

Approved 2-22-89
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Senator Wint Winter, Jr. at
Chairperson

10:00 a.m./~~p.m.~~ on February 15, 1989 in room 514-S of the Capitol.

All members were present ~~except~~: Senators Winter, Yost, Moran, Bond, Feleciano, Gaines, D. Kerr, Martin, Morris, Oleen, Parrish, Petty and Rock.

Committee staff present:

Mike Heim, Legislative Research Department
Gordon Self, Revisor of Statutes
Jane Tharp, Committee Secretary

Conferees appearing before the committee:

J. Kenneth Hales, Shawnee County Community Corrections
Elwaine Pomeroy, Kansas Parole Board

The chairman requested a bill be introduced concerning county law libraries. Following his explanation, Senator Parrish moved the bill be introduced. Senator Feleciano seconded the motion. The motion carried.

Senate Bill 49 - Requiring counties to participate in community corrections on judicial district bases.

Senate Bill 50 - Establishing the Kansas sentencing commission.

J. Kenneth Hales, Shawnee County Community Corrections, testified repealing Section 75-5293 inhibits the expansion of the Community Corrections Act. It would help efforts to expand community corrections if the ability of nonparticipating counties to contract for Community Corrections Act. A copy of his testimony is attached (See Attachment I). A committee member inquired where is the language that takes out the advisory board? Mr. Hales replied there is no language that takes out the advisory board. That is what is confusing. The committee member requested staff to prepare language for the committee for when the committee works the bill. The chairman stated he would appoint an ad hoc committee to work on the bills. A committee member asked how he felt with the concept of transferring from the Department of Corrections to Judiciary Department? Mr. Hales replied I don't have any particular concern. The committee member inquired what is your success in using the back door by the department of corrections of the community corrections programs? Mr. Hales replied, every community is different and has different values. If that is satisfactory with community corrections. None of these programs have been agreed to by the departments. A committee member inquired you don't want a grant system, you want an entitlement system? Mr. Hales replied yes. Considerable committee discussion was held concerning the back door program.

Elwaine Pomeroy, Kansas Parole Board, testified on Senate Bill 50. He testified the state must continue the multi-faceted approach. There is no simple solution to complex problems. I am happy to get out of the program business. With the implementation of the program agreement some of the existing problems will be taken care of. Senate Bill 50 is a possible alternative. It is going to be difficult to do the research. A lot of policy decisions are going to have to be made. Do we abandon rehabilitation from the statutes? In K.S.A. 22-3717 (e)(2), is that still the desired policy? Input from victims, is part of the picture that we look at. I support methods of letting victims know when public hearings are held. He testified if the legislature is concerned

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
room 514-S, Statehouse, at 10:00 a.m./~~p.m.~~ on February 15, 1989

Senate Bill 49 and Senate Bill 50 - continued

about prison capacity, amend the statute and say what we are to consider. A committee member inquired if the statute says that, do you think that might work? Nothing else has worked. Why do you think that would change behavior of people on the parole board? Chairman Pomeroy replied because of what the statute says and that is not one of the things it says we should consider. That is not going to be the only thing. I am not advocating this. You have to continue to look at all aspects. Creating sentencing is not going to do all of it. The committee member stated building new prisons will not solve the problem. Chairman Pomeroy replied that is right. That is not going to be the answer. A copy of Chairman Pomeroy's handout is attached (See Attachment II).

The chairman announced he will appoint the ad hoc committee tomorrow.

The meeting adjourned.

Copy of guest list is attached (See Attachment III).

Copy of testimony of Ted Heim is attached (See Attachment IV).

Copy of Memorandum regarding Prison Population Profile is attached (See Attachment V).

Copy of testimony from Mark A. Matese is attached (See Attachment VI).

Copy of an editorial Sentencing Guidelines Needed is attached (See Attachment VII).

Copy of tables showing Inmate Characteristics is attached (See Attachment VIII).

Copy of the fiscal note for Senate Bill 50 is attached (See attachment IX).

GUEST LIST

COMMITTEE: SENATE JUDICIARY COMMITTEE

DATE: 2-15-89

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Jon Bray	Topeka	Lifeline West
Jim Clark	Topeka	KCDAA
Michal A. Kess	Topeka	KPB
Jan Johnson	Topeka	DOC
Kirby L. Stegman	Topeka	Div. of Budget
Betsy Shuby	"	Inter
Clarence B. Pomeroy	Topeka	Ka. State Tel
R.G. Frey	TOPEKA	KTHA
Shelly Topham	Haysville	
Paula Ann Heathouse	Lawrence	Antenn
Kari Sorensen	Haysville	
Pat Davis	Topeka	Shannon County Collectors
Joe Ruszkowitz	Kansas City	Wyandotte County Community Center
ZEO Helm	WASHINGTON U. TOPEKA 66621	SHANNON COUNTY COMMUNITY CENTER
Paul Klitz	TOPEKA	Assoc. of CMHC's
Deleg. Stephens		KPOA
Phil Magruder	, ,	KAESO
Maria Matu	DCCC Lawrence	DCCC
John Torbert	Topeka	KAC
Paul Zuer	Lawrence	Sen. Winter
Alan Steppat	Topeka	Pat McGill's Associates
M. Kozal	Topeka	Trifecta's
Krishna Konjeti	Leawood	Leawood Middle School
Blake Marc Kay	Leawood	LMS

COMMENTS BEFORE THE SENATE JUDICIARY COMMITTEE
FEBRUARY 15, 1989

REFERENCE: SENATE BILL 49

FROM: J. Kenneth Hales, Administrator
Shawnee County Community Corrections

On behalf of Earl Hindman and the Shawnee County Department of Corrections, I thank the Committee for allowing me to comment on Senate Bill 49. In reviewing the Bill there are two concerns which I wish to identify.

First is the repealing of Section 75-5293. This section allows for planning funds for advisory boards to develop their initial comprehensive plan. Planning funds are a portion of the counties entitlement which are made available so that the comprehensive planning expenses can be met. Unless I misread the Bill, grant funds are not available to a local program until its plan is approved. Without planning funds newly developed advisory boards will be without resources to meet planning expenses, to hire staff or consultants. Local advisory boards would be powerless to develop their own plan. For programs to be successful they must have local support. To garner this support the local communities, through their advisory boards, must be able to develop their own plan. Technical assistance from the State Department of Corrections is necessary. However, it would be contrary to the intent of the Act and successful implementation of local programs if the State Department of Corrections were to prescribe the comprehensive plans for the local communities. In my opinion, repealing Section 75-5293 inhibits the expansion of the Community Corrections Act.

In following the discussions of the Coordinating Counsel on Criminal Justice, it is my understanding that the intent of this Bill is to make community corrections programs available to all local communities and courts. The Bill is not intended to impact current programs or current expansion efforts made possible through Senate Bill 457. Specifically, Shawnee County has developed a plan with the four counties (Pottawatomie, Jefferson, Jackson and Wabaunsee) of the 2nd Judicial District to extend Community Corrections Act services to those counties. Does Senate Bill 49 continue to allow for non-participating counties to contract with participating counties for the provision of Community Corrections Act services; or does it require the District to establish its own independent program? The purpose of Section 75-52,107(b) is to make it easier and quicker for non-participating counties to get Community Corrections Act services. It does not prevent other counties from entering the Act as their own program. However, it allows them to bypass some of the initial planning and advisory board development if they are able to meet the communities needs by contracting with an existing program. Section 75-52,107 is not amended or repealed. However, new Section 1 in Senate Bill 49 would appear to be at cross purpose with Sub-section 107, paragraph b.

