

MINUTES OF THE HOUSE COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE.

The meeting was called to order by Chairperson Ward Loyd at 1:30 p.m. on January 27, 2003 in Room 526-S of the Capitol.

All members were present except:

Representative Dale Swenson - excused

Committee staff present:

Jill Wolters - Office of Revisor

Mitch Rice - Office of Revisor

Jerry Ann Donaldson - Legislative Research Department

Martha Dorsey - Legislative Research Department

Bev Renner - Committee Secretary

Conferees appearing before the committee:

Danielle Noe - Johnson County Intergovernmental Relations Director

Mike Taylor - Government Relations Director, City of Wichita

Barbara Tombs - Executive Director, Kansas Sentencing Commission

Judge Eric Rosen - Shawnee County District Court Judge-Division IV

Paul Morrison - Johnson County District Attorney/Vice Chairman of Sentencing Commission

Danielle Noe, Johnson County Intergovernmental Relations Director appeared before the committee to request a bill introduction to amend K.S.A. 75-7044 to allow the Johnson County Board of County Commissioners the option to appoint additional public members to the Juvenile Corrections Advisory Board and to correct an internal reference error in the statute (Attachment 1).

Vice Chairperson Owens made a motion to have the request introduced as a committee bill. Representative Yoder seconded the motion. The motion carried.

Mike Taylor, Government Relations Director, City of Wichita requested introduction of a bill to allow municipal courts to take bad debts and convert them to civil judgements to give the city latitude in collections.

Ranking Minority Member Ward made a motion to have the request introduced as a committee bill. Representative Dillmore seconded the motion. The motion carried.

Chairperson Loyd made a point of personal privilege to introduce pages serving in the House of Representatives from Garden City today.

Chairperson Loyd introduced Barbara Tombs, Executive Director of the Kansas Sentencing Commission to begin a briefing on sentencing guidelines.

Barbara Tombs gave an overview of the Commission including history, mission and goals (Attachment 2). Sentencing guidelines have shifted as reflected in the assumptions: 1) that incarceration should be reserved for serious offenders, and, 2) that primary purposes of prison are incapacitation and punishment, not rehabilitation. Indeterminate sentencing was a structure of previous guidelines expressed in ranges rather than explicit numbers of years based on crime severity level and criminal history.

Director Tombs introduced Judge Eric Rosen, Shawnee County District Court, for the purpose of informing the committee on the Sentencing Commission (Attachment 3) from a judge's perspective; the one who actually uses the sentencing guidelines, who applies the law and sentences offenders. He emphasized that the overall goal is public safety. New guidelines make it possible to project prison population needs. Judges have mixed views about sentencing guidelines; judge's decisions are limited to rendering judgement, Legislators are setting sentences; disparities have effectively been dealt with;

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE at 1:30 p.m. on January 27, 2003 in Room 526-S of the Capitol.

individual evaluation of offenders is no longer done in pre-sentencing investigation; sometimes the grid and the sentence does not fit the crime; disproportionate sentences for drug crimes.

Barbara Tombs introduced Paul Morrison, Johnson County District Attorney/Vice Chairperson of the Kansas Sentencing Commission, to evaluate the guidelines from a prosecutor's viewpoint. Kansas is studied by many states as a national model on sentencing reform. The guidelines limit discretion so that disparities are avoided. Kansas has seen a dramatic change in prison population; most are for violent crimes and repeat offenders. Guidelines have been a way to control growth in the prison population by rational decision.

Director Tombs explained the sentencing range grids for nondrug offenses and drug offenses (Attachment 4) arranged by severity level and criminal history in months; differentiated by person and nonperson crimes. The grid contains "border boxes" between presumptive probation and presumptive imprisonment where judges are given discretion. There are non-grid crimes where the sentence is not served in prison but in the county jail facilities. Off-grid are crimes that are most serious and are commonly referred to as "hard-40s", "hard-25s", etc.; the offender will serve that much time before they see the parole board.

Next Barbara Tombs informed the members of the procedures involved in making population projections (Attachment 5). Variables to be considered are included in sophisticated software components programmed to do random simulations. Accuracy rate has been 98% or greater. Statistics used are the number of prisoners coming in and how long they stay. Tables show the distribution of admission and population characteristics by severity level of offense. Projections show a steady incline in the need for bedspace as legislation stands today.

The committee meeting adjourned for the day at 3:14 p.m. The next meeting is scheduled for January 28, 2003.



Johnson County, Kansas

BOARD OF COUNTY COMMISSIONERS

Testimony before the

House Corrections and Juvenile Justice Committee

January 23, 2003

Mr. Chairman and Members of the Committee:

On behalf of the Johnson County Board of County Commissioners, I would like to request the introduction of one bill.

We would like to amend K.S.A. 75-7044 to allow the board of county commissioner to have the option to appoint additional public members to the Juvenile Corrections Advisory Board (JCAB).

Currently the JCAB has three public members appointed by the board of county commissioners in addition to other statutory members. The Johnson County Board of County Commissioners would like to have the option of appointing up to three more public members for a total of six public members.

In addition, there is an internal reference error which we would request be corrected in the bill.

Mr. Chairman, this is the substance of our request, I would be happy to answer any questions.

Respectfully submitted,

Danielle Noe
Intergovernmental Relations Coordinator

House Corr & J.J.
1-27-03
Attachment 1

75-7044

Chapter 75.--STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES
Article 70.--JUVENILE JUSTICE AUTHORITY

75-7044. Juvenile corrections advisory boards; membership, qualifications, appointment; alternative membership, qualifications and appointment provisions for cooperating counties; use of adult corrections advisory board, when. On and after July 1, 1997:

(a) Subject to the other provisions of this section, each juvenile corrections advisory board established under K.S.A. 75-7038 through 75-7053, and amendments thereto, shall consist of 12 or more members who shall be representative of law enforcement, prosecution, the judiciary, education, corrections, ethnic minorities, the social services and the general public and shall be appointed as follows:

(1) The law enforcement representatives shall be:

(A) The sheriff or, if two or more counties are cooperating, the sheriff selected by the sheriffs of those counties, or the designee of that sheriff; and

(B) the chief of police of the city with the largest population at the time the board is established or, if two or more counties are cooperating, the chief of police selected by the chiefs of police of each city with the largest population in each county at the time the board is established, or the designee of that chief of police, except that for purposes of this paragraph in the case of a county having consolidated law enforcement and not having a sheriff or any chiefs of police, "sheriff" means the law enforcement director and "chief of police of the city with the largest population" or "chief of police" means a law enforcement officer, other than the law enforcement director, appointed by the county law enforcement agency for the purposes of this section;

(2) the prosecution representative shall be the county or district attorney or, if two or more counties are cooperating, a county or district attorney selected by the county and district attorneys of those counties, or the designee of that county or district attorney;

