

Approved February 25, 1991
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

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

10:05 a.m./~~p.m.~~ on January 31, 1991 in room 514-S of the Capitol.

All members were present except: Senator Moran who was excused.

Committee staff present:

Mike Heim, Legislative Research Department
Gordon Self, Office of Revisor of Statutes
Judy Crapser, Secretary to the Committee

Conferees appearing before the committee:

Ben Coates, Kansas Sentencing Commission

Chairman Winter opened the meeting by requesting the committee introduce a bill that would give district judges statutory authority to assign jail time as a condition for probation. The bill would reverse the recent Supreme Court decision in State v. Walbridge.

Senator Bond moved to introduce a bill as explained by the Chairman. Senator Kerr seconded the motion. The motion carried.

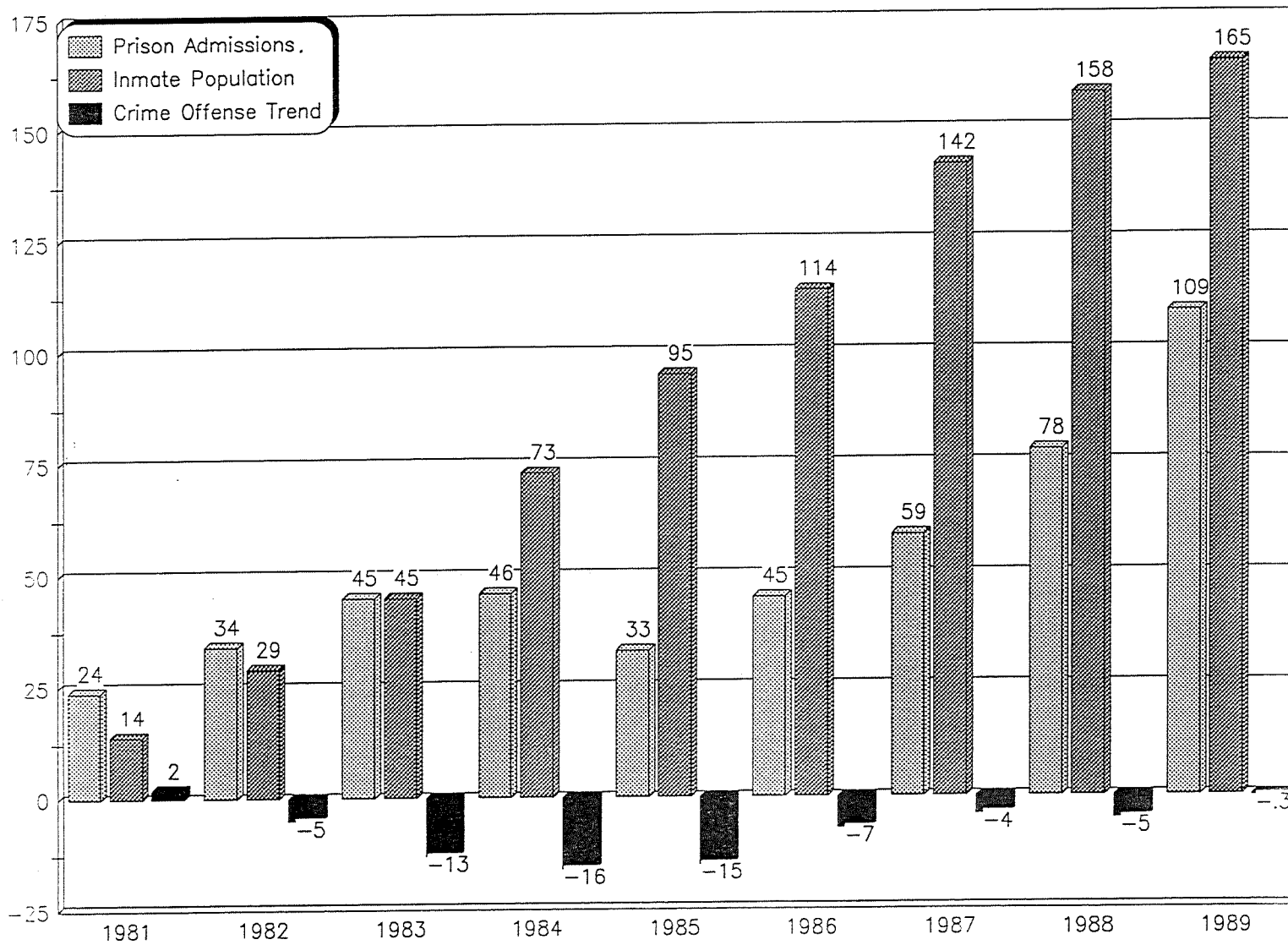
The Chairman turned the Committee's attention to the Kansas Sentencing Commission's final report, Recommendations of the Kansas Sentencing Commission. Legislation will be drafted directly from the recommendations, but due to the amount of time required for the drafting, Chairman Winter noted that public hearings will begin this week on the recommendations without the bill draft available. Additional hearings addressing precise language will be held when the Bill(s) is/are introduced.