In my opinion it would help efforts to expand community corrections if the ability of non-participating counties to contract for Community Corrections Act services from participating counties were made more clear and reinforced. I recommend that language

Attachment I
JKH
2-15-89

be included that clearly specifies that non-participating counties may, by simple resolution, choose not to form an advisory board and develop a comprehensive plan. That the non-participating county or counties may enter into agreement for services from a participating program and that the entitlement funds of the non-participating county shall be available to the participating county for the provision of said services. I believe this ability to piggy-back onto existing programs is extremely well suited for extending Community Corrections Act services to the smaller communities. This provision allows each local community another set of potential solutions to meet their correctional needs. Specifically, they may choose to form an advisory board and develop their own plan or the local commissions may enter into an agreement with an existing program.

Thank you for your attention on this matter.

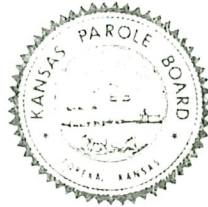
Elwaine F. Pomeroy
Chairman

Frank S. Henderson, Jr.
Vice-Chairman

Joan M. Hamilton
Member

Carla J. Stovall
Member

George Rogers
Member



Micah A. Ross
Director

Sandra K. Smith
Assistant Director

KANSAS PAROLE BOARD
LONDON STATE OFFICE BUILDING
900 JACKSON STREET, 4TH FLOOR
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OUTLINE OF REMARKS

By Elwaine F. Pomeroy
Chairman, Kansas Parole Board
Senate Judiciary Committee

February 15, 1989

We must continue multi-faceted approach

There is no magic wand

No simple solution to complex problems

Some of 1988 changes are just beginning

Program agreements - K.S.A. 75-5210a - attached

DOC will know programs required

Inmates will know programs required

Confusion between pass reasons and recommendations - see attached copy of letter

Professor Gottlieb was not aware of broadening of program agreements

It is necessary to look at possible alternatives

Sentencing guidelines bill - SB 690, 1982 Session

Judicial Council study and report

1984 - HB 3125 passed, vetoed by governor

SB 50 will need to be fully funded

Research will be complicated

Kansas has "generic" crimes

Attachment II
Senate Judiciary
2-15-89

Capable, knowledgeable staff will be required

Not all decisions should be made before study

Legislature must be aware that policy decisions must be made

Do we want to abandon rehabilitation?

Do we want only "Just Deserts"?

Do we want only "General Deterrence"?

Do we want only "Incapacitation"?

Do we want some limitation on prison expansion?

Examine closely KSA 22-3717 (e)(2)

Is that still the desired policy?

Also look at KSA 22--3717 (f)

Are there other matters you want KPB to consider?

Do you want us to consider prison capacity?

If you do, list it in the statute

If you don't, don't expect KPB to consider it

KPB work load drastically increased

FY 1984, parole decisions involving 1,735 inmates

	Inmate-Decisions	Parole		Pass		Continue	
FY 1985	2,325	1,137	49%	985	42%	203	9%
Fy 1986	2,718	1,382	51%	1,056	39%	280	10%
FY 1987	3,072	1,327	43%	1,449	47%	296	10%
FY 1988	3,945	1,765	44.7%	1,541	39.1%	639	16.2%
Half 1989	2,414	1,165	48.3%	814	33.7%	435	18%

SB 50 is a step to look at possible modification

Don't expect a miracle

Determinate sentencing cited as greatest single cause of nation-wide prison growth

Determinate sentencing was cause of uproar in California - Singleton case

Determinate sentencing does away with victim input on releases

institution from which such inmate is transferred. No inmate shall receive treatment at the state security hospital after expiration of the inmate's sentence. If the inmate shall be in need of continued treatment for mental illness at the expiration of the inmate's term of confinement, an application to obtain such treatment for the inmate shall be filed pursuant to the treatment act for mentally ill persons.

Any inmate transferred to the state security hospital pursuant to this section may correspond freely, without censorship, with any person, except that any such incoming correspondence or parcels may be opened and examined for the purpose of intercepting any items which the superintendent of such institution has declared to be contraband.

History: L. 1973, ch. 339, § 9; L. 1975, ch. 474, § 1; L. 1986, ch. 211, § 38; July 1.

Attorney General's Opinions:

Department of corrections; placement and evaluation of female offenders. 88-67.

CASE ANNOTATIONS

1. Cited; jail time credit (21-4614) while in community corrections facility on probation, authority to commit discussed. *State v. Fowler*, 238 K. 326, 335, 710 P.2d 1268 (1985).

75-5210.

CASE ANNOTATIONS

3. Cited; jail time credit (21-4614) while in community corrections facility on probation, authority to commit discussed. *State v. Fowler*, 238 K. 326, 335, 710 P.2d 1268 (1985).

75-5210a. Program agreements between secretary and inmate; completion of certain programs to be prepared for release on parole; notice to parole board. (a) Within a reasonable time after a defendant is committed to the custody of the secretary of corrections, the secretary shall enter into a written agreement with the inmate specifying those educational, vocational, mental health or other programs which the secretary determines the inmate must satisfactorily complete in order to be prepared for release on parole. The agreement shall be conditioned on the inmate's satisfactory conduct, employment and attitude while incarcerated. If the secretary determines that the inmate's conduct, employment, attitude or needs require modifications or additions to those programs which are set forth in the agreement, the secretary shall revise the requirements. The secretary shall agree that, when the inmate satisfactorily completes the programs required by the agreement, or any

revision thereof, the secretary shall report that fact in writing to the Kansas parole board. If the inmate becomes eligible for parole before satisfactorily completing such programs, the secretary shall report in writing to the Kansas parole board the programs which the inmate must yet satisfactorily complete.

(b) A copy of any agreement and any revisions thereof shall be entered into the inmate's record.

History: L. 1988, ch. 115, § 6; May 19.

75-5211. Inmate employment and training; withdrawals from pay; assistance upon release. (a) The secretary of corrections shall provide programs of employment, work, educational or vocational training for those inmates whom the secretary determines are available, willing and able to participate and are capable of benefiting therefrom. Equipment, management practices and general procedures shall, to the extent possible, approximate normal conditions of employment. Such work week may include schooling, vocational training, employment at private industry, treatment or other activities authorized by the secretary. For all purposes under state law, no inmate shall be deemed to be an employee of the state or any state agency. The secretary of corrections shall credit to each inmate as a reward for such employment, an amount which shall be set by the governor but shall not be less than \$.25 per day. Any inmate who is gainfully employed under the work release provisions of K.S.A. 75-5267 and 75-5268, and amendments thereto, or who is gainfully employed by a private business enterprise operating on the grounds of a correctional institution under K.S.A. 75-5288 and amendments thereto, or any other private business at which inmates are permitted to be gainfully employed, and any inmate who is incarcerated at the Kansas reception and diagnostic center for the purpose of receiving diagnosis and any inmate on disciplinary segregation status shall not be eligible to receive compensation as provided in this subsection.

(b) The secretary of corrections shall establish programs and prescribe procedures for withdrawing amounts from the compensation paid to inmates from all sources for the same purposes as are prescribed by K.S.A. 75-5268 and amendments thereto for moneys of work release participants, except that any inmate employed in a private industry program, other than work release, shall, in addition to the deductions specified in K.S.A. 75-5268 and

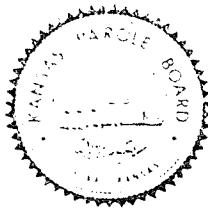
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Micah A. Ross
Director

Sandra K. Smith
Assistant Director

February 2, 1989

P.O. Box #2
Lansing, Kansas 66043

Dear Mr. :

We have received your letter of January 5, 1989, and also a letter received in our office on January 18, 1989 from . Both your letter and the letter from state that you have been passed three times since September 1986 for mental health counseling. That is not correct.

On August 27, 1986, you were seen for a parole revocation hearing, at which time your parole was revoked, and you were passed to February 1987. The reason that your parole was revoked and you were passed to February 1987 was that you admitted that on June 9, 1986, you engaged in assaultive activities against a law enforcement officer in Hutchinson. There also was an allegation that you had consumed alcohol to excess on June 9, 1986. Having made the decision that you should serve time until February 1987, we recommended that you participate in substance abuse counseling.

