

Approved 2-28-89
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 16, 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
Jerry Donaldson, Legislative Research Department
Gordon Self, Revisor of Statutes
Jane Tharp, Committee Secretary

Conferees appearing before the committee:

Tom Sloan, Department of Secretary of Corrections
Jeff Loane, Sedgwick County Community Corrections

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

Senate Bill 50 - Establishing the Kansas sentencing commission.

The chairman announced the United States District Court issued a definitive
order in respect to prison overcrowding.

Tom Sloan, Department of Corrections, explained the attached inmate population
and facility information provided by the department of corrections (See
Attachments I). Mr. Sloan stated Judge Rogers ordered the prison overcrowding
be taken care of by July 1, 1991. A committee member inquired who testified
for us from the state? Mr. Sloan replied Judge Rogers has been complementary
of the state in getting the problem under control, however, we had not addressed
the maximum security situation. The committee member inquired has the secretary
been on the stand as a witness? We really need that answer. Mr. Sloan said
he would check. The committee member asked him to tell counsel the legislature
need to talk with him right away. It needs to go to the Court of Appeals as
far as it can go. A committee member inquired what position would the state
take in respect to suggesting every institution in the state needs to meet
the standards of the American Criminal Association? Mr. Sloan replied he would
check. The committee member asked Mr. Sloan to find out if this order was
essentially agreed to by the state, was it opposed by the department of
corrections. We would appreciate knowing whether that is correct? The chairman
announced Judge Rogers orders will be made available to the committee. Mr.
Sloan explained the order by Judge Rogers requested no double celling. Every
inmate must have work who wants it in the programming. The institutions must
continue to meet ACA standards. It set a strict cap on the number of people
in institutions. Mr. Sloan stated this problem has existed for more than ten
years. We haven't addressed the need. A committee member asked for a brief
of the opinion distributed to the committee. The chairman pointed out during
discussion the proper identification of two associations are American
Correctional Association and Association of Professional Prison Administrators.
The chairman requested summaries of other court cases where the court has ruled
on ACA standards and have been met. A committee member requested a two page
summary concerning documents filed by the department concerning the use of
ACA standards. A committee member said we need some opinion from you people
about paragraph 6.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
room 514-S, Statehouse, at 10:00 a.m./~~pm~~ on February 16, 19 89

Senate Bills 49 and 50 - continued

Jeff Loane, Sedgwick County Community Corrections, testified he is generally very supportive of Senate Bill 49. He said their support relates to some of the ingredients we have found are absolutely essential for community corrections to work in Sedgwick County. If you are in the corrections business ACA is the benchmark you should follow. We don't take them lightly which is responsible for our success in Sedgwick County. He said another important matter we feel there has to be local ownership and owner responsibility for this to work. I think a partnership between the state and local community is extremely important. Those are two major reasons why I support the bill. Sedgwick County last year contributed \$150,00 to \$200,000 to the program. I feel a residential program is a vital piece of their program. A committee member inquired about the back door program. Mr. Loane explained they proposed a contract with the Department of Corrections for taking people out on parole. They felt they should show them that they could do it. The Department of Corrections wouldn't contract with them. The funding mechanism was changed. We feel we are part of the problem and we ought to share taking people out of the back end. The committee member inquired what kind of people are you taking? Mr. Loane replied 38% of the people already in the Community Residential Center either had origin in Sedgwick County or planned to parole there. They received information from the state and 90% or better of these people are d and e felons. The committee member inquired what people would you get from back door, c, d, and e felons? Mr. Loane replied these were c, d and e felons who failed in community corrections programs.

Senator Morris moved to approve the minutes of February 9, 1989. Senator Gaines seconded the motion. The motion carried.

The chairman appointed Senators Gaines, D. Kerr, Parrish, Moran, and Rock to serve on the subcommittee concerning Senate Bill 49. He announced they would meet upon adjournment Tuesday.

The meeting adjourned.

Copy of the guest list is attached (See Attachment II).

Copy of memo from the Legislative Research Department regarding Prison Population is attached (See Attachment III).

Copy of letter to Richard C. Hite is attached (See Attachment IV).

Copy of statement from League of Women Voters of Kansas is attached (See Attachment V).

GUEST LIST

COMMITTEE: SENATE JUDICIARY COMMITTEE

DATE: 2-16-89

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Mary Loane	RT 1 Box 139 Newton	Visitor
Jeff Loane	Sedgwick Co Comm Cvr	905 N MKI - Wichita
Jan Johnson	Topeka	DOC
John Johnson	Topeka	WFEU
Steven Kornavin	Topeka	Amudson from construction
Van Sloan	Village	Doc
Jon Bray	Topeka	Referral Dept
Gene Tostet	"	KAC
Joe Mills	"	Severn County
Jim Flor	"	Lawrence
Phil Maguire	"	KCVAA
Kirby L. Zimmerman	Topeka	V.A. E.S.O.
Alex Velwe	Lawrence	Dir. of Budget
Therese Barget	Topeka	Inten
St. Martin	Wichita	KCAD
Garry Ray	Jato, Clath	Judge Co.
Ann H. Berger	Overland PK.	Jo Co
Becky Shick	Hust	LW V.K
		Topeka

STATE OF KANSAS



DEPARTMENT OF CORRECTIONS

OFFICE OF THE SECRETARY

Landon State Office Building
900 S.W. Jackson—Suite 400-N
Topeka, Kansas 66612-1284
(913) 296-3317

Mike Hayden
Governor

Roger V. Endell
Secretary

February 13, 1980

Senator Wint Winter
Chairman, Judiciary Committee
State Capitol
Topeka, Kansas 66612

Dear Senator Winter:

The Department of Corrections offered testimony in support of S.B. 212 and 213 regarding the utilization of SRDC and KCTVC facilities.

