

Approved April 27, 1989
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Representative Michael O'Neal at
Chairperson

12:30 ~~xxx~~ p.m. on March 29, 19 89 in room 313-S of the Capitol.

All members were present except:

Committee staff present:

Jerry Donaldson, Legislative Research Department
Jill Wolters, Revisor of Statutes Office
Mary Jane Holt, Committee Secretary

Conferees appearing before the committee:

Committee action on S.B. 50 - Establishing the Kansas Sentencing Commission

The Chairman explained the proposed amendments would address the composition of the Sentencing Commission, see Attachment I. The date the Commission would submit its interim report and proposed guidelines was extended to on or before February 1, 1990. It was discussed adding expungement in Sec. I. It was suggested that the Criminal Justice Coordinating Council should be requested to study and make recommendations on the issue of expungement. The Chairman agreed to make the request for the Judiciary Committee.

A motion was made by Representative Walker and seconded by Representative Solbach to adopt the proposed amendments. The motion passed.

Representative Walker moved to report S.B. 50, as amended, favorably for passage. Representative Solbach seconded the motion. The motion passed.

The Committee meeting was adjourned at 1:25 p.m.

[As Amended by Senate Committee of the Whole]

As Amended by Senate Committee

Session of 1989

SENATE BILL No. 50

By Committee on Judiciary

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AN ACT establishing the Kansas sentencing commission; providing for the recommendation of sentencing guidelines and other matters relating to criminal justice.

Be it enacted by the Legislature of the State of Kansas:

Section 1. There is hereby established the Kansas sentencing commission. The commission shall develop a sentencing guideline model or grid based on fairness and equity and shall provide a mechanism for linking justice and corrections policies. The sentencing guideline model or grid shall establish rational and consistent sentencing standards which reduce sentence disparity and shall specify the circumstances under which imprisonment of an offender is appropriate and a fixed presumed sentence for offenders for whom imprisonment is appropriate, based on each appropriate combination of reasonable offense and offender characteristics. In developing its recommended sentencing guidelines, the commission shall take into substantial consideration current sentencing and release practices and correctional resources, including but not limited to the capacities of local and state correctional facilities. *In its report, the commission shall make recommendations regarding whether there is a continued need for and what is the projected role of, if any, the Kansas parole board and whether the policy of allocating good time credits for the purpose of determining an inmate's eligibility for parole or conditional release should be continued.*

Sec. 2. (a) The Kansas sentencing commission shall consist of 15 members, as follows:

(1) The chief justice of the supreme court or the chief justice's designee;

, to include, but not be limited to, racial and regional biases which may exist under current sentencing practices. The guidelines

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47 (2) ~~two~~ district court judges appointed by the chief justice of the
48 supreme court;

49 (3) *the attorney general or the attorney general's designee;*

50 (4) one public defender appointed by the governor;

51 (4) (5) one county attorney or district attorney appointed by the
52 governor;

53 (5) (6) the secretary of corrections or the secretary's designee;

54 (6) (7) the chairperson of the Kansas parole board or such chair-
55 person's designee;

two

56 (7) ~~three~~ (8) ~~four~~ members of the general public, *at least one*
57 *of whom shall be a member of a racial minority group*, appointed
58 by the governor;

59 (8) (9) ~~a sheriff appointed by the attorney general;~~

(9)

60 (9) (10) ~~a director of a community corrections program appointed~~
61 by the governor; ~~and~~

62 (10) (11) ~~the commissioner of youth services of the department~~
63 ~~of social and rehabilitation services.~~

(10) a court services officer appointed by the
governor; and

64 (b) The governor shall appoint a chairperson. The commiss.
65 shall elect any additional officers from among its members necessary
66 to discharge its duties [*not more than 4 members of the commission*
67 *appointed by the Governor shall be of the same political party*].

(11) four members of the legislature, of which one
shall be appointed by the president of the senate,
one shall be appointed by the minority leader of the
senate, one shall be appointed by the speaker of the
house of representatives, and one shall be appointed
by the minority leader of the house of representatives

68 (c) The commission shall meet upon call of its chairperson as
69 necessary to carry out its duties under this act.

70 (d) Each appointed member of the commission shall be appointed
71 for a term of two years and shall continue to serve during that time
72 as long as the member occupies the position which made the member
73 eligible for the appointment. Each member shall continue in office
74 until a successor is appointed and qualifies. Members shall be eligible
75 for reappointment, and appointment may be made to fill an unex-
76 pired term.

three

77 (e) Each member of the commission shall receive compensation,
78 subsistence allowances, mileage and other expenses as provided for
79 in K.S.A. 75-3223, and amendments thereto, except that the public
80 members of the commission shall receive compensation in the
81 amount provided for legislators pursuant to K.S.A. 75-3212, *and*
82 amendments thereto, for each day or part thereof actually spent
83 commission activities.

84 Sec. 3. The Kansas sentencing commission shall appoint an ex-
85 ecutive director and such staff as is necessary to perform such duties
86 as directed by the commission. The staff of the commission shall be
87 in the unclassified service under the Kansas civil service act and
88 shall receive compensation fixed by the commission with the approval
89 of the governor. The staff shall receive reimbursement of all actual
90 and necessary expenses incurred in the performance of its official
91 duties.

92 Sec. 4. The Kansas sentencing commission shall submit its in-
93 terim report and ~~recommended~~ guidelines to the legislature on or ~~or~~ proposed
94 before ~~January 8, 1990~~. A final report and recommended guidelines ~~on or~~ February 1,
95 shall be submitted on the commencement of the 1991 legislative
96 session.

97 Sec. 5. In addition to its duties under sections 1 and 4, the
98 Kansas sentencing commission shall receive, administer and expend
99 any funds available to carry out the purposes of this act.

100 Sec. 6. This act shall take effect and be in force from and after
101 its publication in the Kansas register.

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