We did not see you in February, 1987, because prior to your hearing, you escaped from the Winfield Pre-Release Center. You and other inmates escaped and stole a truck, and were involved in a highspeed chase. You were convicted of that escape. The board then passed you until May 1988, because you had committed new crimes while incarcerated.

You were next seen on May 23, 1988. You had accumulated six disciplinary reports, including two for hooch, disobeying a direct order, and at least one for disorderly conduct. You said that you didn't use the hooch, you just sold it. The decision was to pass you to January 1989. The reasons for the decision to deny your parole and pass you were your disciplinary infractions and objections that had been received concerning your parole. Having made the decision to pass you to January, 1989, we recommended that you receive mental health counseling, and attend AA and NA.

You were last seen on December 28, 1988. At that time, you were passed to October, 1989. The reason for your pass was again because of your disciplinary reports. Your disciplinary infractions included serious ones such as threatening, dangerous contraband, disrespect, and disobeying orders. The dangerous contraband was razor blades. The threatening involved your saying "Do you mean I gotta cut his throat before you move me". Having made the decision to pass you to October 1989 because of your disciplinary infractions, we recommended that you participate in mental health counseling and AA/NA.

At no time have you been passed because of a desire for you to obtain mental health counseling. You have been passed because your behavior has been deplorable while incarcerated. You have committed new crimes while incarcerated. You have had serious disciplinary infractions. Kansas law provides that an inmate should be paroled only when the Kansas Parole Board believes that the inmate is able and willing to assume the obligations of a law abiding citizen. Your actions certainly indicate that either you are not able, or are not willing, to be a law abiding citizen. If you are unable to change your behavior without counseling, we hope that you can participate in counseling to assist you in changing your behavior.

Sincerely,

Elwaine F. Pomeroy
Chairman

EFP:ams
cc:

Unit Team

inmate's parole or conditional release had been violated for reasons other than conviction of a crime.

(e) Subject to the provisions of this section, the Kansas parole board may release on parole those persons confined in institutions who are eligible for parole when: (1) The board believes that the inmate should be released for hospitalization, for deportation or to answer the warrant or other process of a court and is of the opinion that there is reasonable probability that the inmate can be released without detriment to the community or to the inmate; or (2) the secretary of corrections has reported to the board in writing that the inmate has satisfactorily completed the programs required by any agreement entered under K.S.A. 75-5210a, or any revision of such agreement, and the board believes that the inmate is able and willing to fulfill the obligations of a law abiding citizen and is of the opinion that there is reasonable probability that the inmate can be released without detriment to the community or to the inmate. Parole shall not be granted as an award of clemency and shall not be considered a reduction of sentence or a pardon.

(f) The Kansas parole board shall hold a parole hearing during the month prior to the month an inmate will be eligible for parole under subsections (a), (b) and (c). If granted parole, the inmate may be released on parole on the date specified by the board, but not earlier than the date the inmate is eligible for parole under subsections (a), (b) and (c). At each parole hearing and, if parole is not granted, at such intervals thereafter as it determines appropriate, the Kansas parole board shall consider: (1) Whether the inmate has satisfactorily completed the programs required by any agreement entered under K.S.A. 75-5210a, or any revision of such agreement; and (2) all pertinent information regarding such inmate, including, but not limited to, the circumstances of the offense of the inmate; the presentence report; the previous social history and criminal record of the inmate; the conduct, employment, and attitude of the inmate in prison; and the reports of such physical and mental examinations as have been made.

(g) Within a reasonable time after an inmate is committed to the custody of the secretary of corrections, a member of the Kansas parole board, or a designee of the board, shall hold an initial informational hearing with such inmate and other inmates.

(h) Before ordering the parole of any in-

mate, the Kansas parole board shall have the inmate appear before it and shall interview the inmate unless impractical because of the inmate's physical or mental condition or absence from the institution. Every inmate while on parole shall remain in the legal custody of the secretary of corrections and is subject to the orders of the secretary. Whenever the Kansas parole board formally considers placing an inmate on parole and no agreement has been entered into with the inmate under K.S.A. 75-5210a, the board shall notify the inmate in writing of the specific reasons for not granting parole. If an agreement has been entered under K.S.A. 75-5210a and the inmate has not satisfactorily completed the programs specified in the agreement, or any revision of such agreement, the board shall notify the inmate in writing of the specific programs the inmate must satisfactorily complete before parole will be granted. If parole is not granted only because of a failure to satisfactorily complete such programs, the board shall grant parole upon the secretary's certification that the inmate has successfully completed such programs. If an agreement has been entered under K.S.A. 75-5210a and the secretary of corrections has reported to the board in writing that the inmate has satisfactorily completed the programs required by such agreement, or any revision thereof, the board shall not require further program participation. However, if the board determines that other pertinent information regarding the inmate warrants the inmate's not being released on parole, the board shall state in detail the specific reasons for not granting the parole. If parole is denied for an inmate sentenced for a crime other than a class A or class B felony, the board shall hold another parole hearing for the inmate not later than one year after the denial. If parole is denied for an inmate sentenced for a class A or class B felony, the board shall hold another parole hearing for the inmate not later than three years after the denial and shall conduct an annual file review for such inmate. Written notice of such annual file review shall be given to the inmate.

(i) Parolees shall be assigned, upon release, to the appropriate level of supervision pursuant to the criteria established by the secretary of corrections.

(j) The Kansas parole board shall adopt rules and regulations in accordance with K.S.A. 77-415 *et seq.*, and amendments thereto, not inconsistent with the law and as

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Remarks to Senate Judiciary Committee, February 15, 1989

I am Ted Heim and I appreciate the opportunity to comment on Senate Bill 49 as a member of the Shawnee County Corrections Advisory Board, a Board that I have served on since the Community Corrections Act took effect in 1978.

I had been informed that the State Department of Corrections, again this year, had proposed replacing the entitlement formula for allocation of funds to Community Corrections counties with a grant system with annual amounts to be determined by the Department. Those I work with in Community Corrections consider the entitlement formula in the Community Corrections Act essential to maintain the State and local partnership that, we believe, has made Community Corrections in Kansas successful and I wanted to oppose modification of that provision. I am pleased to learn that the Department of Corrections has decided not to propose change in the entitlement formula for allocation of funds to the counties this year so I will not comment further on that issue which I know was considered by the Legislature last year.

As a member of the two recent State Advisory Committees on Prison Overcrowding, I certainly recognize the need to expand the reach of Community Corrections programs within the State. From a standpoint of fairness, I believe that it would be difficult to argue that all eligible persons throughout the State should not have the opportunity to be considered for placement in an appropriate Community Corrections program. Yet, there have been unique advantages to providing for voluntary participation by local governments in Community Corrections programs. I would note that the Community Corrections Technical Assistance Manual published by the American Correctional Association describes "Voluntary participation on the part of localities" as one of the "Essential Elements" of Community Corrections legislation. (Community Corrections Act: Technical Assistance Manual, American Correctional Association, 1981, pp. 13-14.)

In the first years of the Community Corrections Act, those of us working in local programs were pleased with the gradual expansion of participation through the more populated counties in the State. Development of a comprehensive community corrections plan was not an easy task and that planning process was complicated by the chargeback formula that existed until the Legislature removed that "disincentive" provision last year. Those of us working in Community Corrections had hoped that the repeal of the chargeback provision would bring about greater participation by counties. For some reason, this expanded participation has not occurred.

Before adopting any sort of mandate, I would recommend that the Legislature consider providing an additional opportunity for local units to come into the Community Corrections program on a voluntary basis. Some programs, with active technical assistance from the State Department of Corrections, would choose to develop their own plans. Others, such as the Second Judicial District, might opt to work with an existing Community Corrections program to provide basic correctional services through a contractual basis.

