

MINUTES OF THE HOUSE JUDICIARY COMMITTEE.

The meeting was called to order by Vice Chairperson Ward Loyd at 3:30 p.m. on January 17, 2001 in Room 313-S of the Capitol.

All members were present except:

Representative Andrew Howell - Excused
Representative Mike O'Neal - Excused

Committee staff present:

Jerry Ann Donaldson, Department of Legislative Research
Jennifer Strait, Intern for the Department of Legislative Research
Jill Wolters, Department of Revisor of Statutes Office
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Blaise Plummer, Wichita Bar Association
Dan Hermes, Kansas Alcohol & Drug Services Providers Association
Kathy Porter, Office of Judicial Administration
Barbara Tombs, Executive Director, Kansas Sentencing Commission

Blaise Plummer, Wichita Bar Association, appeared before the committee with a bill request which would raise the jury compensation fee to \$25 per day for the first five days and to \$40 per day for any days in excess of the five day period (Attachment 1)

Representative Pauls made the motion to have the request introduced as a committee bill. Representative Loyd seconded the motion. The motion carried.

Dan Hermes, Kansas Alcohol & Drug Services Providers Association, requested a bill introduction which would increase the DUI evaluation fee from \$125 to \$150 (Attachment 2)

Representative DeCastro made the motion to have the request introduced as a committee bill. Representative Loyd seconded the motion. The motion carried.

Kathy Porter, Office of Judicial Administration, appeared before the committee with three bill requests (Attachment 3):

- ◆ Straightens out the conflict that when an arrest record is expunged it is not an open record, but the petition for expungement itself is an open record.
- ◆ Clarification of promoting a Chapter 61 action case to the equivalent of a Chapter 60 judgement for the purpose of securing a lien.
- ◆ Allowing the appointment of the Clerk of the District Court & Chief Clerk to be appointed by the Chief Judge.

Representative Williams made the motion to have the requests introduced as committee bills. Representative Long seconded the motion. The motion carried.

Barbara Tombs, Executive Director, Kansas Sentencing Commission, gave an overview of the Kansas Sentencing Commission and Sentencing Guidelines (Attachment 4). The Sentencing Commission was created to develop sentencing guidelines based on fairness and equity.

The goals of the Sentencing Commissions are:

- ◆ Promote public safety by incarcerating violent offenders
- ◆ Reduce sentence disparity due to racial, geographical or other bias
- ◆ Establish sentences proportional to the seriousness of the crime committed
- ◆ Establish an understandable set of presumptive sentences that promote "truth in sentencing"
- ◆ Provide state & local correctional authorities with information for population management options
- ◆ Provide policy makers information that enhances decisions regarding resource allocations

The Membership of the Commission consist of 17 members and a staff of 11 employees. The makeup include four appointments by the Chief Justice of the Kansas Supreme Court; four legislative appointments by leadership; five appointments by the Governor and four statutorily defined members.

The Commission provided training for the Guidelines that were enacted into law in 1993. Since that time they have continued to provide training by giving updates to judges, court services and other criminal justice professionals. Have created a statewide sentencing database in which every convicted offender of a felony offense is entered into the database and do prison population projections to see what impact legislation might have on bedspaces. These projections are for a period of ten years.

Some members of the committee had questions about the impact of **SB 323**, from the 2000 Legislative Session, on prisoners. The Vice Chair requested that Ms. Tombs compile a dateline chart showing how **SB 323** effected the alleged offender in Wichita who committed five murders.

Ms. Tombs proceeded to explain how the Sentencing Guidelines work.

The committee meeting adjourned at 5:15. The Committee has been invited to tour the Kansas Bureau of Investigation on January 18. The next meeting of the Committee is scheduled for January 22, 2001.

JANUARY 17, 2001

TESTIMONY BEFORE THE HOUSE JUDICIARY COMMITTEE
HONORABLE MIKE O'NEAL, CHAIR

WICHITA BAR ASSOCIATION

JURY COMPENSATION

Attached is a copy of a proposed amendment to the jury compensation statute. This proposed legislation is the culmination of a three-year effort by the Wichita Bar Association. A study commissioned by the Civil Practice Committee and supervised Dr. James McKinney of Wichita State University shows that people who do not have the support of their employer suffer an economic hardship when they serve on juries. The fee of \$10 per day was last set by the legislature in 1971. This \$10 fee converted to 1999 dollars would be \$41.71.

Many states have adopted a fee plan for jury compensation which increases the compensation based on the length of jury service. While most jurors serve from one to three days and are discharged, a difficult criminal or civil case could require much longer jury service. The proposed legislation would increase the flat \$10 per day fee for jury service, to \$25 per day for the first five days, and \$40 per day for any days of jury service in excess of five days.

On behalf of the Wichita Bar Association, I respectfully request the introduction of the attached as a committee bill so that this important issue may receive a full hearing before this Committee. Thank you.

Yvette Leerskov Gardner
President, Wichita Bar Association

Karin Kirk
Executive Director, Wichita Bar Association



Blaise Plummer
Legislative Committee Chair
Wichita Bar Association

2001

lrs0108

PROPOSED BILL NO. _____

By

AN ACT concerning jurors; relating to the compensation thereof;
amending K.S.A. 43-171 and repealing the existing section.

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

Section 1. K.S.A. 43-171 is hereby amended to read as follows: 43-171. Jurors shall be paid the following fees out of the county general fund:

(a) For attending before any court pursuant to this act, for each day of attendance, ~~ten-dollars-(\$10)~~ \$25 per day for the first five days, and \$40 per day for any days thereafter; and

(b) for each mile necessary traveled in going to and returning from the place of attendance, mileage at the rate prescribed by law.

Sec. 2. K.S.A. 43-171 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

PUBLIC SOLUTIONS

A LIMITED LIABILITY CORPORATION

Kansas Office:

DAN HERMES
2418 SW BROOKHAVEN
TOPEKA, KS 66614
785.221.7419

MANAGEMENT CONSULTING AND LOBBYING SERVICES

Florida Office:

ROBIN SALEM CLEMENTS
845 ISLAND CLUB SQUARE
VERO BEACH, FL 32963
561.234.8039

REQUEST FOR BILL INTRODUCTION

TO: Chairman Mike O'Neal and Members of the House Judiciary Committee

FROM: Dan Hermes, Lobbyist, Kansas Alcohol and Drug Abuse Service Providers Association and Kansas Coordinators of Alcohol Safety Action Projects

DATE: January 17, 2001

SUBJECT: Increase in Evaluation Fees for DUI Assessments

Mr. Chairman and Members of the Committee, my name is Dan Hermes and I represent the Kansas Alcohol and Drug Abuse Service Providers Association and the Kansas Coordinators of Alcohol Safety Action Projects.

Both have these groups have approved their legislative platforms for 2001 and the platforms both include an increase in the DUI evaluation fees set in KSA 8-1008 from \$125 to \$150.

The history of the evaluation fee is:

1982 to 1985	\$ 85
1985 to 1994	\$110
1994 to present	\$125

With the rising wage costs, the current fee is below the cost to provide the service and both organizations would like to increase the fee beginning in July of 2001 to more nearly cover the cost of conducting the evaluations. I have provided the committee staff with a copy of a draft of the legislation.

I respectfully request that the committee introduce the bill on my clients' behalf. I thank the committee for its time and attention.