(3) the judiciary representative shall be the judge of the district court of the judicial district, who is assigned the juvenile court docket or the judge who is assigned most juvenile court cases, or if there is more than one judge in the judicial district who is assigned the juvenile court docket, the administrative judge of such judicial district shall appoint one of the judges who is assigned the juvenile court docket, containing the county or group of counties or, if two or more counties in two or more judicial districts are cooperating, the judge of each such judicial district, who is assigned the juvenile court docket or the judge who is assigned most juvenile court cases, or if there is more than one judge in the judicial district who is assigned the juvenile court docket, the administrative judge of such judicial district shall appoint one of the judges who is assigned the juvenile court docket;

(4) the education representative shall be an educational professional appointed by the board of county commissioners of the county or, if two or more counties are cooperating, by the boards of county commissioners of those counties;

(5) a court services officer designated by the judge of the district court of the judicial district, who is assigned the juvenile court docket or the judge who is assigned most juvenile court cases, or if there is more than one judge in the

judicial district who is assigned the juvenile court docket, the administrative judge of such judicial district shall appoint one of the judges who is assigned the juvenile court docket, containing the county or group of counties or, if counties in two or more judicial districts are cooperating, a court services officer designated by the judges of those judicial districts, who are assigned the juvenile court docket or the judges who are assigned most juvenile court cases;

(6) an executive director of the community mental health center or such director's designee or in the absence of such position, the board of county commissioners of the county shall appoint or, if two or more counties are cooperating, the boards of county commissioners of those counties shall together appoint a representative of mental health service providers for juveniles in such county or counties;

(7) the board of county commissioners of the county shall appoint or, if two or more counties are cooperating, the boards of county commissioners of those counties shall together appoint ~~three additional~~ members of the juvenile corrections advisory board or, if necessary, additional members so that each county which is not otherwise represented on the board is represented by at least one member of such board; and

Comment: at least

Comment: and no more than six

(8) three members of the juvenile corrections advisory board shall be appointed by cities located within the county or group of cooperating counties as follows:

(A) If there are three or more cities of the first class, the governing body of each of the three cities of the first class having the largest populations shall each appoint one member;

(B) if there are two cities of the first class, the governing body of the larger city of the first class shall appoint two members and the governing body of the smaller city of the first class shall appoint one member;

(C) if there is only one city of the first class, the governing body of such city shall appoint all three members; and

(D) if there are no cities of the first class, the governing body of each of the three cities having the largest populations shall each appoint one member.

(b) If possible, of the members appointed by the boards of county commissioners in accordance with subsection (a)(6) and by the governing bodies of cities in accordance with subsection (a)(7), members shall be representative of one or more of the following:

Comment: (a)(7)

Comment: (a)(8)

- (1) Public or private social service agencies;
- (2) ex-offenders;
- (3) the health care professions; and
- (4) the general public.

(c) At least two members of each juvenile corrections advisory board shall be representative of ethnic minorities and no more than 2/3 of the members of each board shall be members of the same gender.

(d) In lieu of the provisions of subsections (a) through (c), a group of cooperating counties as provided in subsection (a)(2) of K.S.A. 75-7052, and amendments thereto, may establish a juvenile corrections advisory board which such board's membership shall be determined by such group of counties through cooperative action pursuant to the provisions of K.S.A. 12-2901 through 12-2907, and amendments thereto, to the extent that those statutes do not conflict with the provisions of K.S.A. 75-7038 through 75-7053, and amendments thereto, except that if two or more counties in two or more judicial districts are cooperating, the administrative judge of each such judicial district, or a judge of the district court designated by each such administrative judge shall be a member of such board. In determining the membership of the juvenile corrections advisory board pursuant to this subsection, such group of counties shall appoint members who are representative of law enforcement, prosecution, the judiciary, education, corrections, ethnic minorities, the social services and the general public. Any juvenile corrections advisory board established and the membership determined pursuant to this subsection shall be subject to the approval of the commissioner of juvenile justice.

(e) In lieu of the provisions of subsections (a) through (d) and subject to the approval of the commissioner of juvenile justice, any county may designate the corrections advisory board, as established in K.S.A. 75-5297, and amendments thereto, as such county's juvenile corrections advisory board. For the purposes of K.S.A. 75-7038 through 75-7053, and amendments thereto, if a county designates the corrections advisory board as provided by this subsection, membership on such board shall be expanded to comply with the requirements of subsection (a).

History: L. 1997, ch. 156, § 13; May 22.

HISTORY OF SENTENCING GUIDELINES

- ◆ Sentencing Commission created by Senate Bill 50 in 1989.
- ◆ Composed of 17 voting members.
 - Governor – County Prosecutor, Public Defender, Private Defense Counsel, Community Corrections Director, Two Public Members
 - Chief Justice – Two District Court Judges and Court Service Officer
 - Legislature – Two appointments each from the House and the Senate
 - Statute: Chief Justice, Secretary of Corrections, Attorney General, Chairperson Parole Board
- ◆ Mission, Statement: The Kansas Sentencing Commission is charged with the development of uniform sentencing guidelines that establish a range of presumptive sentences.
- ◆ The presumptive sentences are based upon the assumptions that:
 - 1) Incarceration should be reserved for serious offenders
 - 2) Primary purposes of prison are incapacitation and punishment

Goals of Sentencing Guidelines

- 1) To promote public safety by incarcerating violent offenders
 - 2) To reduce sentence disparity due to racial, geographic or other bias
 - 3) To establish sentences proportional to the seriousness of the offense and degree of harm to the victim
 - 4) To establish an understandable set of presumptive sentences that promote “truth in sentencing”
 - 5) To provide state and local correctional authorities with information to assist with population management options
 - 6) To provide policy makers information to assist with decisions regarding resource allocation
- ◆ Sentencing Guidelines Presented to Legislature during 1991 Session – SB 382
 - Retained for Interim Study by Special Committee on Judiciary

- ◆ Redrafted as HB 749 and introduced in January, 1992
- ◆ Signed into law on May 11, 1992
- ◆ Sentencing Guidelines Act effective date of enactment **July 1, 1993**
 - Determinate Sentencing
 - Dual Grids
 - Severity Levels and Criminal History
 - Partial Retroactivity

SENTENCING GUIDELINES MAJOR POINTS

- ◆ Crime severity level and criminal history are the main factors
- ◆ Sentences imposed are actually served –Truth In Sentencing
- ◆ Provide objectivity but allow discretion
- ◆ Form a record and database
- ◆ Courts are not bound by plea agreements
- ◆ Appeal process available

GUIDELINE BASICS

- ◆ Effective Date – July 1, 1993
- ◆ Felony Offenses Only
 - Person and Non-Person Classification
- ◆ Dual Grids
 - Non-Drug Grid
 - Drug Grid
- ◆ Incarceration Line
 - Above the Line: Presumptive Prison
 - Below the Line: Presumptive Nonprison
- ◆ Grid Boxes Designate Sentence Range
 - Outside Designated Range Considered a Departure

◆ Border Boxes

- Located on both Drug and Non-Drug Grids
- Presumptive Prison Sentence
- Option to Impose Nonprison Sentence
- Not Considered a Departure/Not Appealable

Off-Grid Offenses – Release Determined by the Parole Board

- Capital Murder – Death Penalty
- First Degree Murder
 - Hard 40/50 Years
 - Hard 25 Years
 - Life with 15/20 Year Parole Eligibility
- Intentional Second Degree Murder
 - Life with 10 Year Parole Eligibility – Prior 7/1/99
- Treason: Life with 15 Year Parole Eligibility