Some residents of the area are concerned that if maximum security classified women inmates are brought to Topeka, they will be permanently housed at KCTVC. The Department has no intention of violating our agreements with those residents. Maximum security inmates will only be housed at SRDC, a facility that routinely houses maximum security male inmates while they are evaluated prior to assignment to another institution.

The Department would not object if the Committee wished to statutorily prohibit maximum security inmates, of either gender, from being placed at KCTVC.

If you, or committee members have further questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Thomas J. Sloan".

Thomas J. Sloan
Special Assistant

Attachments I
SJC
2-16-89

STATE OF KANSAS



DEPARTMENT OF CORRECTIONS

OFFICE OF THE SECRETARY

Landon State Office Building
900 S.W. Jackson—Suite 400-N
Topeka, Kansas 66612-1284
(913) 296-3317

Mike Hayden
Governor

Roger V. Endell
Secretary

February 7, 1989

TO: Kansas Legislators
FROM: *R. V. Endell*, Secretary of Corrections
SUBJECT: Department of Corrections' Population Trends

The attached inmate population and facility information is provided to enable a better evaluation of Department policies and requests.

Further information and explanations are available by contacting me or Tom Sloan, my Special Assistant.

RVE:dja
Enclosures

DC
2-16-89

DEPARTMENT OF CORRECTIONS

POPULATION - CAPACITY ANALYSIS

**KDOC
FEB. 7, 1989**

CAPACITY-POPULATION SUMMARY

- Upon completion of all currently authorized expansion projects, the facility operating capacity will total 5,255 inmates: 1,269 maximum/special management, 1,705 medium, 2,281 minimum.
- Until the current expansion projects are completed, 4,721 beds are available at operating capacity.
- Operating capacity has been determined by applying standards adopted by ACA (American Correctional Association), court guidelines and commonly recognized professional population management principles.
- An additional 597 placements are authorized in non-DOC facilities - Community Residential Centers, Larned State Hospital and in the county jail program.
- The facilities contain 284 special use and infirmary use beds and 179 temporary beds which are in addition to, and not part of, the specified operating capacity counts. These beds are not counted due to their special, limited, or short-term use.
- With the completion of current projects, placements available to the Department total 5,852.
- The current (2-3-89) population totals 6,071: 1,848 (30.4%) maximum/ special management; 1,519 (25.0%) medium; and 2,704 (44.5%) minimum/community custody.
- If all current expansion projects were fully complete today, the current population would exceed the operating capacity by 219; the maximum/special management population would exceed comparable capacity by 506, capacity for medium and minimum/community custody would exceed the population by 186 and 101, respectively.
- The system has experienced an annual average population growth of 528 over the last five years and an annual average growth of 372 over the last ten years .
- Since passage of HB 3079, accelerating parole eligibility and conditional release dates, monthly populations have fluctuated. The current population of 6,071 compares to 6,013 as of June 30, 1988.
- Recent experience indicates a return to monthly population increases similar to those experienced prior to HB 3079; a 372 to 528 increase a year.
- A return to 372 per year population increase would mean the 750-800 bed recommended facility would be filled at completion and the system would still be 300 plus inmates over capacity.
- A return to 528 per year population increase would mean the 750-800 bed recommended facility would be filled at completion and the system would be 691 inmates over capacity.

2-6-89

**CAPACITY - POPULATION ANALYSIS,
BY SECURITY DESIGNATION OF BEDSPACE**

DOC FACILITIES, INCLUDING PROJECTS IN PROCESS

	<u>Maximum*</u>	<u>Medium</u>	<u>Minimum**</u>	<u>Total</u>	<u>Spec. Use/ Infirm.</u>	<u>Temp.</u>
Penitentiary	588	524	300	1,412	71	119
Reformatory	450	237	160	847	154	50
Cor. Voc. Tgn. Ctr.	-	40	140	180	6	-
Recpt. & Diag. Ctr.	123	-	90	213	4	10
Cor. Inst. Lansing	40	-	200	240	19	-
Norton Cor. Fac.	-	232	268	500	11	-
Honor Camps	-	-	172	172	-	-
Winfield Cor. Fac.	-	-	290	290	2	-
Wichita Work Rel.	-	-	100	100	-	-
Topeka Cor. Fac.	-	-	111	111	-	-
Osawatomie Cor. Fac.	-	-	80	80	-	-
Hutch Work Rel.	-	-	20	20	-	-
Forbes Cor. Fac.	-	-	80	80	-	-
Hutch Cor. Work Fac.	-	320	80	400	-	-
Stockton Cor. Fac.	-	-	94	94	-	-
Ellswor. Cor. Wk. F.	68	352	96	516	17	-
Subtotal	1,269	1,705	2,281	5,255		

NON-DOC PLACEMENTS

Contract Jail	-	-	75	75		
Comm. Resident. Ctr.	-	-	406	406		
Larned	73	-	43	116		
Subtotal	73	0	524	597		

TOTAL CAPACITY AND PLACEMENTS	1,342	1,705	2,805	5,852		
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CURRENT POPULATION [2-3-89]	1,848	1,519	2,704	6,071		
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CAPACITY + OR (-) CURRENT POPULATION	(506)	186	101	(219)		
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*Includes special management & unclassified.