House Judiciary
1-17-01
Attachment 2



State of Kansas
Office of Judicial Administration
Kansas Judicial Center
301 SW 10th
Topeka, Kansas 66612-1507

(785) 296-2256

January 17, 2001

Representative Mike O'Neal
Chairperson, House Judiciary Committee
State Capitol, Room 170-W
Topeka, Kansas 66612

Dear Representative O'Neal:

The Kansas Judicial Branch respectfully requests the introduction of three bills. Following are summaries of the four bills. If any additional information would be helpful to you, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Kathy Porter".

Kathy Porter
Executive Asst. to Judicial Administrator

KP:mr

1. *Expungement Bill.* Amendments included in 1998 Senate Bill 482 allowed for the expungement of diversion agreements and related arrest records. As petitions for the expungement of arrest records have been filed, the clerks have been struck by the fact that, once an arrest record is expunged, it is not an open record, but the petition for expungement itself is an open record. For a party pursuing expungement of arrest records, there is a conflict inherent in pursuing a process designed to remove arrest and judgment information from public access, and bringing these matters to the public's attention by listing the filing in local papers and allowing the proceedings and court records to remain open until the final order is issued. The language used to make the expungement filing confidential pending the case proceedings mirrors the language used in K.S.A. 38-1506, which governs the handling of court records under the Kansas Code for the Care of Children.

The clerks also would like to amend two other statutes regarding expungement that were not amended in 1998 SB 482 to make the language consistent with the changes incorporated in the bill. K.S.A. 22-2410 and K.S.A. 12-4516a currently both require the clerk of the district court to send a certified copy of the expungement order to the Kansas Bureau of Investigation. The amendment would add the requirement that the KBI notify the Federal Bureau of Investigation that records have been expunged, consistent with the language in K.S.A. 21-4619 and K.S.A. 12-4516 that was amended in 1998 SB 482.

2. *Clarification of promoting a Chapter 61 limited actions case to the equivalent of a Chapter 60 judgment for the purpose of securing a lien.* 2000 House Substitute for Senate Bill 504 was a rewrite of the Code of Civil Procedure for Limited Actions. The bill was originally introduced by the Judicial Council, but it was extensively amended during the course of its hearings in the House Judiciary Committee.

The KADCCA Legislative Committee reviewed the bill extensively during the 2000 legislative session, and made several amendments. Since the session, the clerks have suggested several other amendments to the bill, and those amendments were adopted by the Judicial Council for inclusion in a clean up bill that will be introduced during the 2001 session.

The clerks have identified one remaining issue pertaining to limited actions that was not addressed by House Substitute for Senate Bill 504 and will not be included in the Judicial Council clean up bill. The requested amendment addresses the issue of promoting a Chapter 61 limited actions case to the equivalent of a Chapter 60 judgment for the purpose of securing a lien against a judgment debtor's real property (for a fee of \$15, pursuant to K.S.A. 60-2418(a)). The amendment clarifies that complying with this procedure establishes a lien only upon the debtor's real property that is located in the county in which the original filing was made. The amendment makes clear that the execution is to be issued from the county in which the case was originally filed. For a \$5 fee pursuant to K.S.A. 60-2202(a), the executed lien may then be filed in any other county.

This amendment does not change the procedure clerks currently follow, which is outlined in the Manual of Procedure for Clerks of the District Court. The clerks state, however, that the existing language is often questioned by attorneys and others practicing in Chapter 61 cases, and that they would like clarification of this issue.

3. *Appointment of Clerk of the District Court and Chief Clerk by the Chief Judge.* Currently, K.S.A. 20-343 provides that the chief judge is to appoint the clerk of the district court and designate one clerk as the chief clerk, with the approval of a majority of the other district judges of the judicial district. The suggested amendment would allow the chief judge to make these appointments and would not require the approval of the majority of the judges.

The current statutory language could make the clerk selection process difficult under some scenarios. One example might be a district in which there are three district judges, including the chief judge. Although the chief judge and one other district judge might agree as to the appointment of a clerk or chief clerk, the selection process could run into difficulties if the remaining district judge disagrees with that selection. To comply with the statute in a three-judge district, it would appear that both district judges would have to agree with the chief judge, because one of two district judges does not constitute a majority of the other district judges of the judicial district. Stated differently, one district judge could effectively block the agreed-upon decision of the chief judge and the other district judge.

**OVERVIEW OF KANSAS SENTENCING COMMISSION
AND
SENTENCING GUIDELINES**

Presented To:

THE 2001 HOUSE JUDICIARY COMMITTEE

**Barbara Tombs, Executive Director
January 17, 2001**

I. Overview of Kansas Sentencing Commission

History of Sentencing Commission:

The Kansas Sentencing Commission was created through the passage of SB 50 in 1989, which directed the Commission to: "Develop a sentencing guidelines model or grid based on fairness and equity and shall provide a mechanism for linking justice and corrections policies. The sentencing guideline model or grid shall establish rational and consistent sentencing standards which reduce sentencing disparity, to include, but not limited to, racial and regional biases which may exist under current sentencing practices" (L. 1989, Chpt.225, Sec. 1). At that time, Kansas was involved in a Federal Conditions of Confinement Lawsuit as the result of prison overcrowding and an examination of the state's sentencing practices was one of the responses to the federal law suit.

Goals of the Sentencing Guidelines:

Upon the formation of the Sentencing Commission it was decided to focus their recommendations on adult felony sentences. The Commission identified a set of goals to be achieved in the development of an uniform sentencing guidelines system based upon the premises that (1) incarceration should be reserved for serious violent offenders and (2) the primary purposes of prison are incapacitation and punishment. These goals include:

- ◆ Promote public safety by incarcerating violent offenders
- ◆ Reduce sentence disparity due to racial, geographical or other bias
- ◆ Establish sentences proportional to the seriousness of the offense and degree of injury to the victim
- ◆ Establish an understandable set of presumptive sentences that promote "Truth in Sentencing"
- ◆ Provide state and local correctional authorities with information for population management options
- ◆ Provide policy makers information that enhances decisions regarding resource allocations

The Sentencing Commission has consistently used these goals as guiding principles in ongoing activities and policy recommendations.

Sentencing Commission Membership:

The membership of the Sentencing Commission is statutorily defined and is made up of 17 members and a staff of 11 employees. The composition of the membership includes four appointments by the Chief Justice of the Kansas Supreme Court; four legislative appointments (two from the Senate and two from the House) by leadership; five appointments by the Governor and four statutorily defined members. The Governor, from one of the three judges appointed by the Chief Justice, appoints the Chairman of the Commission. The membership of the Commission provides input from various perspectives and areas of the criminal justice arena and allows for the development of balanced and rational sentencing policy.

The membership of the Sentencing Commission is as follows:

Honorable Paul Miller, Chairman District Judge, Riley County	Paul Morrison, Vice Chairman District Attorney, Johnson County
Honorable Robert Lewis Kansas Court of Appeals	Honorable Earnest Johnson District Judge, Wyandotte County
Charles Simmons Secretary of Corrections	Marilyn Scafe Chairperson Kansas Parole Board
Carla Stovall Attorney General	Rick Kittle Board of Indigent Defense
W. Irving Shaw Defense Attorney, Emporia	Annie Grevas Community Corrections Director, Salina
Mayor Dan Hosington Public Member	Patricia O'Day Public Member
Representative Shari Weber Majority Party Appointee	Representative Jan Pauls Minority Party Appointee
Senator John Vratil Majority Party Appointee	Senator Greta Goodwin Minority Party Appointee

Vacant Position
Court Services Representative

Sentencing Commission Activities:

Training: The Kansas Sentencing Guidelines Act (KSGA) was enacted into law on July 1, 1993. Since that time the Sentencing Commission has provided training and assistance to judges, court services, and other criminal justice professionals regarding both implementation and legislative changes to the KSGA. Besides training provided by the Commission, the Desk Reference Manual is published annually and contains all changes and required sentencing forms for felony offenses. In addition, members and staff of the Commission are actively involved in a number of national organizations that review and discuss emerging sentencing issues and exchange ideas among the different states.