◆ **Non-Grid Crimes** – No Assigned Severity Level

- Felony Driving Under the Influence (DUI)
 - 1995 Supp. K.S.A. 8-1567
 - Sentence cannot be served in State Prison
 - 4th and subsequent conviction mandatory 72 hours jail
 - Mandatory placement -12 months after care program
 - Condition Violation - up to six months in prison
 - No Decay Factor for DUI convictions
- Felony Domestic Battery
 - 1997 Supp. K.S.A. 21-3412
 - Effective 7/1/01 separate statute number
 - Third Conviction in 5 Years is a Person Felony
 - Sentence of 90 Days to One Year
 - Sentence cannot be served in State Prison
- Felony Criminal Deprivation of Property/Motor Vehicle
 - K.S.A. 21-3705(b)
 - Commonly Known as “Joy Riding Statute”
 - July 1, 1999 – Reclassified as Class A Misdemeanor

CRIMINAL HISTORY

- Represented on Top or Horizontal Axis
- Seriousness Goes Left to Right
 - Category A is most serious

- Category I is least serious
- Based on Prior Convictions for:
 - Person and Nonperson Felonies
 - Person Misdemeanors/City Ordinances/County Resolution
 - Class A Nonperson Misdemeanors
 - Select Class B Nonperson Misdemeanor
- Criminal History Rules
 - Only Verified Convictions Counted
 - No Decay Factor for Adult Convictions
 - Some Juvenile Convictions Decay at Age 25

CRIME SEVERITY LEVEL

- ◆ Severity level determined by Statute
- ◆ Found on Side or Vertical Axis of the Grid
- ◆ Non-Drug Grid Ranges from 1 to 10
 - Level 1 is the most serious
 - Level 10 is the least serious
- ◆ Drug Grid Ranges from 1 to 4
 - Level 1 is the most serious
 - Level 4 is the least serious
- ◆ Anticipatory Offenses
 - Attempt or Conspiracy is Two Levels below the offense
 - Solicitation is Three Levels below the offense
 - Can never be ranked lower than Severity Level 10
 - Drug Grid reduce the sentence by six months

SENTENCING CRITERIA

- ◆ Court must impose the complete prison sentence
 - Including Prison Sentence, Good Time Credits, and Postrelease Supervision Period
- ◆ Presumptive Non-Prison Sentences
 - Must indicate type and duration of non-prison sanction
 - Must indicate underlying Prison Sentence, Good time credits and Postrelease Supervision Period.
- ◆ Probation Periods – Effective 5/25/2000 (SB 323)

- 36 Months Non Drug Severity Levels 1-5 and Drug Severity Levels 1-2
 - 24 Months Non Drug Severity Levels 6-7
 - 18 Months Non Drug Severity Level 8 and Drug Severity Level 3
 - 12 Months Non Drug Severity Level 9-10 and Drug Severity Level 4
 - Can be extended up to 60 months for Sex Offenders
 - Can be extended for “Public Safety Reasons” or “In the best interest of the Offender”
- ◆ Good Time
 - Prior to 4/20/95 – 20% of Sentence
 - Post 4/20/95 – 15% of Sentence
 - All Good Time Credits Added to Period of Postrelease
- ◆ Postrelease Supervision Periods – Effective 5/25/00
 - 36 Months for Nondrug Levels 1- 4 and Drug Levels 1-2
 - 24 Months for Nondrug Levels 5-6 and Drug Level 3
 - 12 Months for Nondrug 7-10 and Drug Level 4
 - Up to 60 Months for Sexually Violent Offenders
- ◆ Postrelease Supervision Periods for Condition Probation Violators
 - Condition Probation violators revoked to prison not subject to a period of Postrelease Supervision
 - Exceptions: Border Boxes
 Sexually Violent Offense - K.S.A. 22-3717
 Dispositional Departures
 Convicted of a new Misdemeanor or Felony offense
- ◆ Violations of Conditions of Postrelease Supervision
 - Prior to 4/20/95 90 Days Maximum Incarceration
 - Post 4/20/95 180 Days Maximum Incarceration
- ◆ Commits a New Offense while on Postrelease Supervision
 - Can receive a Prison Sentence even if Offense designates a Nonprison Sentence
- ◆ Departures – Allow for Discretion in Extraordinary Cases
 - Dispositional Departure
 - Durational Departure
 - Dispositional and Durational Departure

- Mitigating and Aggravating Factors – Nonexclusive List
- Departures are Appealable
- Apprendi v. New Jersey and State v. Gould
- HB 2154 – 2002 Legislation

SPECIAL SENTENCING RULES

- ◆ Use of a Firearm in Commission of a Person Felony
 - Optional Nonprison Sentence
- ◆ Aggravate Assault/Battery on Law Enforcement Officer
 - Grid Cell 6H or 6I
 - Optional Nonprison Sentence
- ◆ Consecutive Sentence Required
 - Felony committed on Felony Bond, Probation, Postrelease or Community Corrections
 - Felony committed while in Prison
- ◆ Double Rule
 - Establish a Base Sentence
 - Primary Crime and Full Criminal History
 - Calculate Non-Base Sentence for Remaining Crimes at Criminal History Category I
 - Total Controlling Sentence cannot exceed twice the Base Sentence
 - Postrelease Periods are Not Aggregated
- ◆ Special Burglary Rule
 - Effective July 1, 1999
 - Current Crime of Conviction is Residential Burglary
 - One Prior Conviction for Residential or Non-Residential Burglary
 - Presumptive Prison Sentence
- ◆ Persistent Sex Offender
 - Sexually Violent Crime – K.S.A. 22-3717
 - Current Conviction with a least one Prior Conviction
 - Term of Sentence Doubled the Maximum Term, even if Current Conviction carries a Non-Prison Term
 - Does not apply to Current Convictions on Nondrug Severity Levels 1 & 2

KANSAS SENTENCING COMMISSION

2003 MEMBERSHIP

CHAIRMAN

Honorable Ernest L. Johnson, Judge, 29th Judicial District, Div. 15

VICE-CHAIRMAN

Paul J. Morrison, Johnson County District Attorney

CHIEF JUSTICE OR DESIGNEE

Honorable Robert J. Lewis Jr., Judge, Kansas Court of Appeals

APPOINTMENTS BY THE CHIEF JUSTICE

Honorable Ernest L. Johnson, Judge, 29th Judicial District, Div. 15

Honorable Eric S. Rosen, Judge, 3rd Judicial District, Div. 4

Chris Mechler, Court Services Specialist, Office of Judicial Administration

ATTORNEY GENERAL OR DESIGNEE

Phill Kline, Attorney General

APPOINTMENTS BY THE GOVERNOR

Rick Kittel, Assistant Appellate Defender

W. Irving Shaw, Attorney at Law

Paul J. Morrison, Johnson County District Attorney

Annie Grevas, Director, 28th Judicial District Community Corrections

Dan R. Hoisington (Public Member)

Patricia O'Day (Public Member)