**Includes community custody.

2-6-89

PROJECTED POPULATION COMPARED TO CAPACITY TO 6-30-91 [28mo, 25da]

A. Last Five Year Experience - FY 83-88 [44 per mo. = 1272, 28mo, 25da]

	<u>Maximum*</u>	<u>Medium</u>	<u>Minimum**</u>	<u>Total</u>	<u>Spec. Use/ Infirm.</u>	<u>Temp.</u>
Projected Pop.	2,235	1,837	3,270	7,343	-	-
Current Capacity	1,342	1,705	2,805	5,852	-	-
Cap. + or (-) Pop.	(893)	(132)	(465)	(1,491)		
Add New Facility	736	-	64	800	64	-
Cap. + or (-) Pop	(157)	(132)	(401)	(691)		

B. Last Ten Year Experience - FY 78-88 [31 per mo. = 896, 28mo, 25da]

	<u>Maximum*</u>	<u>Medium</u>	<u>Minimum**</u>	<u>Total</u>	<u>Spec. Use/ Infirm.</u>	<u>Temp.</u>
Projected Pop.	2,121	1,743	3,103	6,967	-	-
Current Capacity	1,342	1,705	2,805	5,852	-	-
Cap. + or (-) Pop	(779)	(38)	(298)	(1,115)		
Add New Facility	736	-	64	800	64	-
Cap. + or (-) Pop	(43)	(38)	(234)	(315)		

*Includes special management & unclassified.

**Includes community custody.

End-of-month Inmate Population Report (January, 1989; Mo. 7, FY 89)

Highlights

Inmate Population

- January increase is a sharp reversal of the slight downward trend observed in the previous six months.
 - Increase of 125 for the month, 6057 from 5932 — the highest single month's increase in the 1980s.
 - Increase of 44 so far in the first seven months of FY 1989, 6057 from 6013 (average increase of about 6 per month).

Admissions and Releases

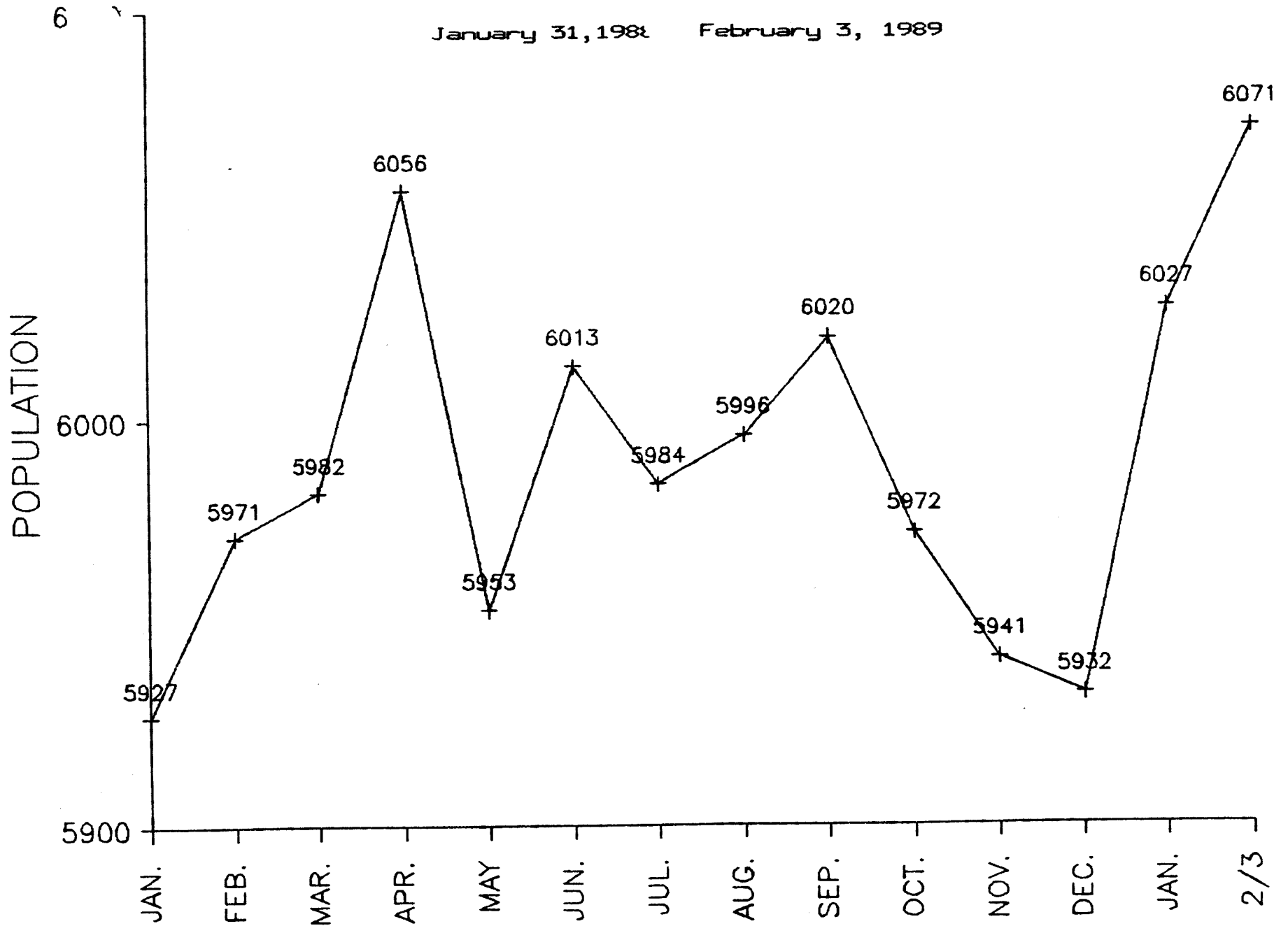
- Total number of admissions in December was 333 — one of the highest monthly totals in recent years.
 - Court commitments totaled 255 — compared to the FY 89 year-to-date monthly average of 208.
 - Admissions for technical violations of parole and conditional release totaled 75. The FY 89 year-to-date monthly average of 61 compares to the monthly average of 47 in FY 1988 and 33 in FY 1987.
- Releases for January were only 210 — compared to the FY 89 year-to-date monthly average of 281.
 - Parole releases were 123 — down from 177 in December, 223 in November, and 228 in October. The monthly average of 179 for the first seven months of FY 89 is still higher than the average of 127 for FY 88.