Sentencing Statewide Database: For every offender convicted of a felony offense, a sentencing journal entry is, by statute, completed and forwarded to the Sentencing Commission. The Commission processes between 17,000 and 21,000 probation, prison and revocation journal entries annually. The data contained on the sentencing journal entry serves as the basis for a statewide sentencing database that contains centralized sentencing data for all felony probation and prison sentences in Kansas. The development of this comprehensive database has enabled the state to clearly identify

sentencing trends, intended and unintended changes in sentencing patterns and the impact of legislative changes to the KSGA. This database also provides the basis for reliable research on various sentencing issues or concerns and enables timely response to ongoing data requests for policy development.

Prison Population Projections: In 1995, the legislature authorized funds for the development of the simulation prison population projection model known as Prophet. The projection software operates on a monte carlo simulation principle which allows the statistical programming of the combination of data and operational assumptions to project the number of prison beds that will be required by the state over a ten-year forecast period. Simply stated, the Prophet Model admits offenders under various statuses, holds them in those statuses for a specified period of time and finally exits them from the prison system (Chart A). In the most simplistic form there are only two variables that affect prison population: admissions and length of stay. The difficulty arises in accounting for all the different and ever changing sentences imposed over time. The advantage of a simulation model is the degree of detail that can be programmed to allow for the impact of specific policy changes to be quantified into actual beds saved or needed. In addition growth in the prison population can be identified by specific severity levels or offense categories (Chart B and C). It is critical for sound policy development to know not only what growth to anticipate, but to also identify and understand the source of the growth (Charts D – J).

The model developed by the Commission has been consistently accurate, never exceeding a two-percent error rate over the past six years. Annual population projections are provided but the model allows for a monthly monitoring number, which can be used to evaluate and assess the accuracy of the model throughout the year. Even when there are major sentencing policy changes enacted, the model has proven to be very accurate (Chart K).

In 1999, the model was expanded to allow for projections by Inmate Classification Level. This projection utilizes the total number of prison beds forecasted and with classification data from the Department of Corrections forecasts the prison beds needed by custody level, such as maximum, medium and minimum. This model further refines the projections and enhances DOC's planning capabilities.

Legislative Bedspace Impacts: The Prophet Projection Model can be programmed to also provide the impact on prison bed needs of a proposed bill or legislative policy change. This provision serves as an excellent planning tool since both direct and indirect impacts can be identified. Also, it allows for various scenarios to be developed to address a specific concern and a comparison of outcomes done before legislative action is taken. Bedspace Impacts are often used to combine public safety issues with fiscal concerns or limitations.

II. Overview of Sentencing Guidelines

Sentencing Structure: Kansas Sentencing Guidelines utilizes a determinate sentencing model that incorporates the "Truth in Sentencing" principle. At the time of sentencing, the length of the sentence, eligible good time credits and period of postrelease

supervision are pronounced. The offender will serve a minimum of 85% of the sentence imposed and any portion of the 15% good time credits earned will be added to the period of postrelease supervision. In short, the offender serves the entire sentence imposed.

Dual Grids: The Sentencing Guidelines utilizes two separate sentencing grids – one for nondrug offenses and one for drug offenses (Chart L and M). The grids are designed in a matrix format with offense severity level on the vertical axis and criminal history on the horizontal axis. Nondrug severity levels range from one to ten, with one representing the most serious offenses. Severity levels on the drug grid range from one to four with again level one offenses representing the most serious. Severity levels are defined by statute. Criminal history categories range from A to I, with A representing the most serious criminal history classification. Criminal history categories are the same on both the nondrug and drug grids and take into account prior felony and misdemeanor convictions.

Person – Nonperson Classification: Offenses are statutorily categorized by person and nonperson classifications. Person offenses are criminal acts that directly cause harm to one's person, such as rape, robbery or kidnapping. Nonperson offenses are primarily property, drug or financial crimes. Person/Nonperson classification impacts criminal history calculations and lengths of sentence imposed.

Incarceration Line: On both the nondrug and drug grid is a thick black line that runs through the grid – this line is referred to as the incarceration line. All grid cells above the line are presumptive prison and all grid cells below the line are presumptive nonprison or commonly referred to as probation.

Border Boxes: On both grids are a number of shaded boxes that are situated just above the incarceration line. The grid cells represent presumptive prison sentences but allows for a judge to impose a nonprison sentence if certain criteria is met. The criteria includes that the offender does not present a significant threat to public safety, a treatment program alternative is available and timely admission to the program is possible. The imposition of the nonprison sentence is not considered a departure, thus not appealable.

Sentence Imposed: The grid cell that intersects with a specific severity level and criminal history category will contain the sentence range in months for a specific offender. Within each grid cell are three numbers, the middle number is the sentence to be imposed under normal circumstances: the upper number represents the presence of aggravating factors and the lower number is reflective of mitigating factors. The numbers contained in a grid cell are definitive in nature and are not appealable. For grid cells below the incarceration line, the numbers indicate the underlying prison sentence if an offender fails to successfully complete the term of probation and is revoked to prison.

Probation Periods: Offenses designated below the incarceration line are subject to a period of probation or supervision within the community. Depending on the specific offense, either court services or community corrections provides the supervision. Probation periods are graduated by severity level and range from 12 to 60 months depending on the offense of conviction. Probation periods may be extended for public safety reasons or if it determined by the court to be in the best interest of the offender.

Failure to abide by the conditions of probation may result in revocation of a probation sentence and imposition of the underlying prison sentence.

Off Grid Offenses: This offense category represents the most serious crimes under guidelines and is limited to murder and treason. Release from prison is not determined by the sentence imposed (Hard 20 or Hard 50), but rather indicate the length of time before the offender will even be eligible to see the Parole Board, who will ultimately determine when and if the offender should be released from prison. It should be noted that off grid offenses are not eligible for good time credits.

