Balancing Second Chances and Justice

Executive Director Scott Schultz introduced and welcomed roundtable participants Melissa Waldock, Corrections Manager III, Kansas Department of Corrections, Mary Stafford, Director, Office of Victim Services, Kansas Department of Corrections and Audrey Cress, Statewide Recruitment Manager, KS Department of Administration and former Programs & Reentry Program Director, Kansas Department of Corrections. Topics covered were:

- Application of Program Credit
- Available Programs
- Advantages of Program Credit
- Challenges and Considerations
- Balancing Rehabilitation and Justice
- Future Directions

Discussion

KSSC members discussed the information presented on the Offender Registration Act, offender good time credit, and offender program credits. Legislative proposals to reduce the prison population were offered for each topic.

Executive Director Scott Schultz referred to two prison bed space impact statements created by staff entitled, *Prison Bed Space Impact Assessment – Offender Registration Repeal* and *Prison Bed Space Impact Assessment – Retroactive Program Credit (D1-D2, N1-N3, and Off grid)*.

KSSC members requested that staff provide additional data and agreed to take no action. Consideration of legislative proposals will be revisited at the October 24, 2024, KSSC meeting.

Adjournment

Representative Dennis "Boog" Highberger moved to adjourn. Pam D. Weigand seconded the motion. The motion carried.

The meeting adjourned at 4:00 p.m.

The next Sentencing Commission meeting will be on Thursday, October 24, 2024.