Ben Coates, Executive Director of the Kansas Sentencing Commission, began reviewing for the Committee the philosophy, action and recommendations of the Kansas Sentencing Commission. (ATTACHMENT 1)

The briefing was continued to Friday, February 1, 1991 at 9:30 a.m. in Room 514-S. The meeting was adjourned.

Cumulative Study

Prison Admissions, Inmate Population, Crime Offense Trend
Percentage Change - Base Year=1980



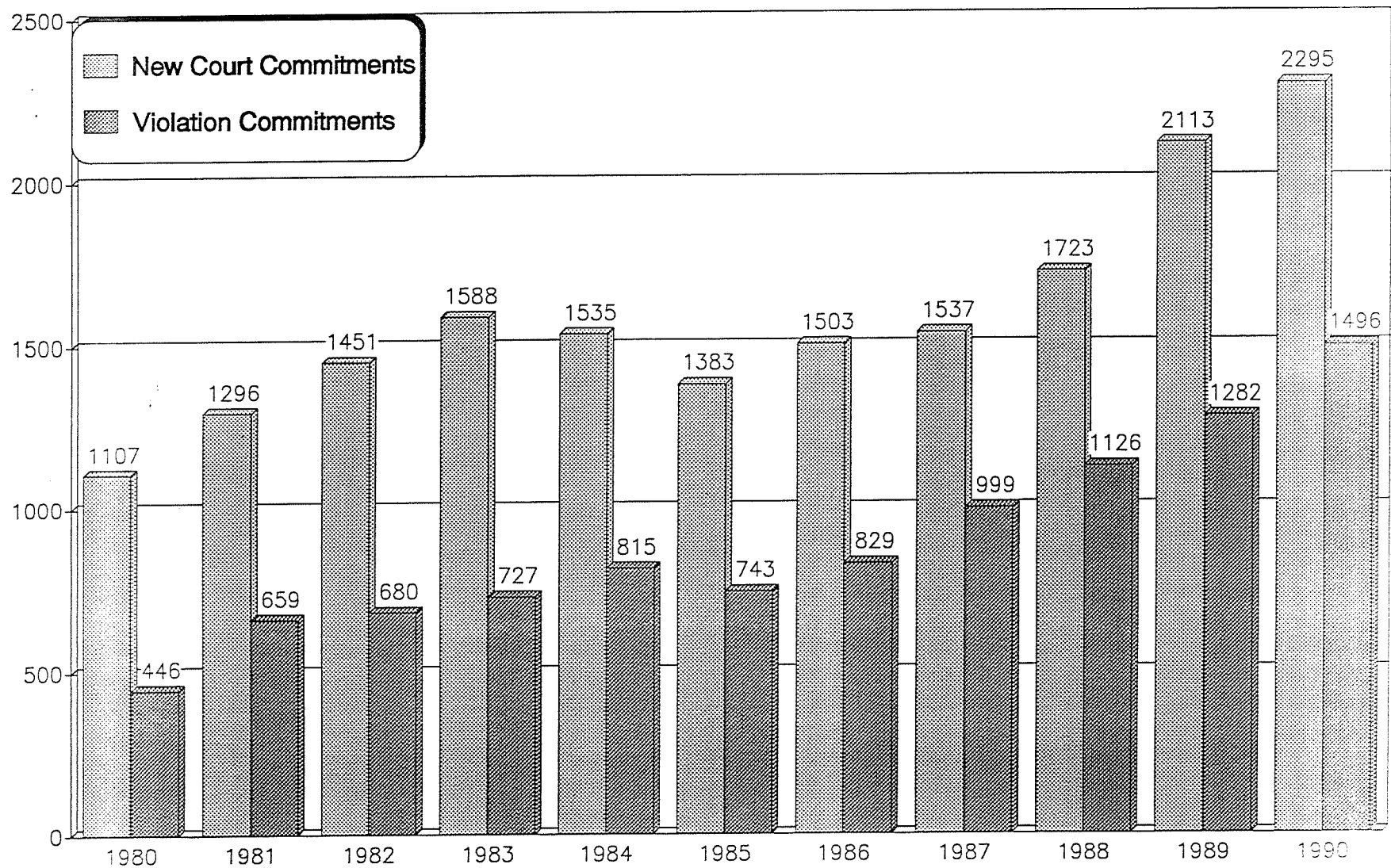
*Senate Judiciary Committee
Attachment 1
1-31-91*