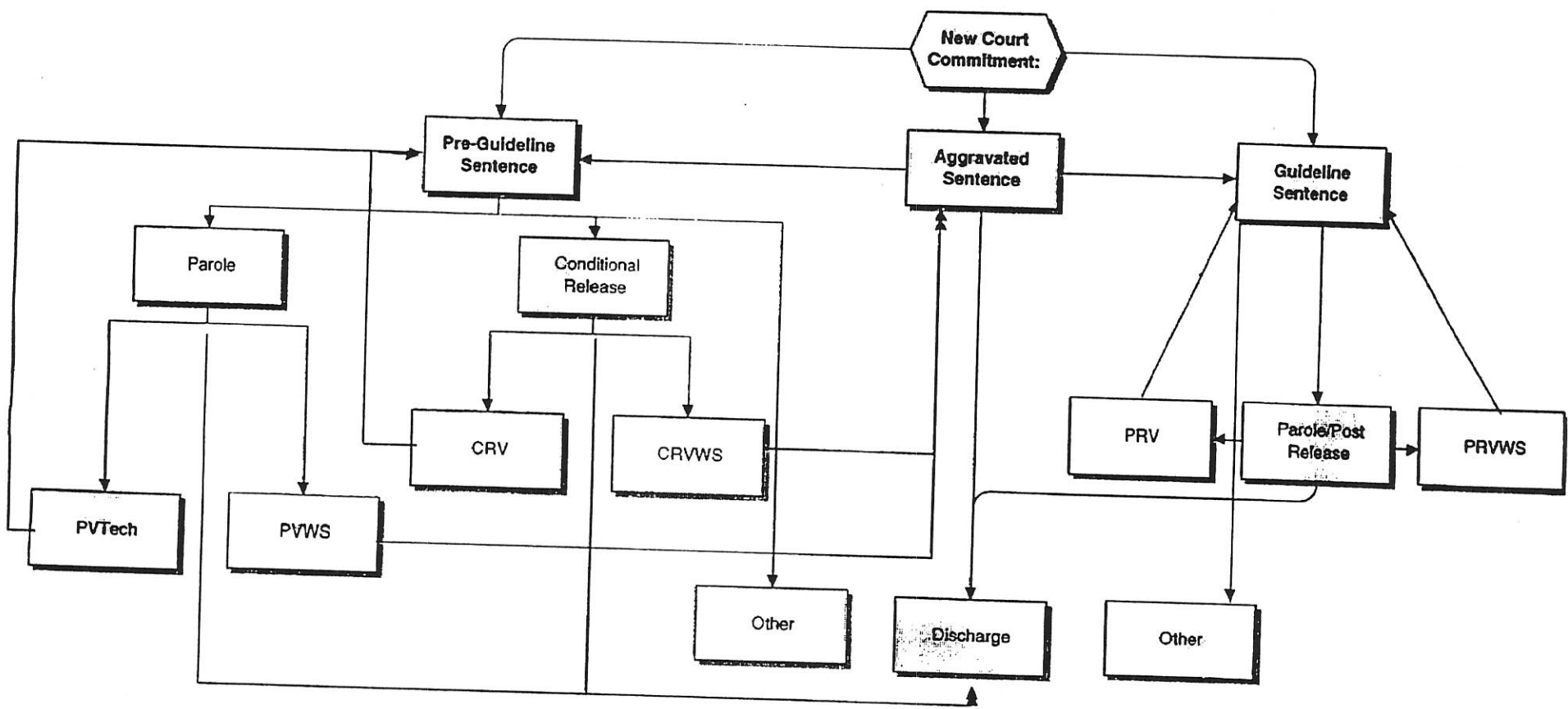
Non Grid Offenses: This offense category represents crimes that have been designated felony offenses but have not been assigned a severity level. In addition, incarceration for this offense category is designated at the county or local level, not at a state correctional facility. Currently there are only two nongrid offenses: Felony DUI and Felony Domestic Battery.

Departures: The Sentencing Guidelines allows for judges to impose a sentence outside the grid cell when substantial and compelling circumstances are present. There is a non-exclusive list of departure factors contained in the Desk Reference Manual and significant amount of case law on departures. The judge must state the reasons for the departure for the record and departures are appealable. A judge may depart up to double the underlying sentence identified within a grid cell. Departures may be durational, dispositional or a combination of both durational and dispositional. In addition, departures can enhance or reduce the sentence on the grid. Departures were designed to address the exceptional case within a specific offense category.

Postrelease Supervision: Under Sentencing Guidelines parole was replaced with a mandatory postrelease supervision period. Upon completion of serving the presumptive prison portion of a sentence, an offender is subject to a mandatory period of supervision within the community, which ranges from 12 months to 36 months depending on the corresponding severity level. Violations of the conditions of postrelease supervision may result in a subsequent period of incarceration of up to 180 days.

Special Sentencing Rules: The KSGA contains a number of special sentencing rules for specific offenses such as the "Persistent Sex Offender Rule," "Special Burglary Sentencing Rule," and "Use of a Firearm in the Commission of a Felony." A complete list of special sentencing rules is contained in the Desk Reference Manual.

Kansas Prisoner Movement Simulation Model



PV=parole violator; PVWS=parole violator with new sentences; CRV=conditional release violator; CRVWS=conditional violator with new sentences; PPR=parole/postrelease violator; PRWS=parole/postrelease violator with new sentences

**KANSAS SENTENCING COMMISSION
 FY 2001 OFFICIAL ADULT INMATE PRISON POPULATION PROJECTIONS
 One Percent Admission Growth Rate**

ID Group	June 30 2000*	June 30 2001	June 30 2002	June 30 2003	June 30 2004	June 30 2005	June 30 2006	June 30 2007	June 30 2008	June 30 2009	June 30 2010	TOTAL # INCREASE	PERCENT INCREASE
D1	67	89	103	117	132	144	156	169	182	187	195	128	191.0%
D2	267	292	304	320	343	344	333	336	359	357	351	84	31.5%
D3	502	406	323	324	318	328	361	381	378	384	403	-99	-19.7%
D4	439	343	236	267	297	302	268	245	272	287	284	-155	-35.3%
N1	576	607	636	652	679	680	692	709	723	738	748	172	29.9%
N2	533	550	576	594	611	621	641	664	678	689	704	171	32.1%
N3	1246	1260	1311	1337	1362	1392	1437	1455	1495	1521	1566	320	25.7%
N4	281	269	258	255	262	267	260	267	270	300	292	11	3.9%
N5	837	775	750	784	781	810	858	879	872	881	910	73	8.7%
N6	187	149	144	136	139	140	149	147	149	160	174	-13	-7.0%
N7	741	706	711	729	765	767	790	801	800	798	815	74	10.0%
N8	317	341	282	284	258	262	273	274	299	312	279	-38	-12.0%
N9	387	226	107	129	133	149	152	134	135	147	149	-238	-61.5%
N10	59	42	14	18	26	29	34	37	26	29	32	-27	-45.8%
OFF GRID	574	625	662	705	749	795	840	887	934	981	1029	455	79.3%
Conditional Parole Violators	1771	1346	1141	961	821	650	582	545	485	450	450	-1321	-74.6%
Total	8784	8026	7558	7612	7676	7680	7826	7930	8057	8221	8381	-403	-4.6%

*. Based on the actual prison population on that date (for the purpose of forecasting nongrid and missing are analyzed and assigned to each level).