SECRETARY OF CORRECTIONS OR DESIGNEE

Roger Werholtz, Secretary of Corrections

KANSAS PAROLE BOARD CHAIRPERSON OR DESIGNEE

Marilyn Scafe, Chairperson, Kansas Parole Board

APPOINTMENTS BY THE SENATE PRESIDENT AND THE MINORITY LEADER

Vacant

Senator Greta H. Goodwin, Senate District 32

APPOINTMENTS BY THE SPEAKER OF THE HOUSE AND THE MINORITY LEADER

Vacant

Representative Janice L. Pauls, House District 102

KANSAS SENTENCING COMMISSION

Barbara Tombs
Executive Director

Brenda Harmon
Administrative Assistant

Kunlun Chang
Research Director

Joe Herold
Staff Attorney

Paula Daniels
Office Specialist

Janice Brasher
Fiscal Director

Fengfang Lu
Research Analyst II

Lora Moison
Research Analyst I

Carrie Krusor
Research Analyst

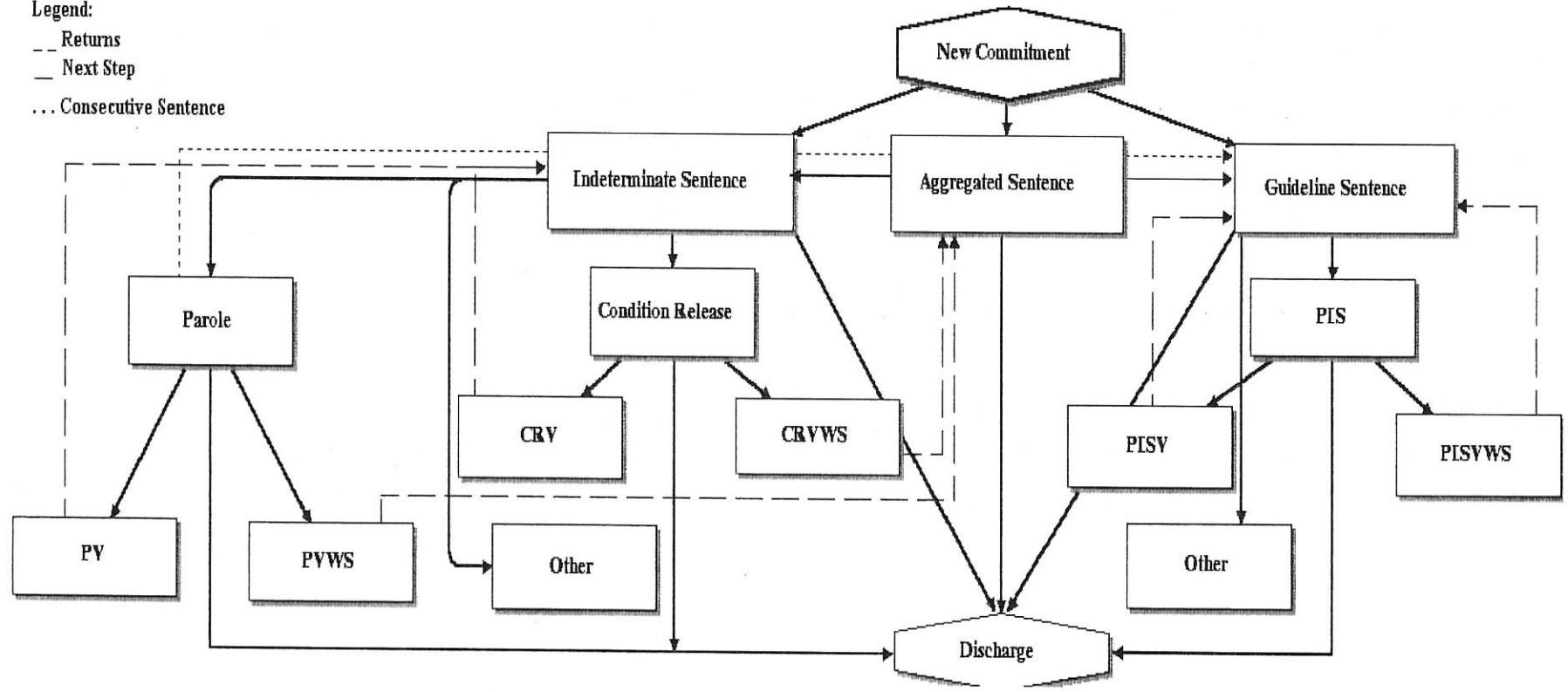
Ron McVeigh
Management Analyst

Yolanda Taylor
Grant Specialist

Kansas Prison Inmate Movement Simulation Model

Legend:

- Returns
- Next Step
- ... Consecutive Sentence



Note: PV=condition parole violator; PVWS=parole violator with new sentence; CRV=condition release violator; CRVWS=condition release violator with new sentence; PIS=post incarceration supervision; PISV=post incarceration supervision violator; PISVWS=post incarceration supervision violator with new sentence.

TESTIMONY BEFORE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE
JANUARY 27, 2003
JUDGE ERIC S. ROSEN

Sentencing Commission from a judge's perspective - Goal for us all is public safety.

Role of the judge - Actually utilizing sentencing guidelines, applying the law, and sentencing offenders. I have been a District Court Judge for ten years, formerly a prosecutor, defense attorney. Literally involved in thousands of sentencings.

Helpful to Kansas Sentencing Commission:

1. Bring reality to what is actually occurring in our courts.
2. Assist Commission with the impact of modifications of the guidelines.
3. Help Commission understand strengths, limitations, or problems of guidelines and sentencing practices.
4. Help Commission with prison population projections.

Judges and Guidelines: Mixed Review - Judges traditionally asked to render judgment.
Judges now pronounce sentence, not decide sentence.

Guidelines initiated in 1993 to address:

1. Disparity in sentencing -
 - a) Racial - minorities more likely to go to prison
 - b) Rural vs. Urban - rural population more likely to go to prison
2. Control prison population - Legislature actually has as much to do with prison population as judges.

Good and Bad - Has effectively dealt with disparity, however, the courts have no control over the racial or geographic makeup of those who appear before us.

H Corr : JJ
1-27-03
Attachment 3

Guidelines take pressure off the courts in the decision-making process, however, the sentencing grids sometimes do not allow for the proper sanction. Courts can only take a limited view of the individual. Sentencing is crime and criminal history driven. There are occasions where I have sentenced more harshly for misdemeanor offenses than the more serious felony offenses on the same individual. Drug offenses currently are disproportionate to some violent crime.

21-4725. Sentencing guidelines; changes in; duties of sentencing commission and secretary of corrections; submission to legislature. The Kansas sentencing commission shall meet as necessary for the purpose of modifying and improving the guidelines. The secretary of corrections shall notify the commission at any time when it is determined that prisons in the state have been filled to 90% or more of their overall capacity. The commission shall then propose modifications which amend the sentencing guidelines grid, including severity levels, criminal history scores or other factors which would result in the reduction of any sentence, as deemed necessary to maintain the prison population within the reasonable management capacity of the prisons as determined after consultation with the secretary of corrections. Such proposed modifications shall be submitted to the legislature by February 1 in any year in which the commission proposes to make the change. No change will be in effect without the approval of the legislature and the governor.