1-11

Department Of Corrections

New Court Commitments vs. Commitments For Violations Of Parole, Probation And Conditional Release

Fiscal Years 1980 - 1990

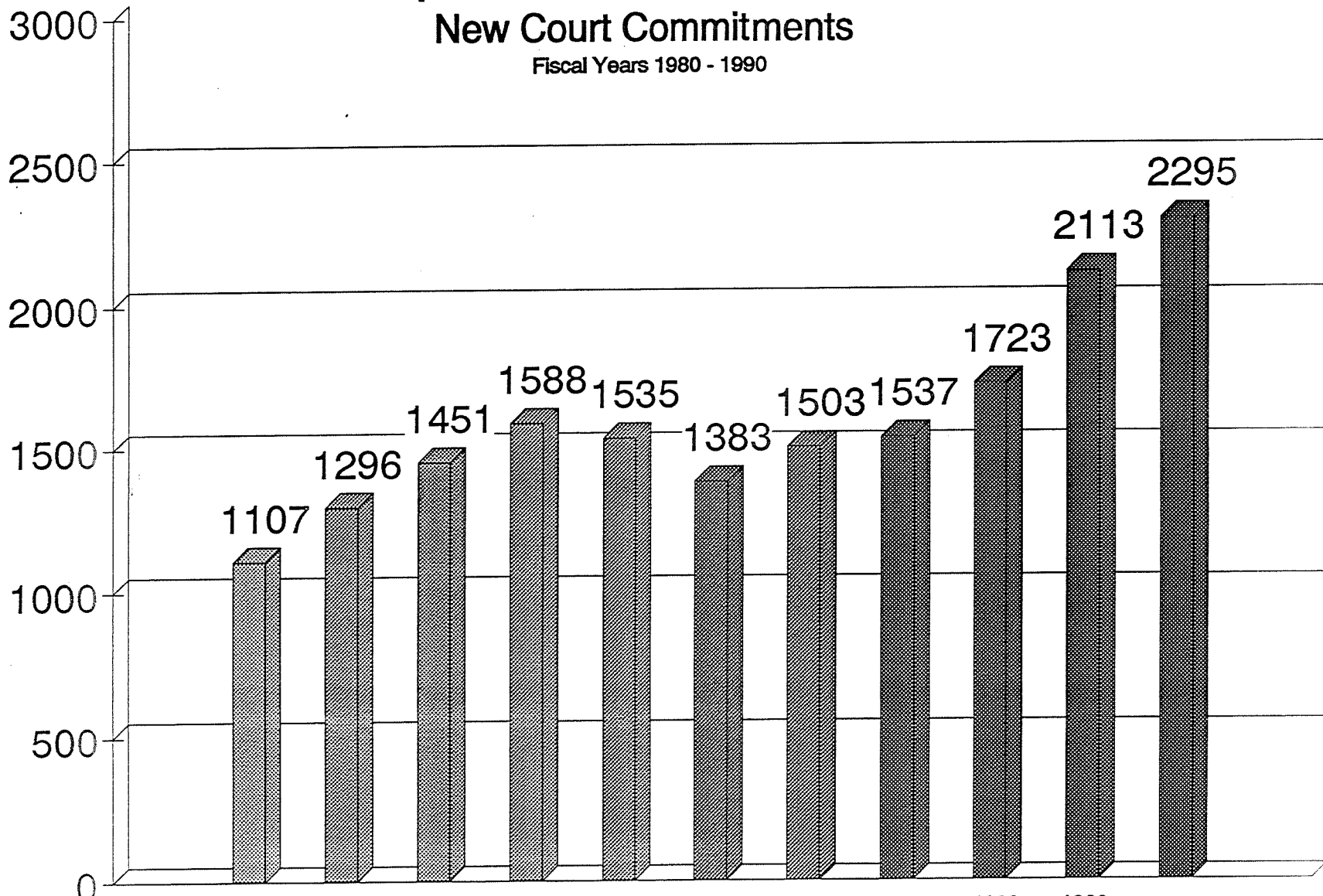


1-3/11

Department of Corrections

New Court Commitments

Fiscal Years 1980 - 1990



Percent increase (+) or decrease (-) yearly:

| Fiscal Year | Percent Change |
|-------------|----------------|
| 1980 | |
| 1981 | +17% |
| 1982 | +12% |
| 1983 | +9% |
| 1984 | -3% |
| 1985 | -10% |
| 1986 | +9% |
| 1987 | +2% |
| 1988 | +12% |
| 1989 | +23% |
| 1990 | +9% |

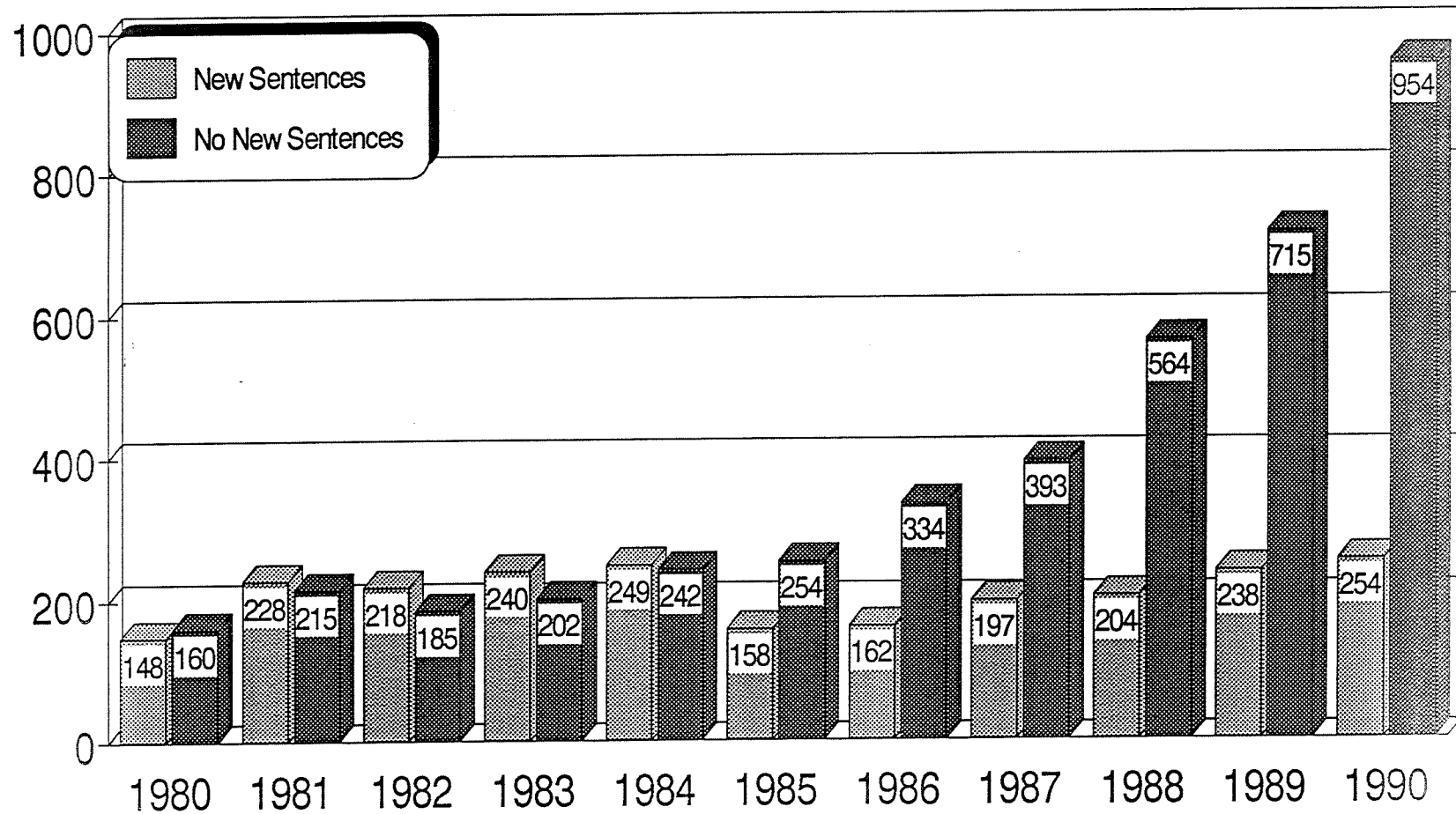
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Department of Corrections