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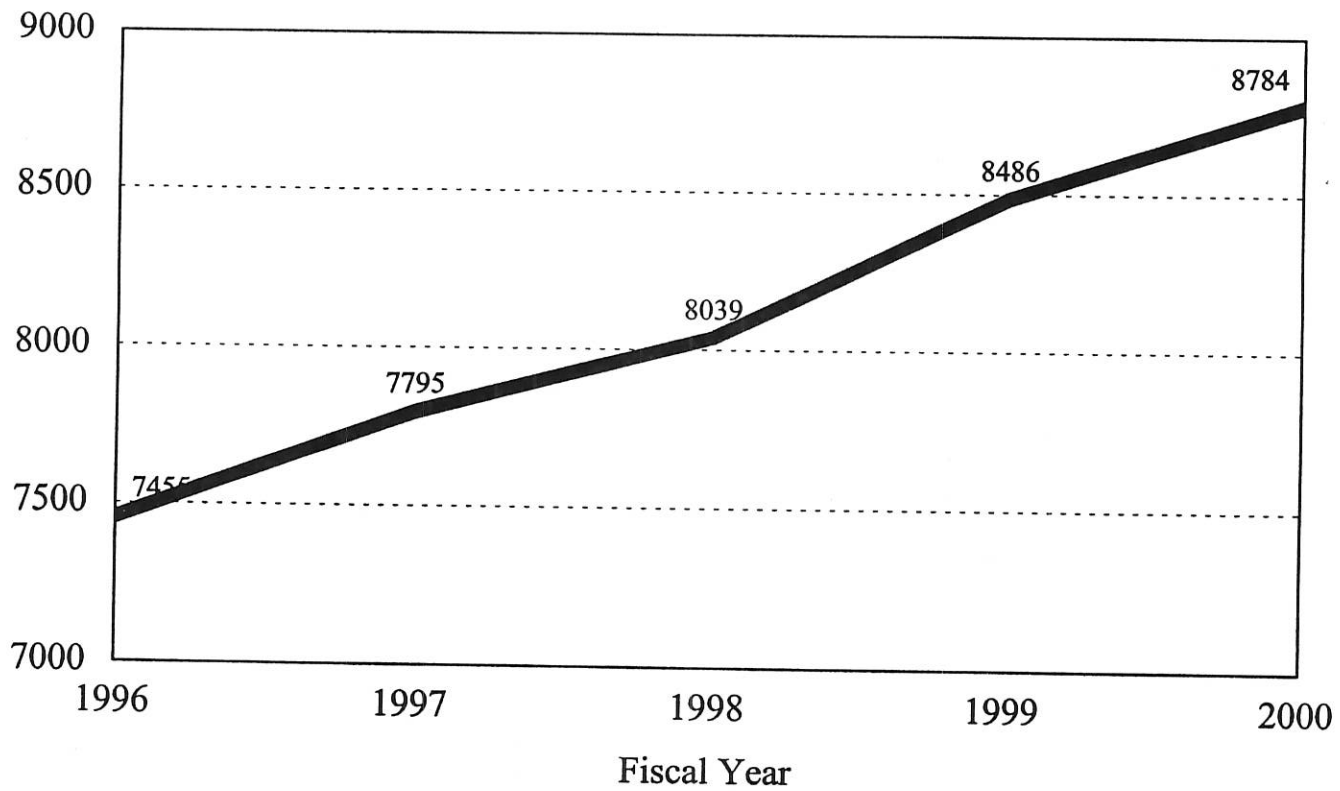
**KANSAS SENTENCING COMMISSION
 FY 2000 OFFICIAL ADULT INMATE PRISON POPULATION PROJECTIONS
 1.5% Admission Growth Rate**

ID Group	1999*	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	TOTAL # INCREASE	PERCENT INCREASE
D1	41	41	51	60	65	73	78	84	88	86	86	45	109.8%
D2	225	249	253	255	267	285	290	285	300	313	330	105	46.7%
D3	530	463	467	472	474	493	509	522	541	556	547	17	3.2%
D4	405	480	511	532	520	573	566	595	560	556	583	178	44.0%
N1	519	550	577	602	636	669	701	734	768	803	837	318	61.3%
N2	563	572	594	602	607	617	625	631	642	649	650	87	15.5%
N3	1222	1238	1281	1321	1358	1412	1453	1492	1487	1525	1565	343	28.1%
N4	274	252	255	249	246	243	248	249	266	274	290	16	5.8%
N5	845	740	764	808	879	918	949	989	1017	1045	1049	204	24.1%
N6	153	159	156	156	160	151	147	136	134	126	123	-30	-19.6%
N7	726	752	834	878	962	1023	996	967	1041	1045	1082	356	49.0%
N8	285	431	493	498	488	480	439	429	424	450	449	164	57.5%
N9	430	637	600	596	520	524	479	485	462	462	442	12	2.8%
N10	76	102	91	86	79	81	74	76	93	97	84	8	10.5%
OFF GRID	561	615	655	699	742	785	836	888	940	993	1047	486	86.6%
Conditional Parole Violators	1631	1596	1451	1168	1041	927	899	864	836	801	890	-741	-45.4%
Total	8486	8877	9033	8982	9044	9254	9289	9426	9599	9781	10054	1568	18.5%

* Based on FY 1999 actual prison population including severity level missing and nongrid offenses.