Attachment IV
Senate Judiciary

2-15-89

Specifically, I would hope that the Legislature would consider a delay of the effective date for mandatory community corrections coverage or participation to at least July 1, 1990. During that period, the Department of Corrections could be directed to provide expanded technical assistance to counties in the development of comprehensive plans. To encourage voluntary participation to the maximum extent possible, I think that it is essential that the Community Corrections Act provisions for the allocation of planning grants to local governments be continued.

I would agree that after an aggressive effort to bring as many programs as possible into Community Corrections on a voluntary basis some action will be necessary to extend correctional services to those areas that have chosen not to participate. Frankly, after over a decade of participation in a program in which counties have had the option both of getting in and getting out, I have difficulty with the concept of mandating local governments to participate in the State-local partnership. My own preference would be to retain the voluntary basis for the development of comprehensive community corrections plans at the local level. After a reasonable period of time for new counties and/or judicial districts to come into the Act, I would think that it would be appropriate for the State to provide basic community correctional services -- intensive supervised probation and contractual arrangements for work-release placement-- for areas that have not voluntarily adopted community corrections plans. I would think that the State Department of Corrections could be authorized to develop such services for "the balance of the State" using the funds that would have been allocated to those areas under the entitlement provisions of the Community Corrections Act.

Regardless of whether counties in judicial districts are mandated to participate in community corrections or a State administered program for the balance of the State is adopted, I do think that it is important to provide additional time and planning assistance for local governments to enter the program on a voluntary basis.

KANSAS LEGISLATIVE RESEARCH DEPARTMENT

Room 545-N – Statehouse

Phone 296-3181

February 13, 1989

TO: Senator Wint Winter

Office No. 120-S

RE: Prison Population Profile

Since June 30, 1978 through 1988 the total inmate population in Kansas Correctional Facilities increased from 2,300 to 6,013. According to the Department of Corrections (DOC) Statistical Profile the new admissions population reflects several characteristics. Among these are the fact that more offenders are in the younger age group. More offenders are convicted of less serious offenses, fewer offenders have prior felony convictions and fewer offenders have prior felony incarcerations. The Department notes that offenders with more serious offenses, extensive criminal histories, and longer sentences tend to accumulate in the prison population.

In 1978, repeat violent offenders comprised 24.6 percent of the prison population and first time violent offenders made up 28.5 percent of the resident inmate population. (See Attachment I.)

In fiscal year 1980, the data is broken down in a different manner but shows that class A felony offenses were committed by 4 percent of the prison population whereas class B felony offenses were committed by 28 percent of the inmates and 17 percent were convicted of class C felonies. (See Attachment II.)

By FY 1987 and FY 1988 these figures are reflected in the following table.

<u>Felony Class of Most Serious Current Offense</u>	<u>Total Inmate Population</u>			
	<u>FY 1987</u>		<u>FY 1988</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
A	388	7%	412	7%
B	1,363	25	1,446	24
C	1,358	24	1,510	26
D	1,628	30	1,695	29
E	767	14	823	14
TOTAL	5,504	100%	5,886	100%
Unknown	82	--	133	--

Notably, the percentage rate for class A felony convictions in FY 1987 and FY 1988 is 7 percent. Class B felony convictions show 25 percent apply to total inmate population for FY 1987. This figure for FY 1988 is 24 percent. Class C felony offenders

*Attachment V
Senate Judiciary
2-15-89*

for FY 1987 convictions reflect 24 percent while FY 1988 shows 26 percent of the inmates fall into this category.

An excerpt, included below, from a February 1989 DOC presentation on population trends shows a breakdown by specific crimes comparing the years 1983 and 1988.

<u>Crimes Against Persons</u>	<u>1983</u>	<u>1988</u>
Murder	368	528
Manslaughter	86	116
Vehicular Homicide	0	18
Kidnapping (including aggravated)	198	310
Aggravated Battery	169	306
Aggravated Robbery	506	733
Robbery	196	273
Aggravated Burglary	43	132
Aggravated Assault	76	145
Aggravated Arson	8	19
Rape	127	253
Aggravated Sexual Battery	0	81
Aggravated Sodomy	60	141
Aggravated Indecent Liberties with a Child	1	14
Indecent Liberties with a Child	61	295
Aggravated Incest	9	57
Sexual Exploitation of a Child	1	3
Aggravated Indecent Solicitation of a Child	3	9
Enticement of a Child	4	11
Abuse of a Child	7	20
Promoting Sexual Performance of a Minor	0	2
Contributing to Misconduct or Deprivation/Child	0	2
Subtotal	<u>1,926</u>	<u>3,468</u>
Percent of Total Population	57.4%	57.7%
<u>Drug Offenses</u>	<u>142</u>	<u>477</u>
Total -- Selected Offenses	2,068	3,945
Total -- All Inmates	3,353	6,013
Percent of Total Population	61.7%	65.6%

Note. All counts include attempts, conspiracy, and solicitation.

Prepared 1-27-89 by Kansas Department of Corrections, Information Systems and Research Services Unit.

Of these crimes listed for the 1983 figures there are a total of 1,926 inmates or 57.4 percent of the total population involved. For 1988 this figure is 3,468 or 57.7 percent of the total population. In raw numbers these figures show an increase of 1,542 prisoners in the system. However, if one looks at the percentage of the total inmate population, the percentage figures remain fairly consistent.

I hope this information proves useful to you.



Jerry Ann Donaldson
Principal Analyst

JAD/sls

Enclosures

KANSAS DEPARTMENT OF CORRECTIONS

Analysis by Type of Offender
Resident Inmate Population on June 30, 1978

	Violent Offenders		Non-Violent Offenders		Total
	Repeaters	First Offenders	Repeaters	First Offenders	
KSP	418	234	241	60	953
KSIR	107	338	173	272	890
KCVTC	0	2	30	112	144
KRDC	13	17	30	49	109
KCIW	6	26	23	42	97
IHC	14	22	12	4	52
RC	1	0	7	5	13
TWRC	4	7	3	5	19
WWRC	<u>1</u>	<u>9</u>	<u>6</u>	<u>2</u>	<u>18</u>
Total	564	655	525	551	2,295
Percentage	24.6%	28.5%	22.9%	24.0%	100.0%

This table reflects the number of repeaters and first offenders incarcerated for violent and non-violent offenses. For this analysis, violent offenders were inmates committed for person offenses.

Table 18

Kansas Department of Corrections
 Felony Class of Most Serious Current Offense, by Facility:
 June 30, 1980 Population

Felony Class	Totals (All Facilities)	Facility of Confinement						
		<u>KSP</u>	<u>KSIR</u>	<u>KCVTC</u>	<u>KRDC</u>	<u>KCIW</u>	<u>THC</u>	<u>WR</u>
Totals (All Classes): N	2351	985	848	157	110	92	54	105
<hr style="border-top: 1px dashed black;"/>								
	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>	<u>%</u>
A	9	15	7	0	0	8	11	2
B	28	35	28	0	7	15	56	17
C	17	19	18	4	19	22	11	17
D	38	24	40	82	63	41	22	58
E	<u>8</u>	<u>7</u>	<u>7</u>	<u>14</u>	<u>11</u>	<u>14</u>	<u>0</u>	<u>6</u>
Totals (All Classes): %	100	100	100	100	100	100	100	100

Missing observations = 55.

TO: Senate Judiciary Committee
FROM: Mark A. Matese, Director, Douglas County Community Corrections
RE: TESTIMONY ON SB 49 AND RECOMMENDATIONS TO EXPAND
USE OF COMMUNITY CORRECTIONS ACT (CCA) PROGRAMS
DATE: February 15, 1989

Current CCA programs have provided assistance to the serious prison crowding problems of the State for over eight years. The impact of programs has been substantial in admitting over 4200 juvenile and adult offenders between State FY84 and FY88. The programs have improved local correctional services thereby providing long range planning for working locally with offenders that would otherwise be in state correctional facilities. The crowding problem would be compounded and Kansas would have an even larger demand for prison beds without the assistance of current CCA programs.