History: L. 1992, ch. 239, § 25; July 1, 1993.

SENTENCING RANGE - NONDRUG OFFENSES

House Corr. - J.S. 1-27-03 Attachment 4

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	34 32 31
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

House Cor 1-27-03 J.S.

SENTENCING RANGE - DRUG OFFENSES

4-2

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

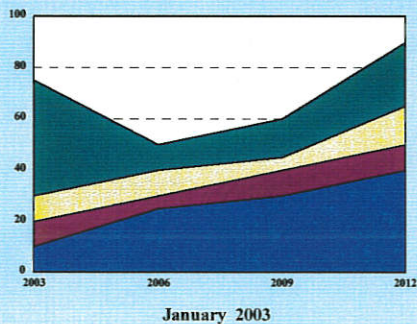
Postrelease for felonies committed before 4/20/95

- 24 months for felonies classified in Severity Levels 1 - 3
- 12 months for felonies classified in Severity Level 4

KANSAS SENTENCING COMMISSION

Fiscal Year 2003 Adult Inmate Prison Population Projections

Senate Ways & Means Committee



GUIDELINE (NEW LAW) ADMISSION CHARACTERISTICS-FISCAL YEAR 2002

ID GROUP	NUMBER ADMITTED	PERCENT ADMITTED	AVERAGE SENTENCE (MONTHS)	JAIL CREDIT (DAYS)	CONDITION PROBATION VIOLATORS (%)	PROBATION VIOLATORS W/NEW SENT (%)
D1	209	6.2%	91.1	148.0	2.4	4.8
D2	110	3.3%	53.1	139.1	12.7	6.4
D3	265	7.8%	26.8	128.1	36.2	7.2
D4	451	13.4%	20.0	121.0	58.1	4.7
N1	61	1.8%	245.7	202.7	4.9	3.3
N2	37	1.1%	178.8	306.5	N/A	N/A
N3	239	7.1%	91.2	179.8	8.8	3.8
N4	74	2.2%	66.5	190.0	12.2	N/A
N5	287	8.5%	51.6	187.5	24.0	6.3
N6	69	2.0%	35.0	167.2	31.9	10.1
N7	550	16.3%	24.0	156.3	60.5	10.2
N8	261	7.7%	16.0	129.5	59.0	11.9
N9	547	16.2%	11.1	110.4	63.4	6.0
N10	166	4.9%	7.4	89.5	63.3	3.0
OFF GRID	28	0.8%	-	-	N/A	N/A
TOTAL NEW LAW	3354	99.3%	65.0	142.8	43.1	6.6
TOTAL OLD LAW	19	0.6%				
MISSING/ NONGRID	4	0.1%				
TOTAL ADMITS	3377	100.0%				

Source: DOC admission file

House Corr & JJ 1
1-27-03
Attachment 5

**PRE-GUIDELINE (OLD LAW) ADMISSION CHARACTERISTICS
FISCAL YEAR 2002**

ID GROUP	NUMBER ADMITTED	PERCENT ADMITTED	MINIMUM SENTENCE (MONTHS)	MAXIMUM SENTENCE (MONTHS)	JAIL CREDITS (DAYS)	PROBATION VIOLATORS (%)
D1	0	0.0%	0.0	0.0	N/A	N/A
D2	1	5.3%	180.0	999	N/A	N/A
D3	4	21.1%	36.0	120.0	59.8	N/A
D4	0	0.0%	0.0	0.0	N/A	N/A
N1	0	0.0%	0.0	0.0	N/A	N/A
N2	0	0.0%	0.0	0.0	N/A	N/A
N3	2	10.5%	90.0	240.0	145.5	N/A
N4	0	0.0%	0.0	0.0	N/A	N/A
N5	1	5.3%	60.0	240.0	40.0	N/A
N6	1	5.3%	36.0	120.0	75.0	100.0
N7	0	0.0%	0.0	0.0	N/A	N/A
N8	1	5.3%	12.0	48.0	N/A	100.0
N9	4	21.1%	9.0	30.0	85.0	100.0
N10	3	15.8%	4.0	20.0	12.7	66.7
OFF GRID	0	0.0%	0.0	0.0	N/A	N/A
AGGREGATE	2	10.5%	999	999	N/A	N/A
TOTAL OLD LAW	19	100.0%				

Source: DOC admission file.

PRISON POPULATION CHARACTERISTICS JUNE 30, 2002

ID GROUP	OLD LAW		NEW LAW		TOTAL	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
D1	3	0.0%	358	4.1%	361	4.1%
D2	6	0.1%	325	3.7%	331	3.8%
D3	15	0.2%	398	4.5%	413	4.7%
D4	1	0.0%	457	5.2%	458	5.2%
N1	242	2.8%	371	4.2%	613	7.0%
N2	199	2.3%	289	3.3%	488	5.6%
N3	199	2.3%	984	11.2%	1183	13.5%
N4	26	0.3%	238	2.7%	264	3.0%
N5	46	0.5%	819	9.4%	865	9.9%
N6	12	0.1%	140	1.6%	152	1.7%
N7	7	0.1%	719	8.2%	726	8.3%
N8	1	0.0%	191	2.2%	192	2.2%
N9	1	0.0%	256	2.9%	257	2.9%
N10	1	0.0%	44	0.5%	45	0.5%
OFF GRID	351	4.0%	164	1.9%	515	5.9%
Parole Conditional Violators	832	9.5%	505	5.8%	1337	15.3%
Aggregate Sentence	534	6.1%	0	0.0%	534	6.1%
SUBTOTAL	2476	28.3%	6258	71.4%	8734	99.7%
MISSING/NONGRID					25	0.3%
TOTAL					8759	100.0%

Source: DOC prison population file.

**COMPARATIVE ANALYSIS ON ADMISSION TYPE
FY 1998 THROUGH FY 2002**

Admission Type	FY 1998		FY 1999		FY 2000		FY 2001		FY 2002	
	N	%	N	%	N	%	N	%	N	%
New Court Commitment	1247	22.9	1340	22.7	1328	20.4	1601	26.7	1702	28.4
Probation Condition Violator	1515	27.9	1579	26.8	1441	22.1	1330	22.2	1454	24.2
Probation Violator With New Sentence	204	3.8	226	3.8	212	3.3	203	3.4	221	3.7
Inmate Received on Interstate Compact	11	0.2	10	0.2	16	0.2	8	0.1	9	0.2
Parole/Post-release Condition Violator	1847	34.0	2236	37.9	3084	47.4	2552	42.6	2396	39.9
Parole/Post-release Violator With New Sentence	262	4.8	295	5.0	284	4.4	145	2.4	136	2.3
Paroled to Detainer Returned With New Sentence	19	0.3	28	0.5	32	0.5	30	0.5	19	0.3
Conditional Release Violator	113	2.1	118	2.0	104	1.6	109	1.8	57	1.0
Conditional Release Violator With New Sentence	15	0.3	13	0.2	7	0.1	10	0.2	3	0.1
Offender Returned to Prison in Lieu of Revocation	206	3.8	56	0.9	5	0.1	1	0.0	2	0.0
Total	5439	100.0	5901	100.0	6513	100.0	5989	100.0	5999	100.0

Source: DOC admission file.