KANSAS PRISON POPULATION TRENDS

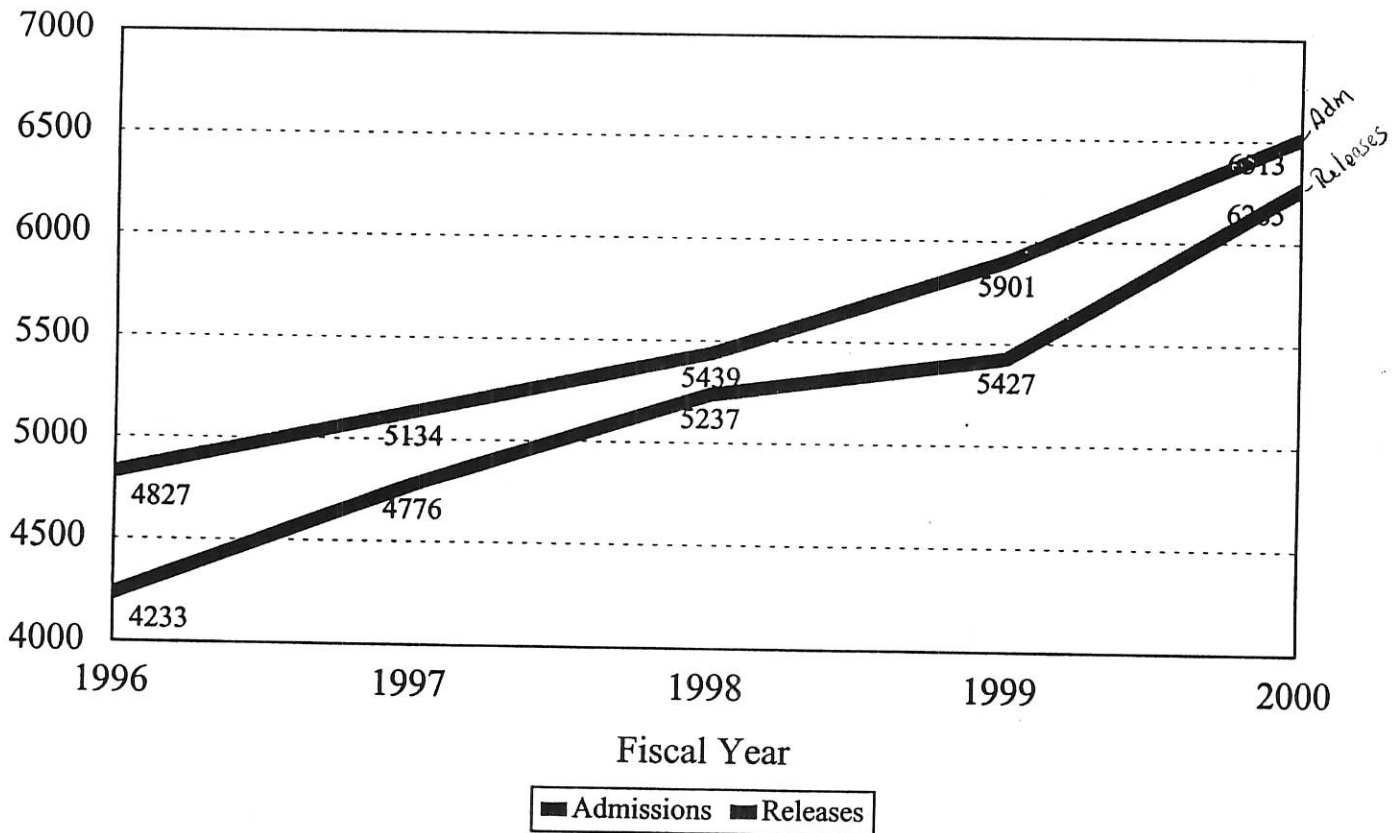
Total Prison Population



Source: DOC prison population files

KANSAS PRISON POPULATION TRENDS

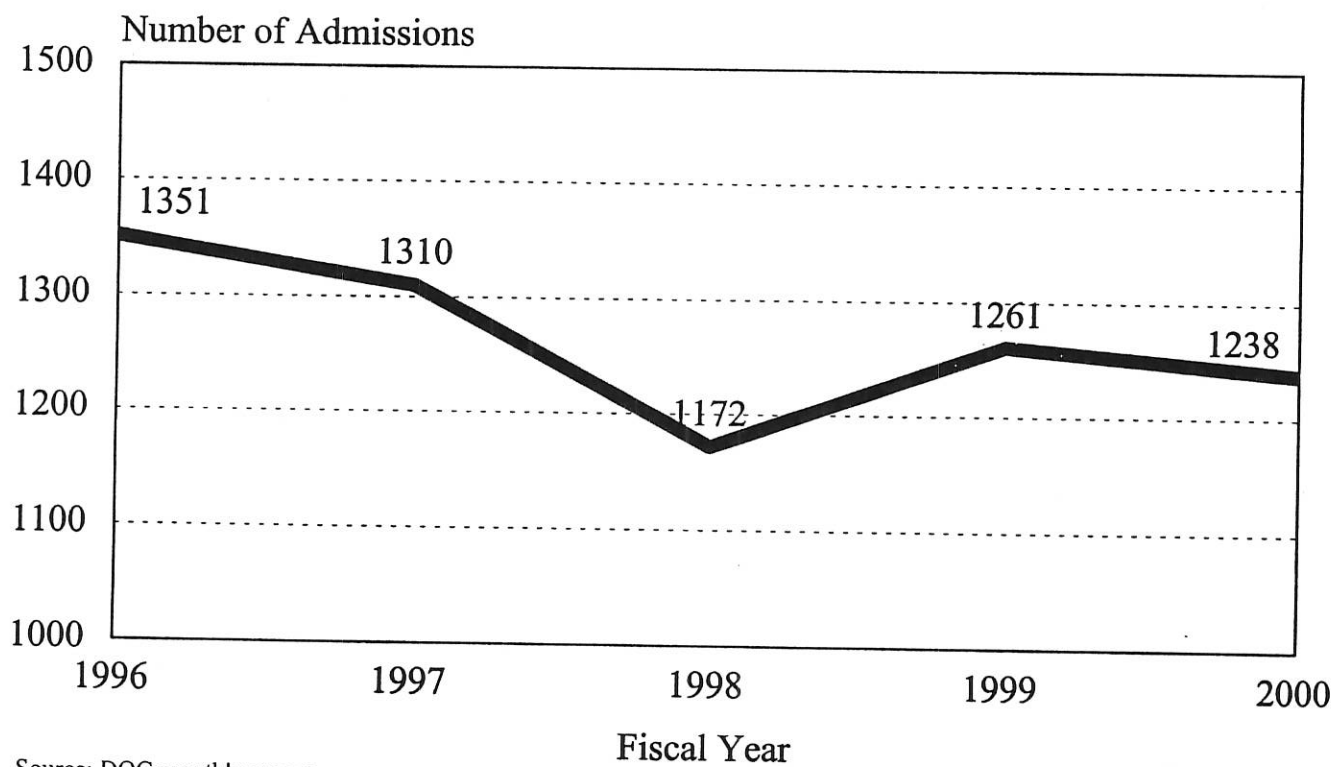
Admissions and Releases



Source: DOC admission and release files

KANSAS PRISON ADMISSION TRENDS

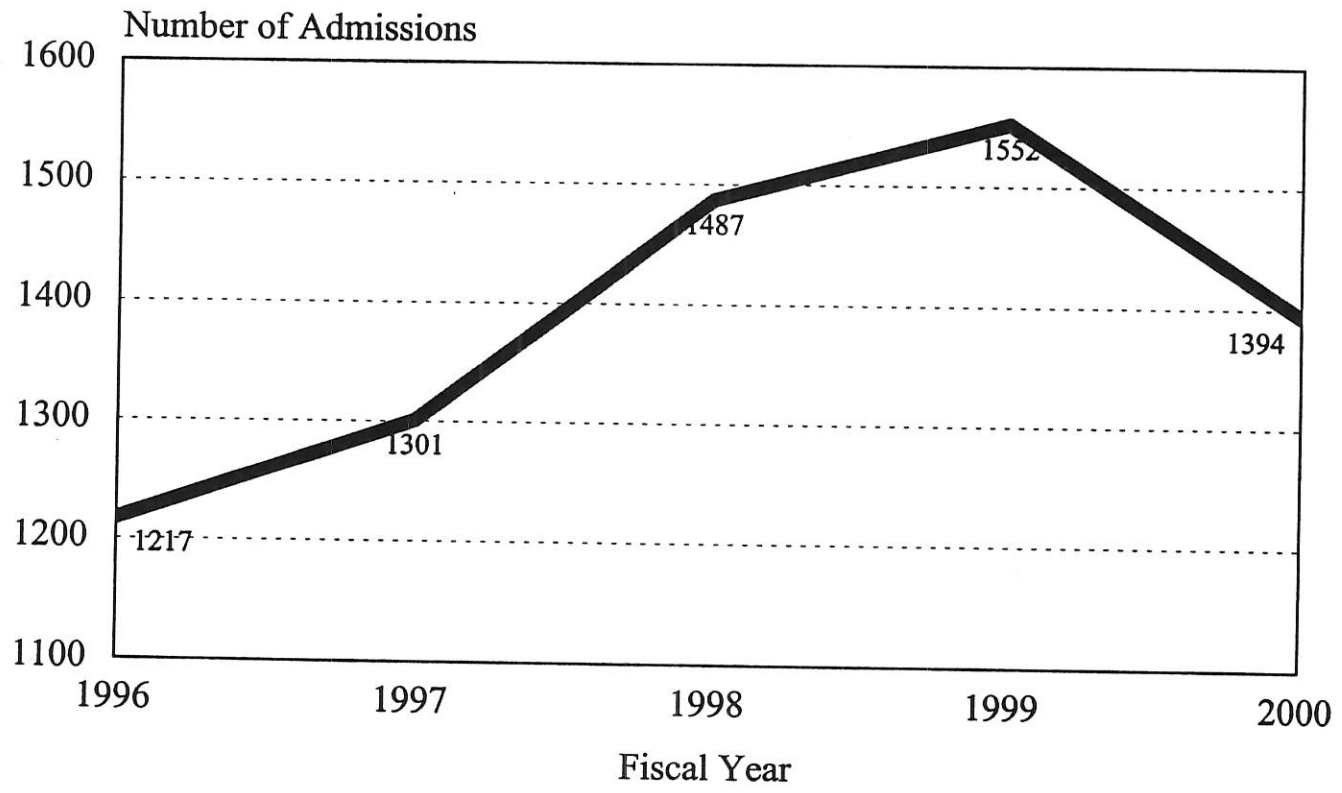
New Court Commitments



Source: DOC monthly report

KANSAS PRISON ADMISSION TRENDS

Condition Probation Violators

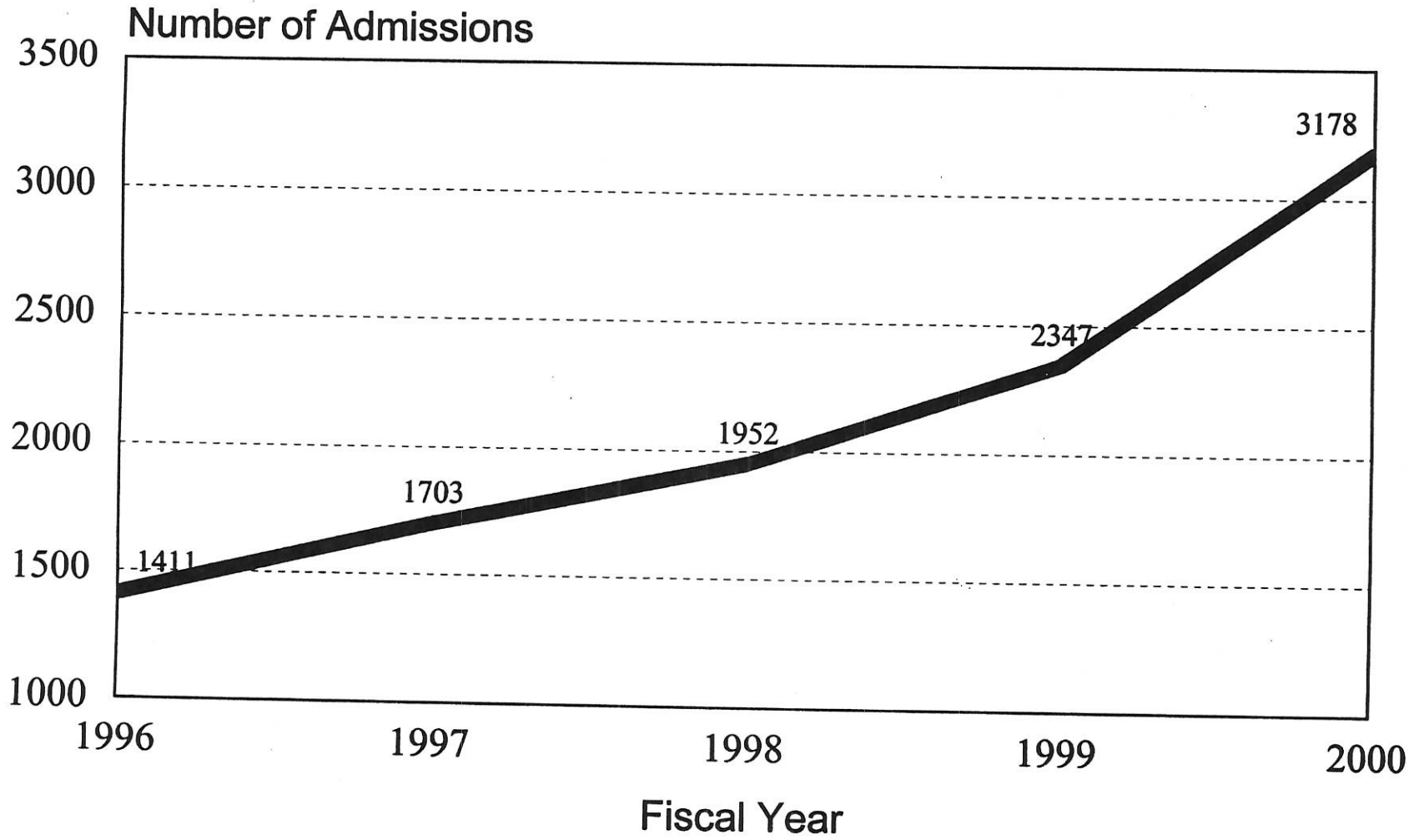


Source: DOC monthly report

KANSAS PRISON ADMISSION TRENDS

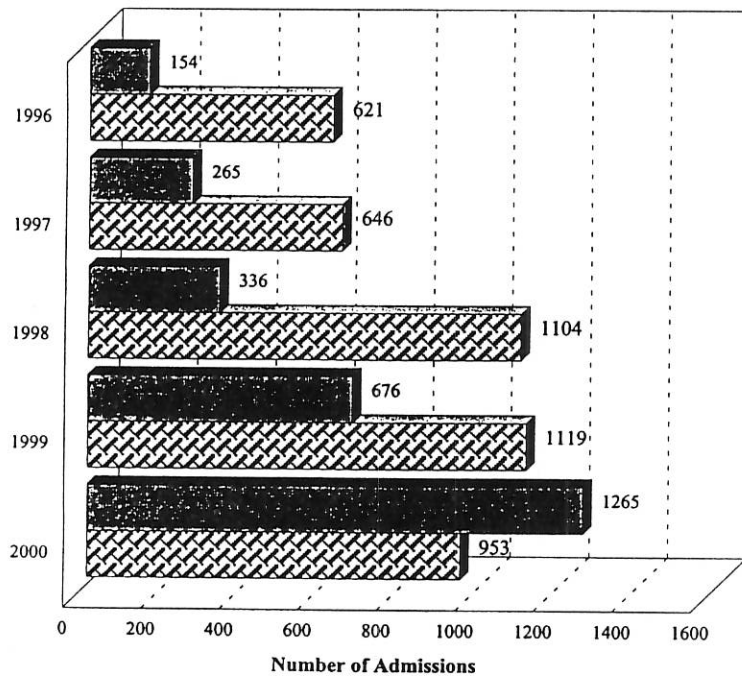
4-1-4

Parole/Postrelease Conditional Violators



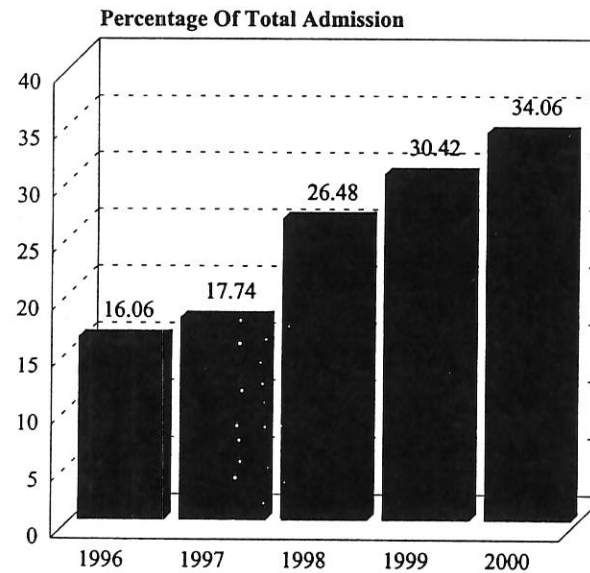
OFFENDERS ADMITTED TO PRISON FOR OFFENSES BELOW THE INCACERATION LINE

FY 1996 THROUGH FY 2000



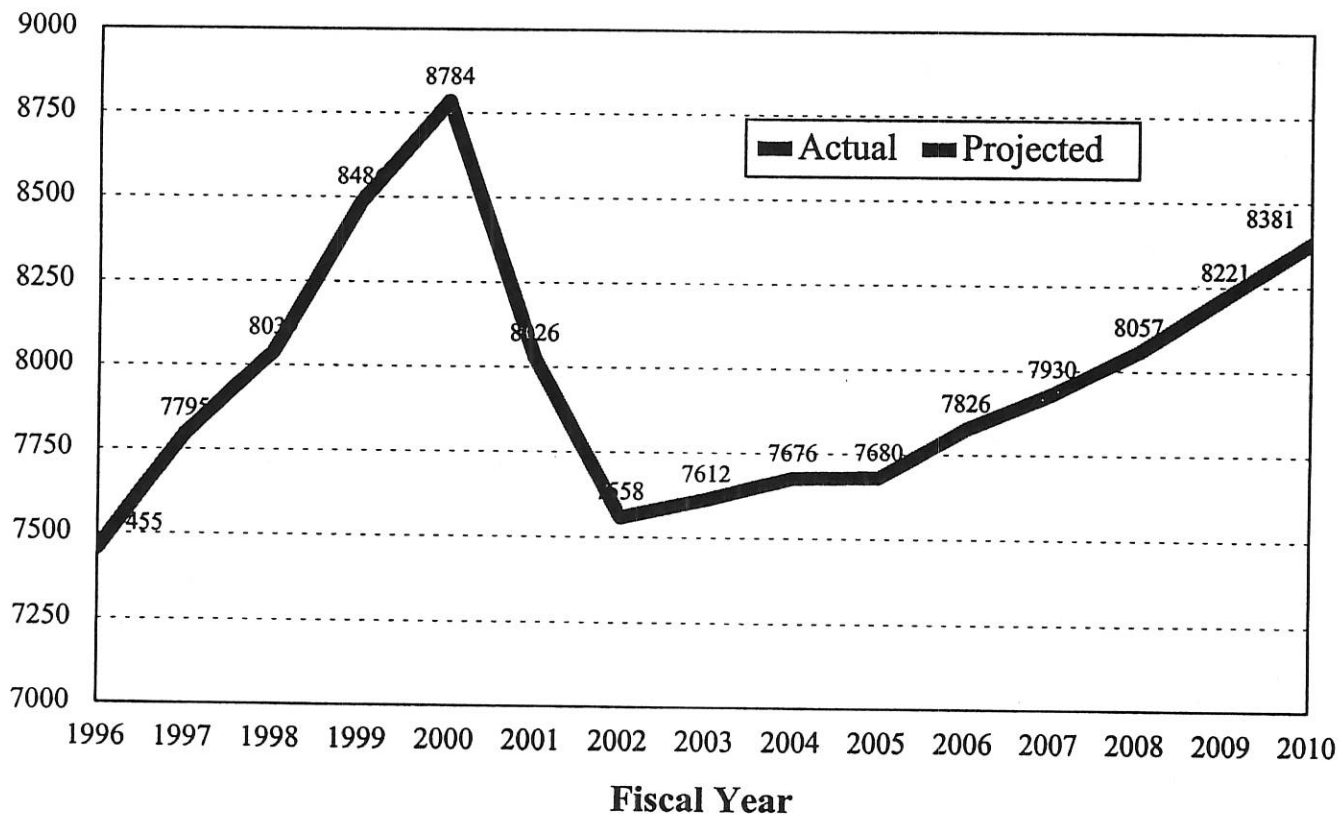
■ Post-Release Condition Violator ▨ Condition Probation Violator

Source: DOC admission files



KANSAS PRISON POPULATION TRENDS

Actual and Projected Population



**PRISON POPULATION MONTHLY MONITORING REPORT
FY 2001 OFFICIAL MODEL**

Month/Year	Projected	Actual	Difference	Percent Error	Conditional Violators
July 2000	8678	8667	11	0.13%	275
August 2000	8565	8536	29	0.34%	302
September 2000	8452	8542	-90	-1.05%	217
October 2000	8342	8473	-131	-1.55%	190
November 2000	8333	8471	-138	-1.63%	188
December 2000	8304	8352	-48	-0.57%	148
January 2001	8266				
February 2001	8238				
March 2001	8173				
April 2001	8130				