KANSAS DEPARTMENT OF CORRECTIONS
TOTAL (ALL FACILITIES)

<u>Month</u>	<u>Population</u>	<u>Change from Previous Month</u>
December 1987	5875	--
January 1988	5927	+ 52
February	5971	+ 44
March	5982	+ 11
April	6056	+ 74
May	5953	-103
June	6013	+ 60
July	5984	- 29
August	5996	+ 12
September	6020	+ 24
October	5972	- 48
November	5941	- 31
December	5932	- 9
January 1989	6057	+125
February to date (2-3-89)	6071	+ 14

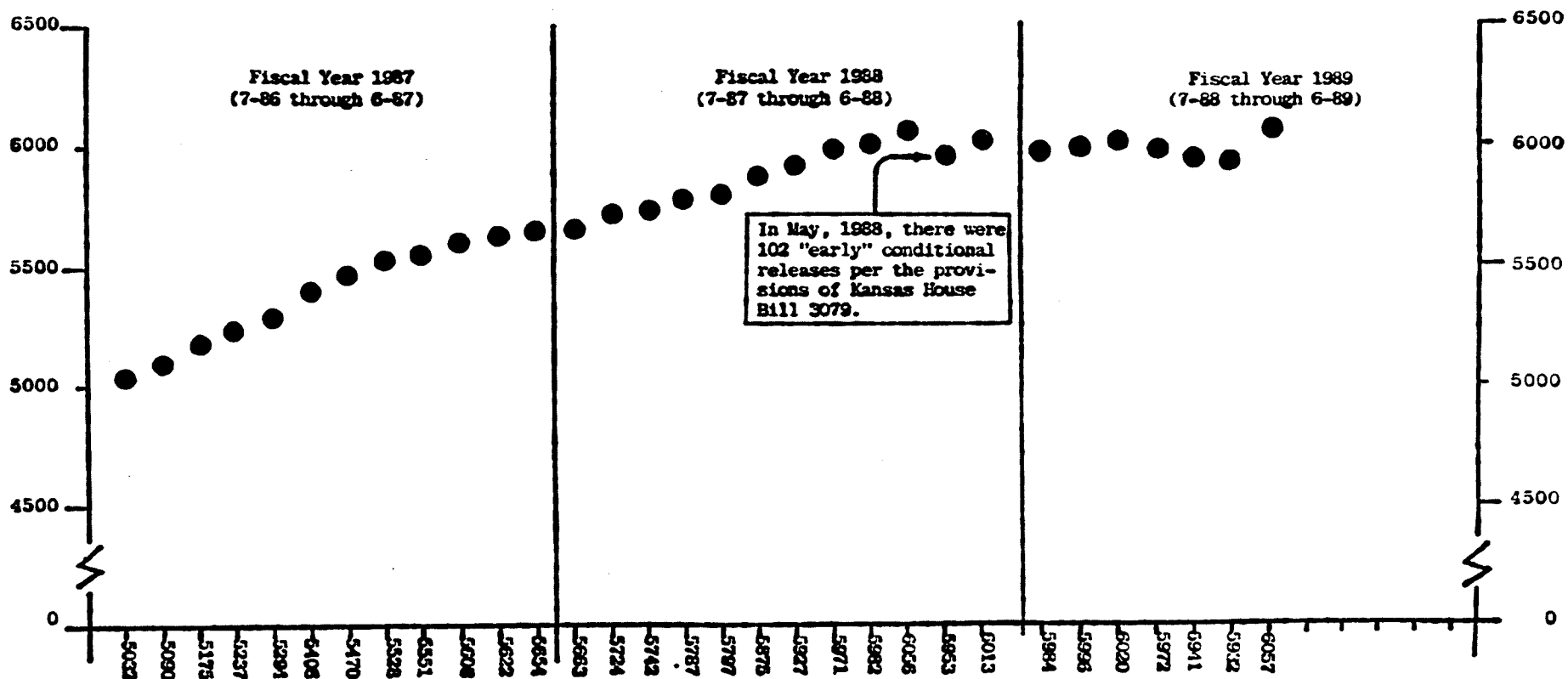
END OF MONTH INMATE POPULATION:

January 31, 1988 February 3, 1989



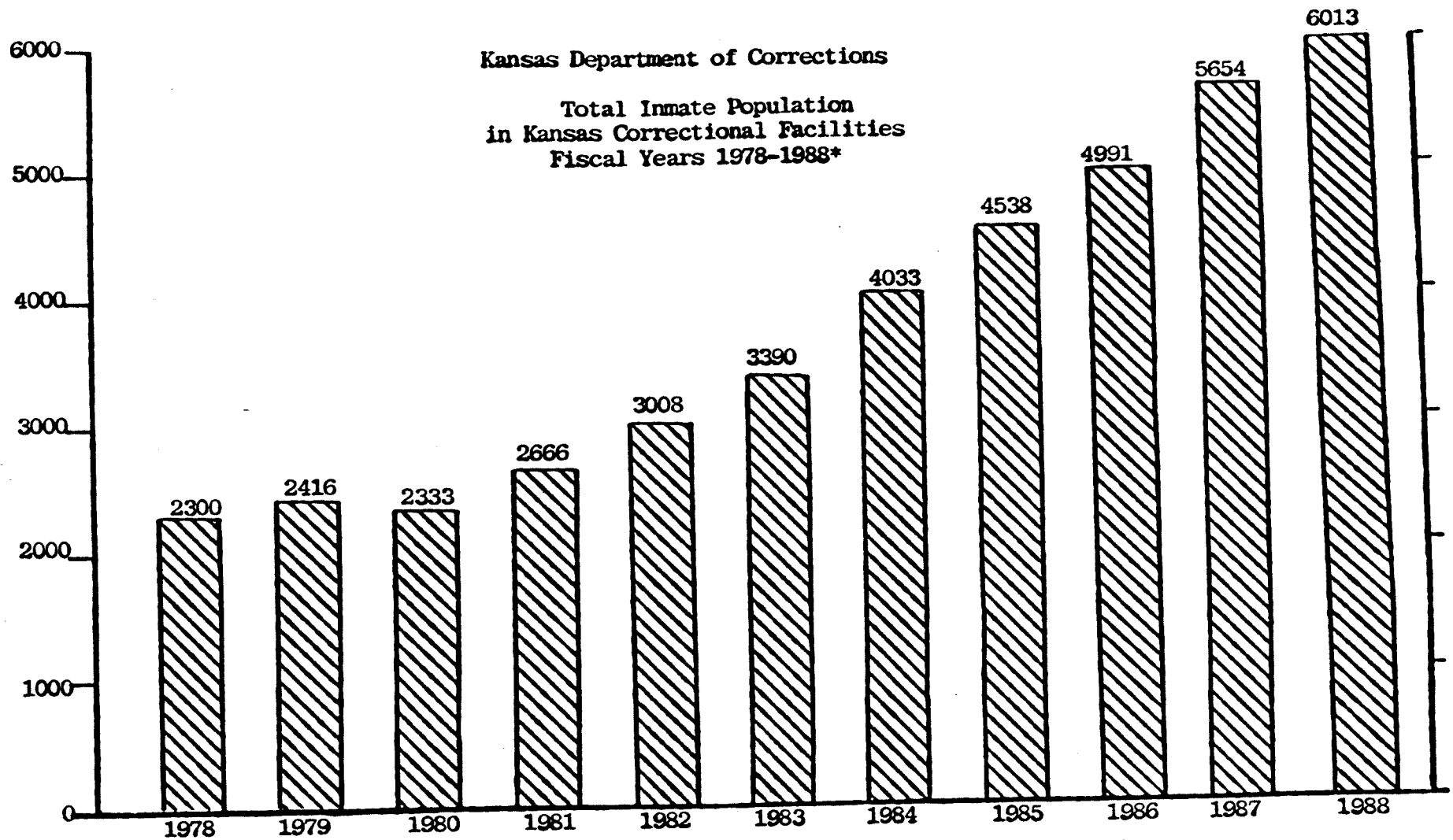
Kansas Department of Corrections

End-of-month Inmate Population (Census) for Each Month of Fiscal Years 1987 - 1989 (to date)*



*Reflects total inmate population, including the non-D.O.C. facility population (contracted beds - contract work release, contract jail placement, Larned State Hospital, and community residential centers).

Prepared by Information Systems and Research Unit.



*Figures reflect total inmate population as of the end of each fiscal year (June 30), including the non-D.O.C. facility population (contract work release, contract jail placement, and Larned State Hospital).

Prepared by Information Systems and Research Unit.

Inmate Population by Selected Criminal Offense:
June 30, 1983 and June 30, 1988

	<u>1983</u>	<u>1988</u>
<u>Crimes Against Persons</u>		
Murder	368	528
Manslaughter	86	116
Vehicular Homicide	0	18
Kidnapping (Including Aggravated)	198	310
Aggravated Battery	169	306
Aggravated Robbery	509	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>571.4</u> 1926	<u>3468</u> - 571.7
<u>Drug Offenses</u>	<u>142</u>	<u>477</u>
Total - Selected Offenses	2068	3945
Total - All Inmates	3353	6013
% of Total Population	61.7	65.6

Note. All counts include attempts, conspiracy and solicitation.