The essence of SB49, expansion of CCA programming to cover the State, was similarly requested by the Kansas Community Corrections Association (KCCA) and Directors at the Special Interim Committee on Federal and State Affairs hearings during the summer of 1987. The outcome of these hearings, provided programs the mechanisms, considered possibilities for covering more of the populations of Kansas and to essentially have more of a statewide impact. Legislation was introduced by the Committee-SB457, which passed during the 1988 legislation and provided for:

- 1) Long term financial stability of CCA programs
- 2) Contracting for CCA services with surrounding counties

*Attachment VI
Senate Judiciary
2 - 15 - 89*

- 3) Contracting with the Secretary of Corrections for CCA services
- 4) Eliminated the narrow scope of the target population (for both adults and juvenile populations) and
- 5) Allowed for the KDOC to transfer funds between CCA Programs.

The 1988 Legislature also provided approximately 1.5 million dollars for expansion of CCA Programs. These provisions could impact CCA Programs if they were being implemented and promoted.

Taking these factors into account, it appears that the current CCA provides more opportunity than the State is currently taking advantage of. I'd like to review several recommendations for your consideration. They are:

- 1) Continue growth in traditional front-end services as indicated in the last eight years of CCAs. Has provided a bargain in the correctional crisis and must continue to be allowed.
- 2) Contracting with surrounding, contiguous areas in a volunteer way could cover much of the remainder of the State;
- 3) KDOC contracting with CCA services for other counties prison bound and existing populations (Re-entry);
- 4) More clearly defining the target population of CCA's;
- 5) Passing Legislation similar to presumptive probation for first time E felons (i.e. presumptive community corrections for 1st and 2nd time C,D and E felony offenders)

If the State implements sentencing guidelines, the target populations could be controlled into CCAs. Introducing an empirically

based risks and needs assessment tool into the Presentence Investigation process could also control the offender flow into CCAs and therefore out of state facilities .

Another recommendation would be strike the language in KSA75-5292 of the CCA, which has a population requirement and replace with language identifying that any county can utilize entitlement funds to purchase correctional services from participating CCAs.

The bottom line is that CCAs have been and will continue to provide a much needed service addressing some of the crowding problems facing the State. It is imperative that any solutions developed by you, the policy-makers, lock in local involvement. This local involvement will provide the partnership necessary to focus on the source of correctional problems - local communities. SB49 is well intended. Allowances for the essential local/state partnership must be included. Development, implementation and further promotion of CCAs, as we currently know them, is the direction that Kansas must take.

KANSAS

0/0/0 0/0	0/0/1 1/0	0/0/1 0/0	0/0/2 2/2	0/0/1 1/1	0/1/0 1/0	0/1/0 2/1	0/0/0 0/2	0/0/0 1/1	0/0/1 1/2	0/0/0 1/1	0/1/2 5/3	0/0/0 1/4
CHEYENNE	RAWLINS	DECATUR	NORTON	PHILLIPS	SMITH	JEWELL	REPUBLIC	WASHINGTON	MARSHALL	NEMAH	BROWN	DONIPHAN
0/0/0 0/1	0/1/1 0/1	0/0/0 0/0	0/0/0 0/1	0/0/0 0/0	0/0/3 0/0	0/0/1 3/2	0/0/3 1/2	0/1/0 0/0	1/2/5 7/7	1/1/1 4/3	0/0/2 2/0	0/0/0 1/5
SHERMAN	THOMAS	SHERIDAN	GRAHAM	ROOKS	OSBORNE	MITCHELL	CLOUD	CLAY	POTTAWATOMIE	JACKSON	HATCHSON	LEAVENWORTH
0/0/0 0/0	0/0/0 0/3	0/0/0 1/0	0/0/0 1/0	0/0/2 2/5	0/1/0 2/1	0/0/0 0/0	0/0/1 1/4	0/0/3 5/4	2/3/12 13/15	0/0/2 0/1	0/2/3 2/2	1/4/8 2/6
WALLACE	LOGAN	GOVE	TREGO	ELLIS	RUSSELL	LINCOLN	OTTAWA	ELLSWORTH	WABAUSSIE	JEFFERSON	WYANDOTTE	7/23/49 79/74
0/0/0 1/2	0/0/0 0/1	0/0/0 3/2	0/0/0 2/1	0/0/0 0/1	0/1/8 8/9	0/0/2 0/0	0/3/16 12/21	0/1/3 9/6	0/0/0 1/0	0/12/35 24/62	0/4/25 10/12	3/16/30 71/164
GREELEY	WICHITA	SCOTT	LANE	NESS	RUSH	BARTON	SALINE	DICKINSON	MORRIS	OSAGE	FRANKLIN	NEAR
0/0/4 0/0	0/1/1 1/2	0/1/10 20/17	0/0/0 1/1	0/0/3 3/6	0/0/1 1/1	0/6/17 17/27	0/1/3 9/6	0/0/0 6/1	0/0/0 0/3	0/0/4 6/2	0/0/0 2/1	0/0/0 1/0
HAMILTON	KEARNY	ZENYET	HODGEMAN	PAWNEE	STAFFORD	RICE	MCPHERSON	MARION	CHASE	LYON	COFFEY	ANDERSON
0/0/0 1/1	0/0/0 1/0	0/0/0 2/1	0/0/0 0/1	0/2/7 11/11	0/0/0 2/0	0/1/6 6/5	0/1/6 6/5	2/2/0 4/6	0/0/1 0/2	0/0/2 1/0	0/0/0 2/1	0/0/1 0/1
STANTON	GRANT	HASKELL	GRAY	FORD	EDWARDS	RENO	HARVEY	GREENWOOD	WILSON	NEOSHO	BOURBON	CRAWFORD
0/0/0 1/4	0/0/2 2/1	0/2/2 6/11	0/0/1 1/3	0/0/0 0/0	0/0/0 0/0	0/0/2 0/2	9/47/110 129/115	0/1/2 3/4	0/0/2 1/0	0/4/3 20/20	0/0/4 3/8	1/0/2 4/1
MORTON	STEVENS	SEWARD	MEADE	CLARK	KOWA	LENGHAM	SEDGWICK	BUTLER	ELK	MONTGOMERY	LAFETTE	CHEROKEE
0/0/0 1/4	0/0/2 2/1	0/2/2 6/11	0/0/1 1/3	0/0/0 0/0	0/0/0 0/0	0/0/1 1/3	0/1/4 8/11	0/1/2 13/8	0/0/0 2/1	0/0/2 5/9	0/0/2 3/2	2/1/2 3/2

TOTAL FELONY ADMISSIONS TO KANSAS PRISONS (7-1-86/6-30-87) FY87

A-30 B-151 C-439
D-608 E-793

metre

Sentencing guidelines needed

Now that sentencing guidelines have passed muster on the federal level, it is time Kansas considered a similar move.

Testimony before the Senate Judiciary Committee last week pointed out some of the inequities in sentencing that result from leaving too much to judicial discretion.

"The justice people in Sedgwick County get depends on what floor they get off on and what judge they have to face," a Wichita public defender said. He cited the cases of vastly different sentences for similar crimes. One man found guilty of theft got probation, although he actually committed the crime. Another, who only helped with the crime, received a prison sentence.

Such inequities erode the system's credibility, not only with the public, but also with the criminal element. When justice becomes a joke, everyone loses.

"Justice is important," Richard Ney, the public defender, told the committee. "The appearance of justice is important. We need to send a signal that justice is fair and

even."

Guidelines also got support from Department of Corrections Secretary Roger Endell, who said that standardized sentencing would help prison officials get a handle on prison overcrowding and help them anticipate future growth.

Michael Barbara, a former judge and secretary of corrections who teaches law at Washburn University, concurred. In addition to helping find a solution to prison overcrowding, guidelines would allow corrections policies and sentencing to be tied together.

The proposal before the Senate committee is to create a commission to draft sentencing guidelines. That should be done.

Certainly judges must be given some leeway for consideration of extenuating circumstances and other factors. The guidelines should allow for that. But when there are vast differences from court to court and judge to judge, the system loses credibility and respect.