Parole and Conditional Release Violations

New Sentences and No New Sentences

Fiscal Years 1980 - 1990

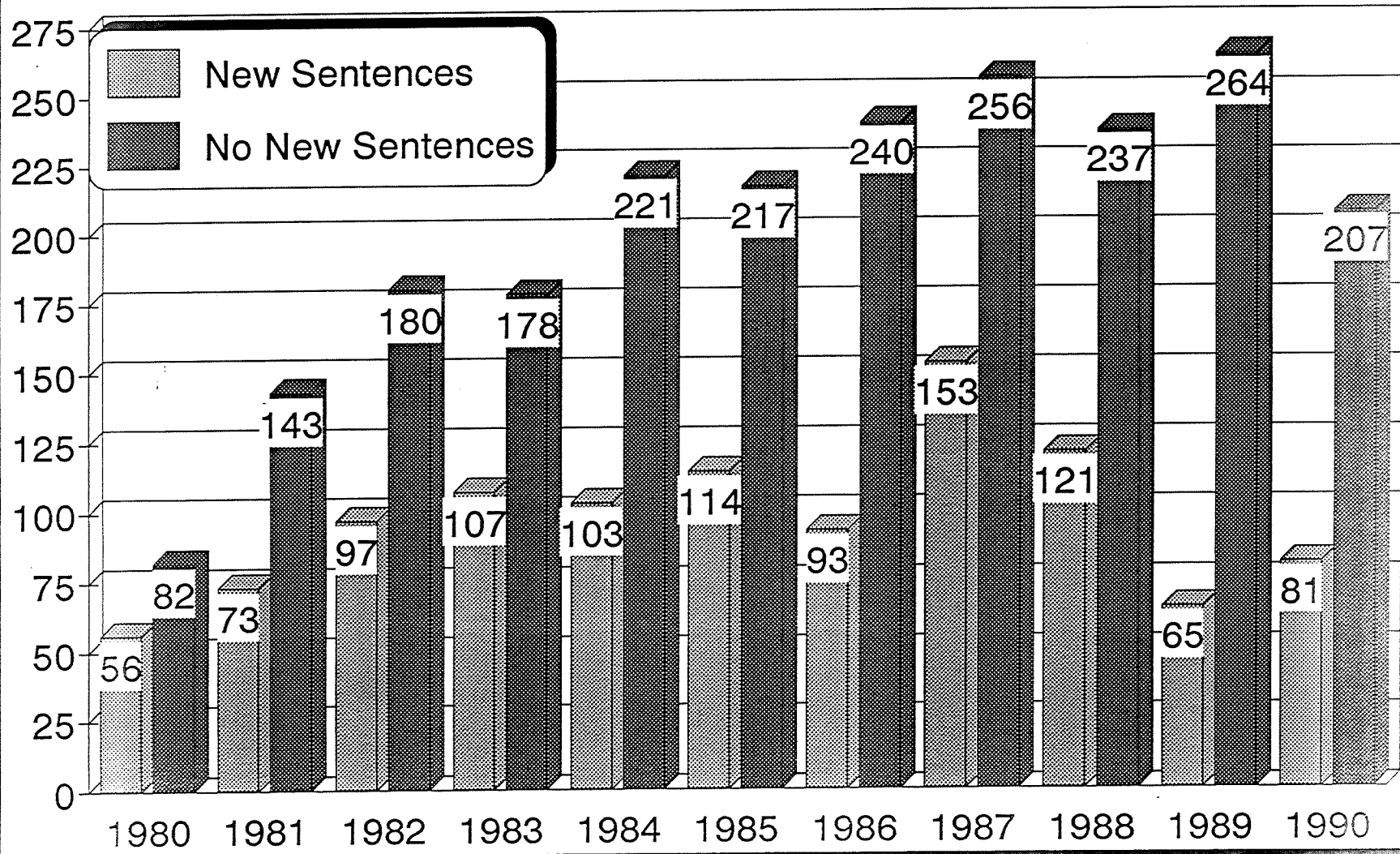


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Department of Corrections Admissions