May 2001	8059				
June 2001	8026				

* Conditional violators includes parole/post-release violators and conditional release violators.

SENTENCING RANGE - NONDRUG OFFENSES

Category⇒	A	B	C	D	E	F	G	H	I
Severity Level ↓	3 + Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3 + Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2 + Misdemeanor	1 Misdemeanor No Record
I	653 620 592	618 586 554	285 272 258	267 253 240	246 234 221	226 214 203	203 195 184	186 176 166	165 155 147
II	493 467 442	460 438 416	216 205 194	200 190 181	184 174 165	168 160 152	154 146 138	138 131 123	123 117 109
III	247 233 221	228 216 206	107 102 96	100 94 89	92 88 82	83 79 74	77 72 68	71 66 61	61 59 55
IV	172 162 154	162 154 144	75 71 68	69 66 62	64 60 57	59 56 52	52 50 47	48 45 42	43 41 38
V	136 130 122	128 120 114	60 57 53	55 52 50	51 49 46	47 44 41	43 41 38	38 36 34	36 34 32
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

Probation Terms are:

- 36 months recommended for felonies classified in Severity Levels 1 - 5
- 24 months recommended for felonies classified in Severity Levels 6 - 7
- 18 months (up to) for felonies classified in Severity Level 8
- 12 months (up to) for felonies classified in Severity Levels 9 - 10

Postrelease terms are:

- 36 months for felonies classified in Severity Levels 1 - 4
- 24 months for felonies classified in Severity Level 5 - 6
- 12 months for felonies classified in Severity Levels 7 - 10