Table 11

Inmate Characteristics:
Comparison of the June 30, 1987 and June 30, 1988 Populations

*Characteristic	Total Inmate Population				% Change From FY 87
	FY 1987		FY 1988		
	Number	%	Number	%	
<u>Age Group (Years)</u>					
15-19	181	3	208	4	14.9
20-24	1299	23	1280	21	- 1.5
25-29	1522	27	1581	26	3.4
30-34	1115	20	1238	21	11.0
35-39	639	12	718	12	12.4
40+	824	15	980	16	18.9
Totals	5580	100	6005	100	- -
Unknown	6	-	14	-	- -
<u>Racial/Ethnic Group</u>					
White	3382	61	3595	60	6.3
Black	1886	34	2058	34	9.1
Hispanic	235	4	260	4	10.6
American Indian	61	1	74	1	21.3
Asian or Pacific Islander	19	-	30	1	57.9
Totals	5583	100	6017	100	- -
Unknown	3	-	2	-	- -
<u>Sex</u>					
Male	5316	95	5744	95	8.1
Female	270	5	275	5	1.9
Totals	5586	100	6019	100	- -
<u>Education Level</u>					
Grades 0 - 11	2556	52	2953	54	15.5
High School Graduate	774	16	921	17	19.0
G.E.D.	1194	25	1187	22	- .6
Greater Than High School	361	7	377	7	4.4
Totals	4885	100	5438	100	- -
Unknown	701	-	581	-	- -
<u>Number of Previous Felony Convictions</u>					
None	2341	47	2663	49	13.8
1	1192	24	1285	23	7.8
2	795	16	848	15	6.7
3 or more	649	13	687	13	5.9
Totals	4977	100	5483	100	- -
Unknown	609	-	536	-	- -
<u>Number of Previous Incarcerations</u>					
None	2944	65	3470	67	17.9
1	925	20	973	19	5.2
2	409	9	436	8	6.6
3 or more	279	6	291	6	4.3
Totals	4557	100	5170	100	- -
Unknown	1029	-	849	-	- -

Table 11 (cont.)

*Characteristic	Total Inmate Population				% Change From FY 87
	FY 1987		FY 1988		
	Number	%	Number	%	
<u>Felony Class of Most Serious Current Offense</u>					
	388	7	412	7	6.2
A	1363	25	1446	24	6.1
B	1358	24	1510	26	11.2
C	1628	30	1695	29	4.1
D	767	14	823	14	7.3
E	<u>5504</u>	<u>100</u>	<u>5886</u>	<u>100</u>	--
Totals					
Unknown	82	-	133	-	--
<u>**Duration of Present Confinement</u>					
6 months or less	1175	21	1278	21	8.8
Over 6 months - to 1 year	867	16	884	15	2.0
Over 1 year - to 2 years	1127	20	1177	20	4.4
Over 2 years - to 3 years	678	12	714	12	5.3
Over 3 years - to 4 years	506	9	475	8	- 6.1
Over 4 years - to 5 years	349	6	360	6	3.2
Over 5 years	883	16	1052	18	19.1
Totals	<u>5585</u>	<u>100</u>	<u>5940</u>	<u>100</u>	--
Unknown	1	-	79	-	--
<u>***Types of Admission</u>					
<u>Commitments for Violation</u>					
Technical Probation Violation	304	5	286	5	- 5.9
Probation Violation/New Sentence	320	6	351	6	9.7
Subtotals (All Probation Violation)	<u>624</u>	<u>11</u>	<u>637</u>	<u>11</u>	2.1
Technical Parole Violation	448	8	498	8	11.2
Parole Violation/New Sentence	744	13	775	13	4.2
Subtotals (All Parole Violation)	<u>1192</u>	<u>21</u>	<u>1273</u>	<u>21</u>	6.8
Conditional Release Violation	80	2	88	1	10.0
Subtotals (All Types of Violation)	<u>1896</u>	<u>34</u>	<u>1998</u>	<u>33</u>	5.4
<u>Other Commitments</u>					
New Commitments	<u>3690</u>	<u>66</u>	<u>4021</u>	<u>67</u>	9.0
Total Inmate Population	<u>5586</u>	<u>100</u>	<u>6019</u>	<u>100</u>	--

*All characteristics reflect status on June 30 of the specified year (or time calculated from that date) except "Education Level" which is as reported upon admission. The total number of inmates for which information was available varies with the type of characteristic assessed.

**Period from most recent admission to June 30 of the specified year.

***Figures represent the number of inmates in the population on the date specified whose most recent entry into the Department of Corrections was of the specified type.

Table 14

Comparison of the Characteristics of Male and Female Inmates:
June 30, 1988 Population

*Characteristic	Male		Female	
	Number	%	Number	%
<u>Age Group (Years)</u>				
15-19	201	4	7	3
20-24	1232	21	48	18
25-29	1511	26	70	27
30-34	1182	21	56	21
35-39	679	12	39	15
40+	937	16	43	16
Totals	5742	100	263	100
Unknown	2	-	12	-
<u>Racial/Ethnic Group</u>				
White	3451	60	144	52
Black	1937	34	121	44
Hispanic	254	4	6	2
American Indian	71	1	3	1
Asian or Pacific Islander	29	1	1	1
Totals	5742	100	275	100
Unknown	2	-	0	-
<u>Education Level</u>				
Grades 0 - 11	2836	54	117	48
High School Graduate	866	17	55	22
G.E.D.	1134	22	53	21
Greater Than High School	356	7	21	9
Totals	5192	100	246	100
Unknown	552	-	29	-
<u>Level of Alcohol Usage (Prior to Admission)</u>				
No Known Usage	1901	38	152	66
Addiction	985	19	27	12
Habitual Excessive	959	19	23	10
Episodic Excessive	1023	20	29	12
Use at Time of Offense	201	4	1	-
Totals	5069	100	232	100
Unknown	675	-	43	-
<u>Level of Drug Usage (Prior to Admission)</u>				
No Known Usage	2048	41	89	39
Addiction	1288	26	56	24
Episodic Excessive	925	18	55	24
Non-dependent Short-term	675	13	30	13
Use at Time of Offense	122	2	1	-
Totals	5058	100	231	100
Unknown	686	-	44	-

Table 14 (cont.)

<u>*Characteristic</u>	<u>Male</u>		<u>Female</u>	
	<u>Number</u>	<u>%</u>	<u>Number</u>	<u>%</u>
<u>Felony Class of Most Serious Current Offense</u>				
A	394	7	18	7
B	1415	25	31	11
C	1448	26	62	23
D	1618	29	77	28
E	740	13	83	31
Totals	<u>5615</u>	<u>100</u>	<u>271</u>	<u>100</u>
Unknown	129	-	4	-
<u>Number of Previous Felony Convictions</u>				
None	2534	48	129	55
1	1235	24	50	21
2	812	15	36	16
3 or more	668	13	19	8
Totals	<u>5249</u>	<u>100</u>	<u>234</u>	<u>100</u>
Unknown	495	-	41	-
<u>Number of Previous Incarcerations</u>				
None	3286	66	184	79
1	935	19	38	16
2	427	9	9	4
3 or more	290	6	1	1
Totals	<u>4938</u>	<u>100</u>	<u>232</u>	<u>100</u>
Unknown	806	-	43	-
<u>Duration of Present Confinement</u>				
6 months or less	1179	21	99	37
Over 6 months - to 1 year	834	15	50	18
Over 1 year - to 2 years	1123	20	54	20
Over 2 years - to 3 years	689	12	25	9
Over 3 years - to 4 years	467	8	8	3
Over 4 years - to 5 years	346	6	14	5
Over 5 years	1030	18	22	8
Totals	<u>5668</u>	<u>100</u>	<u>272</u>	<u>100</u>
Unavailable	76	-	3	-

*All characteristics reflect status on June 30 of the specified year (or time calculated from that date) except "Education Level," "Level of Alcohol Usage," and "Level of Drug Usage" which are as reported upon admission. The total number of inmates for which information was available varies with the type of characteristic assessed.