KANSAS CORRECTIONAL FACILITIES:
EXISTING AND APPROVED ADDITIONS

EXISTING DOC FACILITIES AND FY 1989 ADDITIONS

<u>Institution/Unit</u>	<u>Number and Type of Housing</u>	<u>Operating Capacity</u>	<u>Spec. Use/ Infirmary</u>	<u>Temporary</u>
Penitentiary				
A Cellhouse	222 1-inmate cells	222		
B Cellhouse	270 1-inmate cells	270		
C Cellhouse	144 1-inmate cells	96	48	
C Cellhouse	32 3-inmate cells	96		
D Cellhouse	140 1-inmate cells	140		
Outside Dorm #2 (R & S Units)	3 Dormitories	150		
Medium Security Unit (K, L, & M Units)	288 1-inmate cells	288		
Minimum Security Dorm (Q Unit)	2 Dormitories	150		
A & T (E Cellhouse)	101 1-inmate cells 6 3-inmate cells	-		101 18
Infirmary		-	23	
Subtotal		1,412		
Industrial Reformatory				
A Cellhouse	100 1-inmate cells	50	50	
A Cellhouse	98 1-inmate cells	-	98	
B Cellhouse	200 1-inmate cells	200		
C Cellhouse	200 1-inmate cells	200		
D Cellhouse	79 3-inmate cells	237		
D Cellhouse (Handicapped)	1 inmate cell	-	2	
E Living Dorm	1 Dormitory	-		50
Minimum Security Unit	5 Dormitories	160		
Infirmary & Other		-	4	
Subtotal		847		
Correctional-Vocational Training Center				
Housing Unit 1	40 1-inmate rooms	40		
Housing Unit 2	40 1-inmate rooms	40		
Housing Unit 3	40 1-inmate rooms	40		
Housing Unit 4	40 1-inmate rooms	40		
J Building	20 1-inmate rooms	20		
Admin. Bldg.	2 1-inmate cells	-	2	
Infirmary		-	4	
Subtotal		180		
Reception and Diagnostic Center				
Main Bldg. Cells	28 2-inmate cells	28		
Main Bldg. Dorms	8 Dormitory	95		
Work Center	1 Dormitory	90		
Main Bldg.	1 Dormitory			10
Main Bldg.	4 1-inmate cells	-	4	
Subtotal		213		

KANSAS CORRECTIONAL FACILITIES:
EXISTING AND APPROVED ADDITIONS

<u>Institution/Unit</u>	<u>Number and Type of Housing</u>	<u>Operating Capacity</u>	<u>Spec. Use/ Infirmary</u>	<u>Temporary</u>
Correctional Institution at Lansing				
Sunflower	48 1-inmate rooms	48		
Redwood	2 Dormitories	70		
Perry Building	40 1-inmate rooms	40		
	9 1-inmate cells		9	
Admin. Bldg. (Adm./Infirm.)	Dormitory	-	10	
Subtotal		<u>158</u>		
Ellsworth Correctional Work Facility				
Multi Security		-		
Minimum Housing	Dormitory	96		
Medium Housing		200		
Infirmary		-		
Subtotal		<u>296</u>		
Norton Correctional Facility				
Carlson Building	45 Rooms	168		
Crumbine Building	Dormitory	<u>100</u>		
Subtotal		<u>268</u>		
Toronto Honor Camp	Dormitory	70		
El Dorado Honor Camp	Dormitory	102		
Forbes Corr. Facility				
	2 1-inmate rooms	2		
	10 2-inmate rooms	20		
	16 3-inmate rooms	48		
	1 4-inmate room	4		
	1 6-inmate room	<u>6</u>		
Subtotal		<u>80</u>		
Hutchinson Work Rel. Ctr.	Dormitory	20		
Wichita Work Release Center	45 inmate rooms	100		
Winfield Corr. Facility				
	32 inmate rooms	104		
	9 Dormitories	186		
	Infirmary	<u>2</u>	2	
Subtotal		<u>290</u>		
Topeka Correctional Facility	18 inmate rooms and Dormitory	111		
Osawatomie Corr. Facility				
Carmichael Bldg.	32 2-man rooms	64		
	2 8-man Dormitories	<u>16</u>		
Subtotal		<u>80</u>		
Stockton Corr. Facility	Dormitory	94		
Hutchinson Cor. Work Facility				
	Dormitory	200		
	Dormitory	120		
		<u>80</u>		
		<u>400</u>		
TOTAL EXISTING FACILITIES AND FY 1989 ADDITIONS		<u>4721</u>		

KANSAS CORRECTIONAL FACILITIES:
EXISTING AND APPROVED ADDITIONS

FY 1989/1990 ADDITIONS

<u>Institution/Unit</u>	<u>Number and Type of Housing</u>	<u>Operating Capacity</u>	<u>Spec. Use/ Infirmary</u>	<u>Temporary</u>
Norton Corr. Facility	Kenny-Lathrop Bldg.	232	11	
Ellsworth Corr. Facility	Multi-security Facility	68	17	
		152		
Corr. Inst. at Lansing	Net addition: New 200- bed facility minus exist- ing Sunflower and Redwood Units	82		
		—		
Total FY 1989/1990 Additions		<u>534</u>		