Probation Violations - New Sentences vs. No New Sentences

Fiscal Years 1980 - 1990



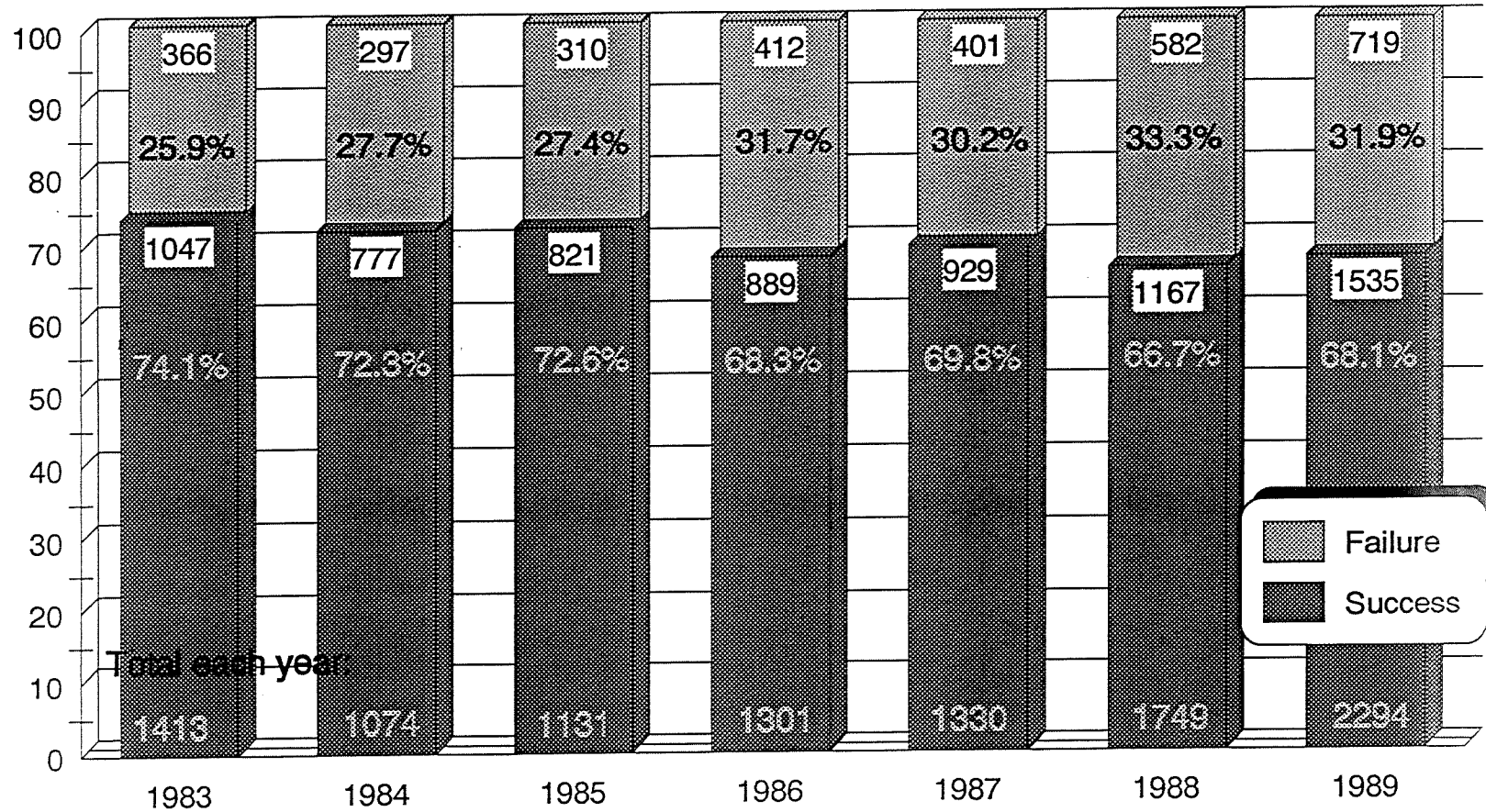
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Department of Corrections