**COMPARISON OF GUIDELINE NEW COMMITMENTS BY SEVERITY LEVEL
ADMISSIONS AND AVERAGE LENGTH OF SENTENCE (LOS)
FY 1998 THROUGH FY 2002**

Severity Level	FY 1998		FY 1999		FY 2000		FY 2001		FY 2002	
	Admission Number	LOS in Month	Admission Number	LOS in Month	Admission Number	LOS in Month	Admission Number	LOS in Month	Admission Number	LOS in Month
D1	5	124.2	10	104.9	26	95.8	101	91.6	209	91.1
D2	67	53.3	84	53.8	97	52.3	83	56.2	110	53.1
D3	263	25.0	277	25.7	255	27.1	258	28.1	265	26.8
D4	366	16.6	397	21.0	398	17.8	440	19.5	451	20.0
N1	17	308.5	48	391.1	52	299.0	77	335.0	61	245.7
N2	65	268.1	42	186.8	48	193.4	37	180.1	37	178.8
N3	187	90.2	190	78.8	204	89.8	211	99.4	239	91.2
N4	64	69.1	56	70.0	55	68.0	57	67.8	74	66.5
N5	224	50.1	236	53.6	226	54.0	276	55.7	287	51.6
N6	62	34.6	72	32.9	71	29.9	61	31.2	69	35.0
N7	427	23.7	448	27.5	439	26.4	515	25.5	580	24.0
N8	269	15.7	289	16.5	295	15.5	261	16.3	261	16.0
N9	576	11.5	623	12.2	568	10.5	553	11.2	547	11.1
N10	129	7.7	141	9.1	125	7.0	135	7.8	166	7.4
Total	2721		2913		2859		3065		3326	

Source: DOC admission files.

Note: Guideline new commitment admissions include new court commitments, probation condition violators and probation violators with new sentence.

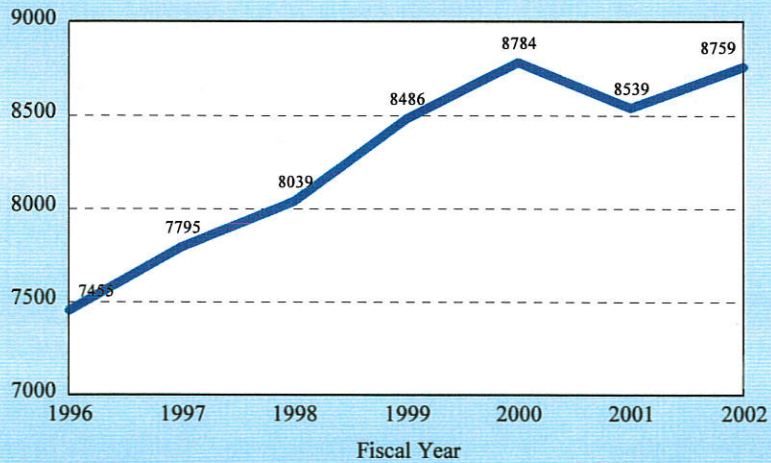
**COMPARATIVE ANALYSIS OF
CONDITION PAROLE/POST RELEASE SUPERVISION VIOLATORS
BETWEEN FY 2001 AND FY 2002**

Law	Admission Number				Average Length of Stay in Month			
	FY 2001	FY 2002	Increase #	Increase %	FY 2001	FY 2002	Increase #	Increase %
Both/Agg	83	81	-2	-2.4%	11.58	9.90	-1.68	-14.5%
New	1758	1749	-9	-0.5%	3.62	3.36	-0.26	-7.2%
Old	819	621	-198	-24.2%	13.78	15.29	1.51	11.0%
Total	2660	2451	-209	-7.9%				