TOTAL - DOC FACILITIES EXISTING
AND APPROVED ADDITIONS

5,255

Department of Corrections: Beds Added Since 1983

<u>Facility</u>	<u>Location of Beds</u>	<u>Date Completed</u>	<u>Number of Beds</u>
Penitentiary	Medium Unit	1985	288
	Minimum Dormitory	1985	100
		1987	<u>50</u>
			438
Reformatory	Minimum Unit	1985	96
	Minimum Unit Expansion	1986	<u>64</u>
			160
Reception & Diagnostic Ctr.	Dormitory	1987	32
	Work Center/Dormitory	1988	<u>90</u>
			122
Corr. Institution at Lansing	Dormitory	1985	46
	Dormitory (net addition)	1989	<u>82*</u>
			128
Toronto Honor Camp	Dormitory	1987	9
El Dorado Honor Camp	Dormitory	1985	32
	Dormitory	1988	<u>6</u>
			38
Wichita Work Release	Minimum Units	1984	20
		1988	<u>25</u>
			45
Topeka Correctional Facility	Minimum Units	1984	65
		1986	16
		1988	<u>30</u>
			111
Winfield Corr. Facility	Minimum Units	1984	141
		1987-1988	<u>149</u>
			290
Norton Correctional Facility	Minimum Units	1988	240
	Medium & Minimum Units	1989	<u>260*</u>
			500
Osawatomie Corr. Facility	Minimum Units	1988	80
Forbes Correctional Facility	Minimum Units (net addition)	1988	54
Ellsworth Corr. Work Facility	Multi-security Facility	1988	296
		1989	<u>220*</u>
			516
Stockton Corr. Facility	Dormitory	1989	94
Hutchinson Corr. Work Fac.	Dormitory	1989	400*
TOTAL			<u>2985</u>

*Project in progress.

Note: The 1988 Legislature also approved funds for placement of 400 inmates in community residential centers to be operated by private contractors.

Prepared 1-24-89 by Kansas Department of Corrections, Information Systems and Research Services Unit.

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.

Felony Class of Most Serious Current Offense	Total Inmate Population			
	FY 1987		FY 1988	
	Number	Percent	Number	Percent
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	<u>767</u>	<u>14</u>	<u>823</u>	<u>14</u>
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 III
Senate Judiciary
2-16-89

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
	<u>Repeaters</u>	<u>First Offenders</u>	<u>Repeaters</u>	<u>First Offenders</u>	
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
THC	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						
		KSP	KSIR	KCVTC	KRDC	KCIW	THC	WR
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.

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STATE OF KANSAS



TOPEKA

SENATE CHAMBER

February 15, 1989

COMMITTEE ASSIGNMENTS

CHAIRMAN: JUDICIARY
VICE-CHAIRMAN: WAYS AND MEANS
MEMBER: JOINT COMMITTEE ON ECONOMIC
DEVELOPMENT
JOINT COMMITTEE ON SPECIAL CLAIMS
AGAINST THE STATE
ECONOMIC DEVELOPMENT
KANSAS JUDICIAL COUNCIL

WINT WINTER, JR.

SENATOR, SECOND DISTRICT

DOUGLAS COUNTY

737 INDIANA

BOX 1200

LAWRENCE, KANSAS 66044

STATE CAPITOL, ROOM 120-S

TOPEKA, KS 66612-1594

(913) 296-7364

LEGISLATIVE HOTLINE

1-800-432-3924

Richard C. Hite
Kahrs, Nelson, Fanning, Hite & Kellogg
Suite 630 - 200 W. Douglas Avenue
Wichita, Kansas 67202-3089

RE: HB-2009

Dear Dick:

Thanks for your letter of February 3 regarding HB-2009 and the Uniform Durable Power of Attorney Act.

I have shared your letter with members of the Senate Judiciary Committee. If it fits in your otherwise tight schedule, we would like to have you testify before the committee during the hearings which have not yet been set. We will be in touch with your office to let you know the date, which will be sometime in March.

Thanks again and I look forward to continuing to work with you and other practitioners.

Very truly yours,

A handwritten signature in cursive script that reads "Wint".

Senator Wint Winter, Jr.

WW:gc

CC: Representative Michael O'Neal
Senate Judiciary Committee members
Jane Tharp

Attachment IV
SJC
2-16-89

KAHRS, NELSON, FANNING, HITE & KELLOGG

ATTORNEYS AT LAW

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February 3, 1989

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ROBERT H. NELSON
(1904-1977)

OF COUNSEL
DANIEL D. TONTZ
CRISTY W. PASSMAN

Senator Wint Winter
Chairman
Senate Judiciary Committee
Capitol Building
Topeka, Kansas 66612

Re: HB 2009

Dear Senator:

It is my understanding that your committee will be considering the provisions of House Bill 2009 which pertains to the Uniform Durable Power of Attorney Act. I urge you to leave this very useful Uniform Act in its present form.

The Durable Power of Attorney Act is one of the more successful recent products of the National Conference of Commissioners on Uniform State Laws. It has been enacted in 35 jurisdictions. Twelve other jurisdictions have adopted the act with only minor modifications. With an evermore mobile population, it is extremely important to have uniformity. This is particularly true among our senior citizens who are the more frequent users of the act.