Return Rate Of Offenders Released Via Parole Or Conditional Release

One Year Follow-Up

Fiscal Years 1983 - 1989



1-7/11

Probability of
Receiving a Prison
Sentence by Selected
Characteristics by Race

| | Overall | White | Non-White |
|----------------------------|---------|-------|-----------|
| Total | 31.8 | 29.2 | 37.6 |
| Employed | 18.6 | 17.9 | 20.9 |
| Un-Employed | 36.9 | 34.3 | 41.5 |
| Private Counsel | 23.9 | 22.3 | 29.1 |
| Court Appointed Counsel | 34.9 | 33.3 | 39.6 |
| High School Dropout | 29.7 | 24.9 | 39.2 |
| High School Graduate | 31.3 | 29.2 | 36.1 |
| Single | 32.0 | 28.4 | 39.1 |
| Married | 30.3 | 29.7 | 31.9 |
| Cohabiting | 41.2 | 32.9 | 53.1 |

11/8-1



Average Minimum Sentence And Average Months Served For 1700 Inmates Released In Fiscal Year 1989 By Total Crime, Selected Crimes And By Race

| | All Crimes | | Statistically Significant | No Previous Felony Convictions | | Statistically Significant |
|----------------------|------------|-----------|---------------------------|--------------------------------|-----------|---------------------------|
| | White | Non-white | | White | Non-white | |
| Total Crimes | | | | | | |
| Ave Min Sent (years) | 2.3 | 2.8 | YES | 2.3 | 3.0 | YES |
| Ave Mos Served | 34.0 | 41.8 | YES | 32.5 | 41.6 | YES |
| Drug Crimes | | | | | | |
| Ave Min Sent (years) | 2.5 | 3.0 | YES | 2.5 | 3.1 | YES |
| Ave Mos Served | 28.3 | 38.3 | YES | 27.3 | 36.1 | YES |
| Theft | | | | | | |
| Ave Min Sent (years) | 1.5 | 1.3 | NO | 1.2 | 1.2 | NO |
| Ave Mos Served | 26.3 | 25.4 | NO | 20.8 | 21.0 | NO |
| Burglary | | | | | | |
| Ave Min Sent (years) | 1.9 | 1.9 | NO | 1.5 | 1.4 | NO |
| Ave Mos Served | 29.7 | 35.2 | YES | 23.4 | 27.2 | NO |