Source: DCC admission files

KANSAS PRISON POPULATION TRENDS

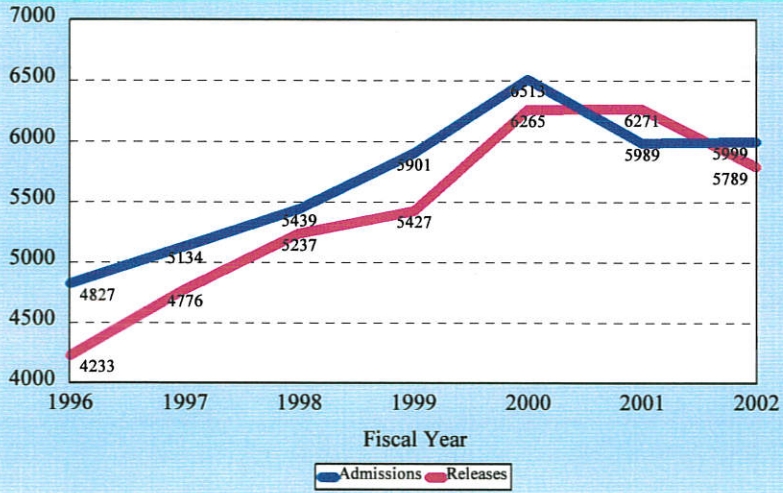
Total Prison Population



Source: DOC prison population files

KANSAS PRISON POPULATION TRENDS

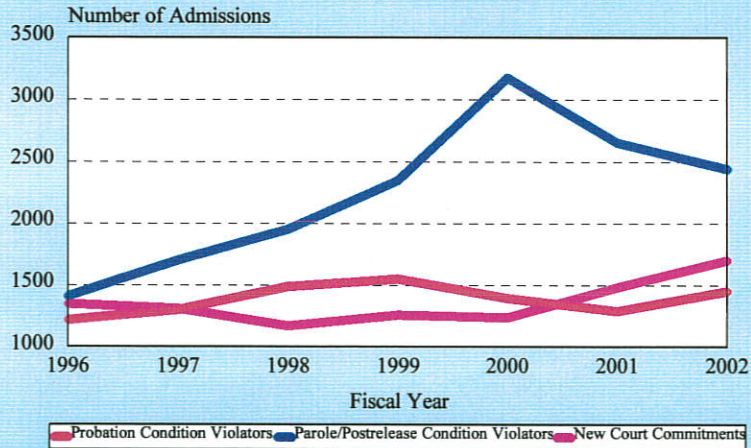
Admissions and Releases



Source: DOC admission and release files

KANSAS PRISON ADMISSION TRENDS

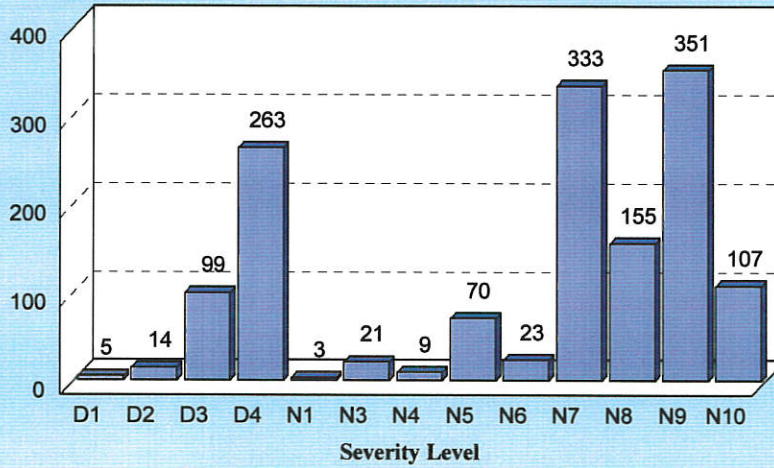
Admissions by Type



Source: DOC monthly report

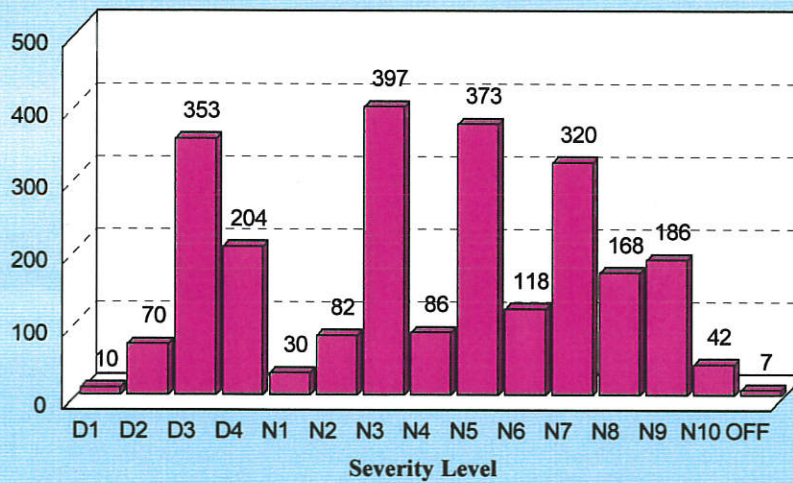
KANSAS PRISON ADMISSION TRENDS

Condition Probation Violators by Severity Level FY 2002



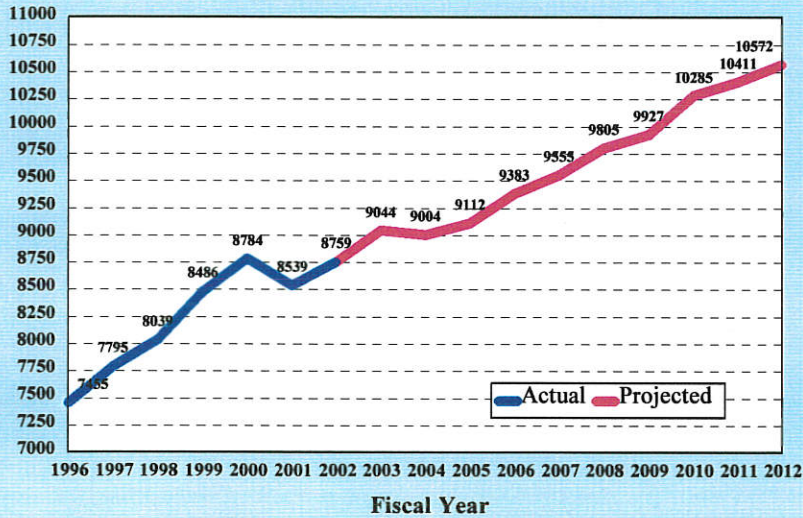
KANSAS PRISON ADMISSION TRENDS

Parole/Postrelease Condition Violators by Severity Level FY 2002



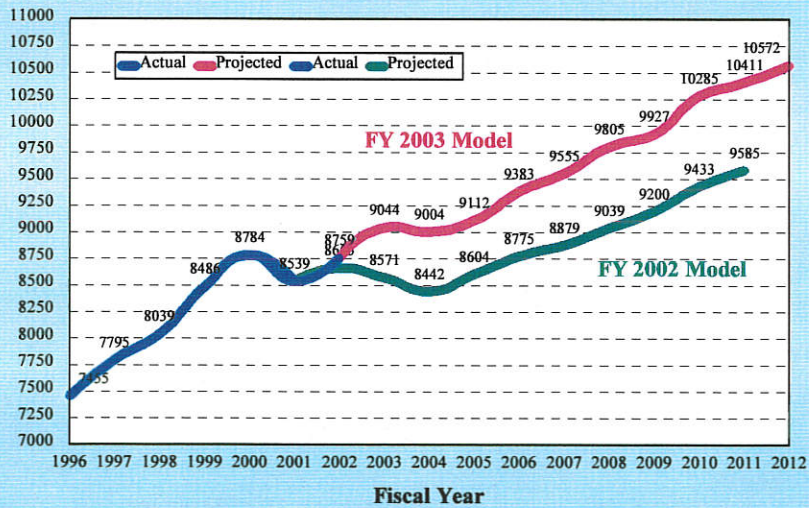
KANSAS PRISON POPULATION TRENDS

Actual and Projected Population



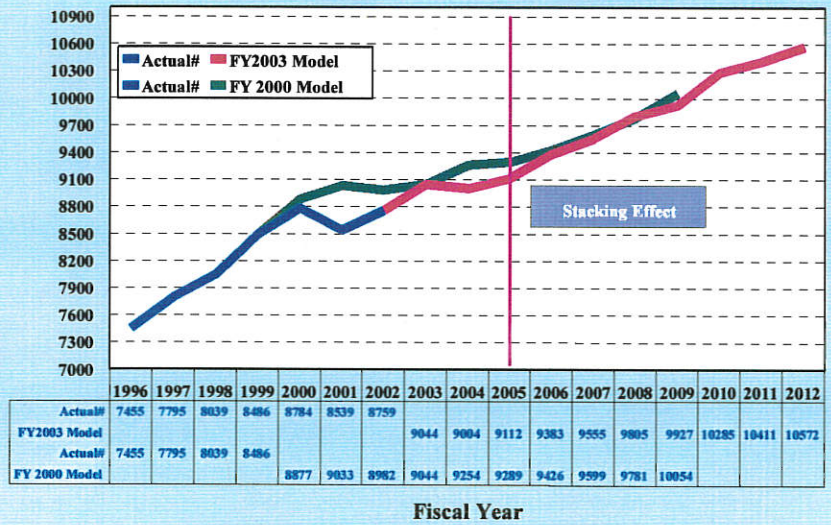
KANSAS PRISON POPULATION TRENDS

Actual and Projected Population Comparison between FY 2002 and FY 2003 Models

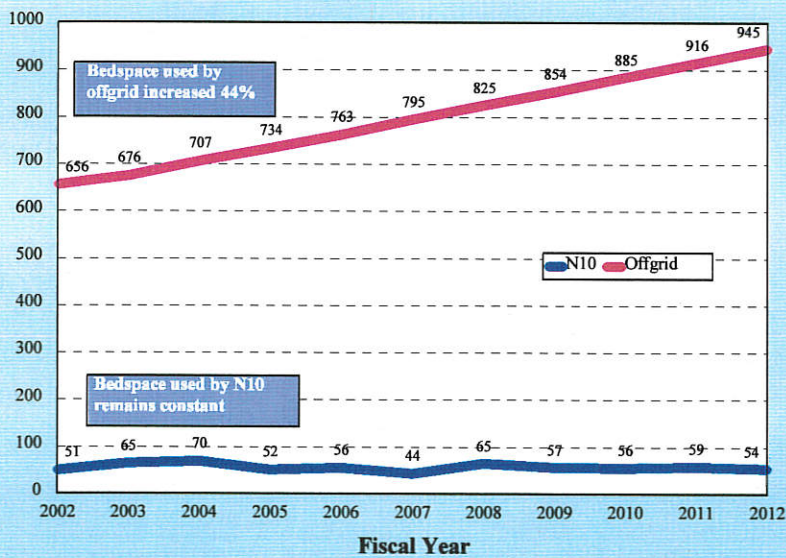


KANSAS PRISON POPULATION TRENDS

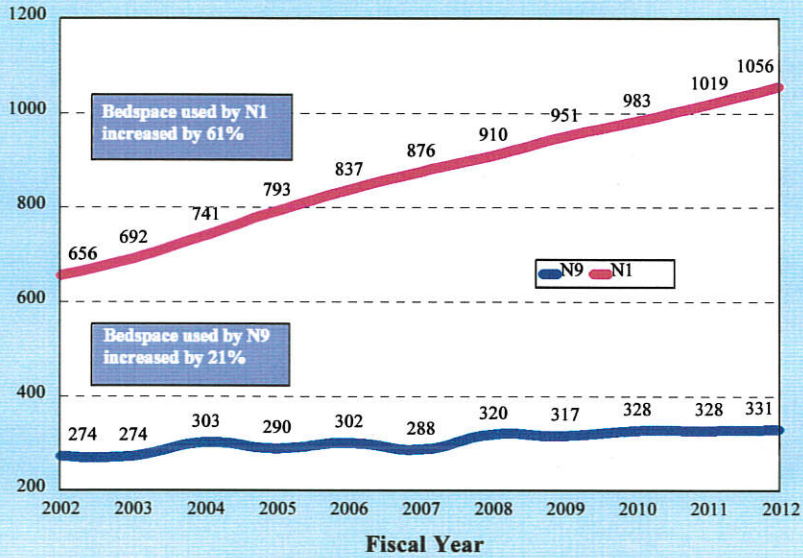
Actual and Projected Population
FY 2000 and FY 2003 Models



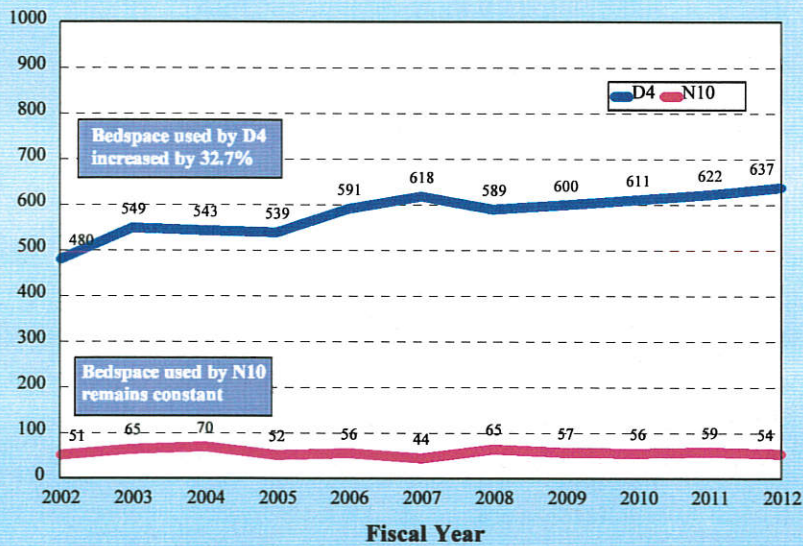