**Period from most recent admission to June 30 of the specified year.

TABLE 15
Distribution of the Inmate Population
by Felony Class and Criminal Offense:
Comparison of Fiscal Years 1983 - 1988*

Kansas Statute	Offense Description	Number of Inmates (June 30)					
		1983	1984	1985	1986	1987	1988
<u>Class A Felonies</u>							
21-3401	**Murder, First Degree	204	232	247	260	280	301
21-3421	Aggravated Kidnapping	70	79	91	100	107	110
65-4127A3	Drug Offense	0	0	0	0	1	1
	Total Class A Felonies	<u>274</u>	<u>311</u>	<u>338</u>	<u>360</u>	<u>388</u>	<u>412</u>
<u>Class B Felonies</u>							
21-3401	Murder, First Degree (A/C/S)	2	3	5	8	12	11
21-3402	**Murder, Second Degree	121	144	141	158	171	178
21-3415	Aggravated Battery on a Law Enforcement Officer	6	9	8	12	11	13
21-3420	Kidnapping	123	136	149	155	174	189
21-3421	Aggravated Kidnapping (A/C/S)	0	1	1	1	0	1
21-3427	**Aggravated Robbery	486	530	574	617	662	687
21-3502	***Rape	105	128	145	166	188	205
21-3504	Agg. Indecent Liberties with a Child (and Indecent Liberties with a Ward)	1	3	11	13	14	13
21-3506	Aggravated Sodomy	58	72	89	105	114	126
21-3719	Aggravated Arson	8	9	10	12	15	17
65-4127A	Drug Offense	4	3	4	5	2	6
	Total Class B Felonies	<u>914</u>	<u>1038</u>	<u>1137</u>	<u>1252</u>	<u>1363</u>	<u>1446</u>
<u>Class C Felonies</u>							
21-3401	Murder, First Degree (A/C/S)	4	4	4	3	7	7
21-3402	Murder, Second Degree (A/C/S)	2	7	7	6	6	5
21-3403	Voluntary Manslaughter	68	67	67	71	74	75
21-3411	Aggravated Assault on a Law Enforcement Officer	28	23	23	31	34	38
21-3414	Aggravated Battery	125	155	183	202	224	228
21-3420	Kidnapping A/C/S	2	3	2	4	7	7

Table 16 (cont.)

Kansas Statute	Offense Description	Number of Inmates (June 30)					
		1983	1984	1985	1986	1987	1988
<u>Class C Felonies (cont.)</u>							
21-3421	Aggravated Kidnapping (A/C/S)	2	2	4	5	3	3
21-3426	Robbery	184	222	226	244	234	242
21-3427	Aggravated Robbery (A/C/S)	12	22	26	30	28	37
21-3502	***Rape	22	30	32	36	38	48
21-3503	Indecent Liberties with a Child	58	86	130	186	238	265
21-3504	Agg. Indecent Liberties with a Child (and Ind. Lib. with a Ward) (A/C/S)	0	0	2	2	2	1
21-3506	Aggravated Sodomy (A/C/S)	2	4	6	11	14	14
21-3716	Aggravated Burglary	41	48	76	83	95	113
21-3718	Arson	33	38	47	61	62	60
21-3719	Aggravated Arson (A/C/S)	0	1	1	2	4	2
21-38051	Perjury (Made in Felony Trial)	3	2	1	2	1	0
65-41261	Drug Offense	1	0	0	0	0	0
65-4127A	Drug Offense	0	0	0	0	0	0
65-4127A1	Drug Offense	36	50	74	75	94	161
65-4127BB	Drug Offense	66	84	133	142	193	204
	Total Class C Felonies	689	848	1044	1196	1358	1510

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Class D Felonies

21-3402	Murder, First Degree (A/C/S)	1	1	1	2	1	2
21-3403	Voluntary Manslaughter (A/C/S)	0	0	0	1	1	2
21-3404	Involuntary Manslaughter	4	15	23	30	31	37
21-3410	Aggravated Assault	71	91	110	121	130	127
21-3411	Aggravated Assault on a Law Enforcement Officer (A/C/S)	0	0	0	2	2	5
21-3414	Aggravated Battery (A/C/S)	8	14	18	21	24	25
21-3426	Robbery (A/C/S)	12	13	17	23	34	29
21-3503	Indecent Liberties with a Child	2	3	10	24	28	30
21-3506	Aggravated Sodomy (A/C/S)	0	0	0	0	1	1
21-3509	Enticement of a Child	3	7	8	8	10	11
21-3516	Sexual Exploitation of a Child	0	0	0	0	0	1
21-3518	Aggravated Sexual Battery	0	2	18	33	46	68
21-3603	Aggravated Incest	6	6	8	15	25	46
21-3609	Abuse of a Child	0	0	1	7	8	13

Table 16 (cont.)

Kansas Statute	Offense Description	Number of Inmates (June 30)					
		1983	1984	1985	1986	1987	1988
<u>Class D Felonies (cont.)</u>							
21-3701	****Theft (\$100 or more)	375	417	400	287	245	191
21-3704	****Theft of Services (\$100 or more)	0	2	2	0	0	0
21-3708	****Habitual Giving of Worthless Checks	7	10	7	5	3	1
21-3710	****Forgery	104	126	111	66	62	52
21-3711	Making a False Writing	3	5	3	4	2	9
21-3715	Burglary	550	673	720	738	850	899
21-3716	Aggravated Burglary (A/C/S)	2	6	10	14	18	19
21-3718	Arson (A/C/S)	1	1	1	1	8	11
21-3805	Perjury (Made in Felony Trial)(A/C/S/)	0	0	0	0	2	2
21-3901	Bribery	0	0	1	2	1	1
21-4105	Inciting a Riot	0	0	0	1	1	1
21-42041	Unlawful Possession of Firearms	13	14	16	18	27	23
21-4209A	Possession of Explosives	0	0	0	1	1	2
65-4127A1	Drug Offense	1	1	3	3	10	23
65-4127B	Drug Offense	9	7	6	3	3	5
65-4127BA	Drug Offense	14	10	18	20	34	33
65-4127BB	Drug Offense	2	7	8	14	20	26
	Total Class D Felonies	1188	1431	1520	1464	1628	1695

Class E Felonies

08-116	Vehicle Identification Violation	0	0	0	0	1	2
08-262A	Driver's License Violation	1	1	1	8	9	7
08-287	Habitual Violation; Unlawful Operation of Vehicle When Prohibited	1	3	5	12	14	17
21-3404	Involuntary Manslaughter	14	6	4	4	2	2
21-3405A	Aggravated Vehicular Homicide	0	0	1	9	21	18
21-3410	Aggravated Assault (A/C/S)	5	12	11	16	14	13
21-3414	Aggravated Battery (A/C/S)	2	0	0	0	1	2
21-3419	Terroristic Threat	8	9	16	24	27	38
21-3420	Kidnapping (A/C/S)	1	1	0	0	0	0
21-3422A	Aggravated Interference with Parental Custody	0	0	0	1	1	1

Table 16 (cont.)

