

Approved March 27, 2000  
Date

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Emert at 11:10 on March 23, 2000 in Room 234-N of the Capitol.

All members were present except: Senator Gilstrap (excused)  
Senator Oleen (excused)  
Senator Petty (excused)  
Senator Donovan (excused)  
Senator Feleciano (excused)

Committee staff present:

Gordon Self, Revisor  
Mike Heim, Research  
Jerry Donaldson, Research  
Mary Blair, Secretary

Conferees appearing before the committee:

Barbara Tombs, Kansas Sentencing Commission

Others attending: see attached list

The minutes of the March 22 meeting were approved on a motion by Senator Bond and seconded by Senator Goodwin. Carried.

**SB 665—probation duration and revocation of nonprison sanctions for certain offenders**

Conferee Tombs testified in support of **SB 665**. She discussed the two proposals in the bill and two proposals to be considered from the Capital Improvement Subcommittee of the Department of Corrections. She stated that the proposed bill “adjusts the period of probation by severity level, designating the longer period of probation to coincide with the more serious offenses on the higher severity levels.” The proposals from the Capital Improvement Subcommittee would combine criminal history categories H and I and add that conditional violators would receive no period of post-release supervision (this excludes certain offender groups.) She discussed the provision in the bill which gives discretionary power to the court to ensure public safety and detailed the positive fiscal impact of the bill with regard to decrease in prison beds. (attachment 1) Following discussion and clarification, Senator Goodwin moved to amend the bill to include all of the proposals, to make the bill fully inclusive, to add technical amendments, to make the implementation date effective on publication in the Kansas register, and to recommend the bill favorably to the full Senate, Senator Harrington seconded. Carried.

The meeting adjourned at 11:40 a.m. The next scheduled meeting is March 24, 2000.





State of Kansas  
KANSAS SENTENCING COMMISSION

Honorable Richard B. Walker, Chair  
District Attorney Paul Morrison, Vice Chair  
Barbara S. Tombs, Executive Director

**Testimony on Senate Bill 665**  
**Senate Judiciary Committee**  
**March 23, 2000**

The Kansas Sentencing Commission is testifying today in support of Senate Bill 665. The proposed bill focuses on sanctions applicable to offenders receiving presumptive nonprison or probation sentences for non-violent offenses.

The proposed bill adjusts the period of probation by severity level, designating the longer periods of probation to coincide with the more serious offenses on the higher severity levels. By graduating the periods of probation, the length of supervision for an offender is proportional to the severity of his/her offense and the degree of threat to public safety. In addition, the changes proposed in this bill would directly impact the caseloads of court service officers. With the modified periods of probation, court service officers should have smaller case loads enabling them to provide a higher level of supervision to offenders who pose the greatest risk to the public or have behavior problems or traits that need to be closely monitored. There is included a public safety exception that permits a court to impose a longer period of probation than set forth in this bill if the court finds the offender poses a significant threat to the public.

The bill contains a provision that on the lowest nondrug severity levels 9 and 10, condition probation violators will not be revoked to serve their underlying prison sentence in a state correctional facility. Given that the average time served by condition probation violators on severity level 10 is 2.2 months and severity level 9 is 4.2 months, the use of limited prison resources on this specific population may not be the most cost effective policy. Condition probation violators have not been convicted of a new offense but rather have failed to comply with the conditions of their community supervision. In other words, they don't or can't follow rules very well. Placement in Community Corrections or under Intensive Supervision can provide the needed structure and level of monitoring for this offender group, while reserving limited prison beds for violent offenders.

The changes proposed in this bill will result in a decrease of between 342 and 400 prison beds. The prison bed reduction results from a combination of beds saved from incarceration due to probation revocation and subsequent incarceration for postrelease

supervision violations. Senate Bill 665 contains provisions supporting the underlying goal of Sentencing Guidelines that incarceration should be reserved for the most serious and violent offenders, while simultaneously addressing the issue of public safety. All offenders convicted of a crime should be held accountable and subject to an appropriate level of punishment. However, the term punishment should not always equate to incarceration. There are numerous well-developed community supervision programs that both restrict an offender's activities and require accountability for actions. Distinguishing between which offenders can be dealt with effectively in the community and providing the resources necessary for success under community supervision is the key to ensuring public safety. The incarceration of offenders in our state's correctional facilities does contribute to a sense of safety in our communities but also requires fiscal resources. Reserving our prison beds for offenders whose crimes require and deserve lengthy periods of incarceration is one of the elements of both sound fiscal and sentencing policy.

For Additional Information Contact:

Barbara Tombs  
Executive Director

**SUMMARY OF BEDS SAVED  
UNDER  
SB 491, SB 665 And AMENDMENTS**

Fiscal Year	1 No Conditional Probation Violators on N9&N10 Revoked to Prison	2 Combine Criminal History "H"& "I"	3 Graduated Probation Periods – Beds Saved From Cond. Probation Violators Only*	4 Graduated Probation Periods – Beds Saved From Probation Violator w/new Sent*	5 No PIS Period for Cond. Probation Violators, Exclude Departures & Sex Offenders*	6 Increase Jail Time from 30 days to 120 days as condition of probation Exclude N9&N10	7 Mandatory Placement in Community Corrections for Condition Probation Violators	8 Reduce PIS Period Exclude Conditional Probation Violators but Include Sex Offenders & Departures**	9 <b>Total Beds Saved</b>  <b>All Mutually Exclusive</b>
2001	176	18	158	32	120	25	168	227	924
2002	178	27	158	32	118	26	133	199	871
2003	184	38	167	35	129	25	110	109	797
2004	193	48	167	37	127	31	112	111	826
2005	186	45	171	35	125	25	113	103	803
2006	191	49	173	35	126	31	116	105	826
2007	197	48	175	35	137	29	119	113	853
2008	195	51	176	38	131	28	122	111	852
2009	201	61	183	39	142	28	124	108	886
2010	202	62	185	37	139	34	123	110	892

\* Assumes the same "fully inclusive" provision found in SB 491

\*\* Includes beds saved under the "fully inclusive" provision under SB 491