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1-9/11

Legend

-  Presumptive Incarceration
-  Presumptive Probation

Sentencing Range - Non Drug Offenses

| Severity Level | A 3+Person | B 2 Person | C 1 Person + 1 Non-person | D 1 Person | E 3 + Non-person | F 2 Non- Person | G 1 Non- Person | H 2 + Mis- demeanor | I No Record |
|----------------|-------------------|-------------------|---------------------------------|-------------------|------------------------|-----------------------|-----------------------|---------------------------|-------------------|
| I | 227 216 205 | 214 203 192 | 199 189 179 | 185 176 167 | 171 162 153 | 157 149 141 | 142 135 128 | 129 122 115 | 114 108 102 |
| II | 171 162 153 | 160 152 144 | 150 142 134 | 139 132 125 | 128 121 114 | 117 111 105 | 107 101 95 | 96 91 85 | 86 81 75 |
| III | 114 108 102 | 105 100 95 | 99 94 89 | 92 87 82 | 86 81 76 | 77 73 69 | 71 67 63 | 65 61 57 | 57 54 51 |
| IV | 95 90 85 | 90 85 80 | 83 79 75 | 77 73 69 | 71 67 63 | 66 62 58 | 58 55 52 | 53 50 47 | 48 45 42 |
| V | 76 72 68 | 71 67 63 | 67 63 59 | 61 58 55 | 57 54 51 | 52 49 46 | 48 45 42 | 42 40 38 | 38 36 34 |
| VI | 46 43 40 | 41 39 37 | 38 36 34 | 36 34 32 | 32 30 28 | 29 27 25 | 26 24 22 | 21 20 19 | 19 18 17 |
| VII | 34 32 30 | 31 29 27 | 29 27 25 | 26 24 22 | 23 21 19 | 19 18 17 | 17 16 15 | 14 13 12 | 13 12 11 |
| VIII | 23 21 19 | 20 19 18 | 19 18 17 | 17 16 15 | 15 14 13 | 13 12 11 | 11 10 9 | 11 10 9 | 9 8 7 |
| IX | 17 16 15 | 15 14 13 | 13 12 11 | 13 12 11 | 11 10 9 | 10 9 8 | 9 8 7 | 8 7 6 | 7 6 5 |
| X | 13 12 11 | 12 11 10 | 11 10 9 | 10 9 8 | 9 8 7 | 8 7 6 | 7 6 5 | 7 6 5 | 7 6 5 |



1/01-1

Sentencing Range - Drug Offenses

| | A | B | C | D | E | F | G | H | I |
|----------------|-------------------|-------------------|-------------------------|-------------------|-------------------|-------------------|-------------------|----------------------|----------------------|
| Severity Level | 3+Person | 2 Person | 1 Person + 1 Non-person | 1 Person | 3+ Non-person | 2 Non-Person | 1 Non-Person | 2 + Mis-demeanor | No Record |
| I | 227 216 205 | 218 207 196 | 208 198 188 | 199 189 179 | 189 180 171 | 185 176 167 | 180 171 162 | 176 167 158 | 171 162 153 |
| II | 92 87 82 | 86 81 76 | 80 76 72 | 75 71 67 | 69 65 61 | 66 62 58 | 63 60 57 | 60 57 54 | 57 54 51 |
| III | 57 54 51 | 52 49 46 | 47 44 41 | 40 38 36 | 35 33 31 | 29 27 25 | 26 24 22 | 21/20/19 21/20/19 | 18/17/16 18/17/16 |
| IV | 47 44 41 | 40 38 36 | 35 33 31 | 29 27 25 | 24 22 20 | 20 19 18 | 18 17 16 | 15 14 13 | 13 12 11 |

SNTRGDG2

Legend

-  Presumptive Incarceration
-  Presumptive Probation

1-11

Comparison Of Number Of Persons Sent To Prison And Total Person-Months Of Imprisonment For Current System Vs. Proposed Guidelines

| Number sent to prison | Current System ⁽³⁾ | Proposed Guidelines ⁽⁴⁾ |
|-----------------------|-------------------------------|------------------------------------|
| Drug Offenses | 298 | 468 |
| Non-Drug Offenses | 995 | 651 |
| | | |
| Total ⁽¹⁾ | 1293 | 1119 |
| | | |
| | Person Months of Imprisonment | |
| Drug Offenses | 8959 | 11297 |
| Non-Drug Offenses | 28750 | 23869 |
| | | |
| Total ⁽²⁾ | 37709 | 35166 |

(1) Represents a 13.5% reduction

(2) Represents a 9.3% reduction

(3) Includes an adjustment for probation violation and 120 day callbacks

(4) Includes an adjustment for probation violation