Kansas Statute	Offense Description	Number of Inmates (June 30)					
		1983	1984	1985	1986	1987	1988
<u>Class E Felonies (cont.)</u>							
21-3426	Robbery (A/C/S)	0	1	1	1	2	2
21-3427	Aggravated Robbery (A/C/S)	0	0	2	1	0	0
21-3428	Blackmail	0	0	0	1	0	0
21-3503	Indecent Lib. with A Child (A/C/S)	1	0	0	0	0	0
21-3509	Enticement of a Child	1	2	1	3	2	0
21-3511	Agg. Indecent Solicitation of a Child	3	8	10	9	7	9
21-3514	Habitual Promoting Prostitution	0	1	0	0	0	0
21-3516	Sexual Exploitation of a Child	1	1	1	1	2	2
21-3518	Aggravated Sexual Battery	0	0	0	4	9	13
21-3519	Promoting Sexual Performance/Minor	0	0	0	0	0	2
21-3602	Incest	1	0	0	0	3	2
21-3603	Aggravated Incest (A/C/S)	3	0	0	3	6	11
21-3605	Nonsupport of a Child	6	8	6	1	4	2
21-3609	Abuse of a Child	7	8	8	7	6	7
21-3611	Aggravated Juvenile Delinquency	11	13	15	16	12	9
21-3612	Contributing to Misconduct or Deprivation of a Child	0	0	0	1	1	2
21-3701	****Theft (Over \$150 or more) and/or Attempted Theft	36	58	128	233	344	367
21-3704	****Theft of Services (\$100 or more)	0	0	0	2	1	2
21-3707	Giving of a Worthless Check	27	36	26	33	26	26
21-3708	****Habitual Giving of Worthless Checks	0	0	0	7	3	5
21-3710	****Forgery (and/or Attempted Forgery)	3	9	31	56	87	93
21-3711	Making a False Writing (A/C/S)	0	0	0	0	0	1
21-3714	Possession of Forgery Devices	0	1	1	0	0	2
21-3715	Burglary (A/C/S)	21	29	40	39	54	56
21-3716	Aggravated Burglary (A/C/S)	0	0	1	1	0	0
21-3717	Possession of Burglary Tools	1	1	4	4	3	2
21-3718	Arson (A/C/S)	0	1	0	0	0	2
21-3720	Criminal Damage to Property	22	27	32	36	44	46
21-3726	Agg. Tampering with Traffic Signal	0	0	0	0	1	1
21-3729	Unlawful Use of Financial Cards	5	5	4	5	8	5
21-3734	Impairment of Security Interest	0	1	2	2	1	1
21-3805	Perjury, Non-felony Trial	0	0	0	0	0	1
21-3806	Corruptly Influencing a Witness	1	0	0	0	0	0

Table 16 (cont.)

Kansas Statute	Offense Description	Number of Inmates (June 30)					
		1983	1984	1985	1986	1987	1988
<u>Class E Felonies (cont.)</u>							
21-3808	Obstruction of Legal Process (Felony Case)	1	3	2	2	2	1
21-3810	Aggravated Escape from Custody	5	4	8	8	7	12
21-3812	Aiding a Felon	5	6	5	4	6	4
21-3814	Aggravated Failure to Appear	4	2	2	4	3	6
21-3825	Aggravated False Impersonation	1	1	2	1	0	1
21-3826	Traffic in Contraband in a Penal Institution	2	3	2	2	3	3
21-3833	Aggravated Intimidation of Witness	0	0	2	2	4	1
21-3904	Presenting False Claim (\$50 or more)	0	0	0	0	1	0
21-42011	Unlawful Firearm, Possession, etc.	1	3	2	3	1	1
21-4202	Aggravated Weapons Violation	0	2	3	1	2	1
21-42041	Unlawful Possess. of Firearms (A/C/S)	0	0	0	0	1	1
21-4214	Obtaining Prescription Drug Fraudulently	0	0	2	1	0	2
21-4306	Dealing in Gambling Devices	0	0	1	0	0	0
36-206	Fraud in Obtaining Accommodations	1	1	1	0	2	1
65-4127A1	Drug Offense (A/C/S)	2	4	5	2	5	9
65-4127B	Drug Offense (A/C/S)	1	1	1	1	0	0
65-4127BA	Drug Offense (A/C/S)	3	4	4	5	6	3
65-4127BB	Drug Offense (A/C/S)	3	7	3	2	8	6
	Total Class E Felonies	<u>211</u>	<u>283</u>	<u>396</u>	<u>578</u>	<u>767</u>	<u>823</u>
	Total (All Felony Classes)	3276	3911	4435	4850	5504	5886
	Felony Class Unavailable or Unknown	<u>77</u>	<u>57</u>	<u>55</u>	<u>84</u>	<u>82</u>	<u>133</u>
	Grand Total	<u>3353</u>	<u>3968</u>	<u>4490</u>	<u>4934</u>	<u>5586</u>	<u>6019</u>

Table 16 (cont.)

Breakdown of Unknown Category

Kansas Statute	Offense Description	Number of Inmates (June 30)					
		1983	1984	1985	1986	1987	1988
21-3401	Murder, First Degree	29	26	22	24	22	22
21-3402	Murder, Second Degree	5	3	2	2	2	2
21-3427	Aggravated Robbery	11	10	9	11	11	9
	Other Unclassified Felonies	13	8	9	8	10	36
	Felony Class Undetermined	19	10	13	39	37	64
	Total Unavailable or Unknown	<u>77</u>	<u>57</u>	<u>55</u>	<u>84</u>	<u>82</u>	<u>133</u>

*The offense described is the overall most serious offense of all active sentences for the inmate. The designation "A/C/S" (Attempt/ Conspire/ Solicitation) in the offense description denotes attempted crimes or in some cases to conspire to commit, or to aid, abet, advise, counsel, procure, or hire others to commit the crime.

**For the total number of inmates serving for this offense, add the corresponding unclassified offenses listed in the "Breakdown of Unknown Category."

***The offense of rape was changed from Class C to Class B on 7-1-1978; hence, there are inmates serving under each of the two classifications.

****On May 17, 1984, the felony class of several offenses (including theft, theft of services, habitual giving of worthless checks, and forgery) was changed from D to E.

The Honorable Wint Winter, Jr., Chairperson
Senate Committee on Judiciary
Senate Chambers
Third Floor, Statehouse

Dear Senator Winter:

SUBJECT: Fiscal Note for SB 50 by Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 50 is respectfully submitted to your committee.

SB 50 establishes a 13-member sentencing commission for the development of sentencing guidelines. The commission shall consider current sentencing and release practices and correctional resources in developing sentencing guidelines and submit an interim report to the legislature on or before January 8, 1990. A final report and recommended guidelines shall be submitted on the commencement of the 1991 legislative session.

The sentencing commission shall appoint an executive director and staff necessary to perform duties as directed by the commission. The commission shall meet upon call of its chairperson and receive compensation, subsistence allowance, mileage and other expenses as provided for in KSA 75-3223 and KSA 75-3212. This act shall be in effect from and after publication in the Kansas Register.

SB 50 authorizes compensation, subsistence and mileage for members of the commission and authorizes the commission to appoint an executive director and staff to perform duties as directed by the commission. The director shall receive compensation fixed by the commission with the approval of the Governor and the staff shall receive reimbursement of all actual and necessary expenses incurred in the performance of its official duties.

The Department of Corrections estimates \$4,350 would be needed in FY 1989 and \$446,989 in FY 1990. This estimate is based on staffing and expenditures used by the Minnesota Sentencing Guidelines Commission. Expenditures in FY 1989 are subsistence and mileage costs for four commission meetings to organize the Commission and recruit a director. Expenditures in FY 1990 include salary and wages for five permanent positions and eight temporary positions estimated to be \$188,250 and \$84,726, respectively. The Department estimates \$174,013 will be needed to acquire rental space, provide travel reimbursement, communications, printing, consulting fees, supplies and to purchase data processing equipment, software, a copy machine and office furniture and equipment. Additional expenditure will be required for a portion of FY 1991 and thereafter should the sentencing guidelines be adopted. Annual expenditures will include \$188,250 in salaries and wages for the five permanent positions and \$66,863 in other operating expenditures for a total of \$255,113.

Attachment - TX
SJC
2-15-89

The Honorable Wint Winter, Jr.
February 2, 1989
Page Two

Any expenditures which would result from this act in FY 1989 and FY 1990 would be from the State General Fund and would be in addition to expenditures contained in the FY 1990 Governor's Report on the Budget.



Michael F. O'Keefe
Director of the Budget

MFO:KS:meh

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