Postrelease for felonies committed before 4/20/95

- 24 months for felonies classified in Severity Levels 1 - 6
- 12 months for felonies classified in Severity Level 7 - 10

LEGEND
Presumptive Probation
Border Box
Presumptive Imprisonment

SENTENCING RANGE - DRUG OFFENSES

Category ⇒	A	B	C	D	E	F	G	H	I
Severity Level ↓	3 + Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3 + Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2 + Misd.	1 Misd. No Record
I	204 194 185	196 186 176	187 178 169	179 170 161	170 162 154	167 158 150	162 154 146	161 150 142	154 146 138
II	83 78 74	77 73 68	72 68 65	68 64 60	62 59 55	59 56 52	57 54 51	54 51 49	51 49 46
III	51 49 46	47 44 41	42 40 37	36 34 32	32 30 28	26 24 23	23 22 20	19 18 17	16 15 14
IV	42 40 37	36 34 32	32 30 28	26 24 23	22 20 18	18 17 16	16 15 14	14 13 12	12 11 10

LEGEND
Presumptive Probation
Border Box
Presumptive Imprisonment

Probation Terms:

36 months recommended for felonies classified in Severity Levels 1 - 2

18 months (up to) for felonies classified in Severity Level 3

12 months (up to) for felonies classified in Severity Level 4

Postrelease supervision terms are:

36 months for felonies classified in Severity Levels 1 - 2

24 months for felonies classified in Severity Level 3

12 months for felonies classified in Severity Level 4

Postrelease for felonies committed before 4/20/95

24 months for felonies classified in Severity Levels 1 - 3

12 months for felonies classified in Severity Level 4