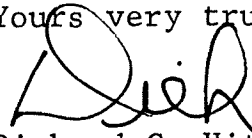
About a year ago, the National Conference of Commissioners on Uniform State Laws appointed a committee to determine whether the Durable Power of Attorney Act should be amended to speak to health care issues. I served as chairman of that committee. Our committee unanimously agreed that the act should not be modified with regard to health care issues or any other issues. The Executive Committee of the Conference unanimously approved that report and it was received with no objection by the entire Conference. The basic thinking of the committee was that if the Durable Power of Attorney Act was modified or amended in one or more respects with mandates about what can or cannot be treated under the act, we will soon have a lobbying effort by every special interest group in an effort to conform the act to their own special interests.

Senator Wint Winter
February 3, 1989
Page 2

If it would be helpful, I would be glad to expand upon any of these thoughts.

Best regards.

Yours very truly,

A handwritten signature in black ink, appearing to read "Richard C. Hite". The signature is stylized with a large, looped initial "R" and a cursive "Hite".

Richard C. Hite
Kahrs, Nelson, Fanning, Hite
& Kellogg

RCH:bc

LWVK LEAGUE OF WOMEN VOTERS OF KANSAS

919½ South Kansas Avenue Topeka, KS 66612 (913) 234-5152

February 2, 1989

STATEMENT OF ANN HEBBERGER, LWVK PRESIDENT, TO THE SENATE COMMITTEE ON JUDICIARY IN SUPPORT OF SB 50: ESTABLISHING A SENTENCING COMMISSION TO RECOMMEND SENTENCING GUIDELINES AND OTHER MATTERS.

Mr. Chairman and Members of the Committee:

I am Ann Hebbenger, President of the League of Women Voters of Kansas, speaking on behalf of the League in support of SB 50.

The LWVK adopted a study of Sentencing Alternatives in Kansas in 1981, and announced its position in December, 1982.

Although we support the present criminal code, a mix of indeterminate and mandatory-minimum sentencing, we believe that changes are needed to make the system more effective, consistent, and fair in dealing with both offenders and victims of crime. We therefore support the concept of Uniform Sentencing Guidelines for the judiciary. Such guidelines should provide better protection of society from violent behavior and repetition of criminal acts by requiring incarceration of repeat offenders.

Guidelines should have more structure and uniformity, yet some flexibility in individual cases. One problem with indeterminate sentencing is the function of parole boards. Parole is based on the theory that a relationship exists between a prisoner's response to prison and treatment programs, and his eventual behavior in the community. Training for freedom in a state of captivity is not an easy task. Far more difficult is predicting future behavior. For many prisoners, the uncertainty of their release is the most punitive of punishments, and, we think, the most frustrating to victims.

Such guidelines should provide less disparity in sentencing although disparity is not necessarily unjust. A first offender should not receive as long a sentence as a second-or third-time offender. Injustice occurs when the sentence length for similar defendants committing similar crimes varies by months, even years. Variations can occur within a state and even within a judicial district. The factors which predict a sentence depend upon the offender's age, sex, prior record, race, the judge's individual bias and state of mind, guilty pleas or plea bargaining versus a jury's finding of guilt and good or poor legal counsel.

Such guidelines should provide for fewer incarcerations by providing more sentencing alternatives to judges, such as programs provided by community corrections, house arrest, treatment for drug and alcohol abuse, intensive supervision, work release, job and other counseling, restitution, community service and others.

Attachment V
SJC
2-16-89

In order to establish sentencing guidelines, the League supports:

1. The establishment of a commission representative of the criminal justice system, the legislature and lay persons to draft the guidelines for legislative approval.
2. A requirement that judges provide written justification for appellate review when a sentence deviates from the guidelines.
3. The use of community-based alternatives to incarceration be included that would allow for more services such as restitution to victims and individual treatment of offenders.

Sentencing guidelines developed by a commission could be considered a drastic change in the criminal justice system in Kansas. However, the biggest plus is being able to control prison population overcrowding.

The Legislature defines what crime is, and what the punishment shall be. The Criminal Code as a whole has not been recodified since 1971. At this point it would most likely be astounding to find out what crimes and punishments have been added since that time. To make a point, I found a bill locator, dated March 16, 1988, and looked under Crimes, Criminal Procedure and Punishment, pages 16, 17 and 18. I counted at least 105 bills that had been in or out of the hopper since the Session started. The range was from eavesdropping and smoking in public to the buying and selling of human bodies. Many other bills in all sections of this particular book had punishments or some sort attached. Obviously, every time a new crime is added, it upsets the balance of the system. Since there is no way to enforce all of the laws on the books, we end up with selective law enforcement.

The League believes that money can be better spent by developing a good sentencing guideline model or grid using it, rather than building more and more facilities to house prisoners. Our tax dollars should be spent for more preventive services including education, drug and alcohol treatment, counseling, job training, and of course for victim compensation.

Sentencing guidelines are the answer. An alternative is to keep building prisons which are filled before opening. Soon there will be no tax dollars left for quality education for all, child care, highways, KanWork, the environment, the State Water Plan, health care for those in need, and services that the taxpayers expect their dollars to pay for.

Thank you for this opportunity to speak before you today, and we strongly urge your consideration of the passage of SB 50.