PROJECTED BEDSPACE FOR OFFGRID AND NONDRUG LEVEL 10 OFFENDERS



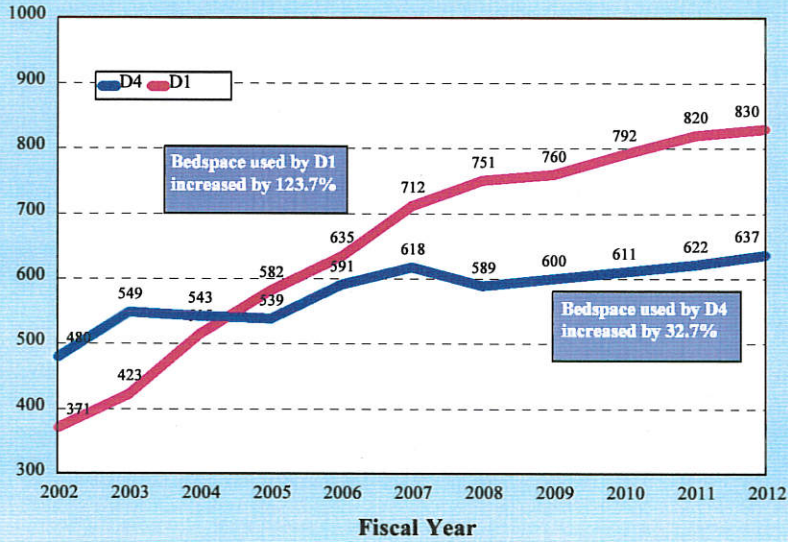
**PROJECTED BEDSPACE
FOR NONDRUG LEVEL 1 AND NONDRUG LEVEL 9 OFFENDERS**



**PROJECTED BEDSPACE
FOR DRUG LEVEL 4 AND NONDRUG LEVEL 10 OFFENDERS**



PROJECTED BEDSPACE FOR DRUG LEVEL 1 AND DRUG LEVEL 4 OFFENDER



OLD

KANSAS SENTENCING COMMISSION FY 2002 OFFICIAL ADULT INMATE PRISON POPULATION PROJECTIONS Half Percent Admission Growth Rate

ID Group	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	June 30 2011	TOTAL# INCREASE	PERCENT INCREASE
D1	164	243	294	328	335	363	375	382	387	415	410	246	150.0%
D2	303	288	288	292	311	314	327	342	335	324	322	19	6.3%
D3	435	420	438	426	453	492	485	471	472	494	493	58	13.3%
D4	440	451	451	500	547	541	519	511	501	501	526	86	19.5%
N1	618	668	738	799	849	899	936	973	1023	1070	1102	484	78.3%
N2	512	512	523	532	546	556	555	569	571	577	595	83	16.2%
N3	1247	1275	1289	1322	1360	1385	1404	1454	1473	1503	1554	307	24.6%
N4	276	275	277	272	278	280	274	274	275	277	276	0	0.0%
N5	894	842	865	881	881	876	899	917	949	1002	1031	137	15.3%
N6	167	142	130	124	126	123	123	117	121	132	107	-60	-35.9%
N7	764	722	697	697	735	739	763	792	793	793	790	26	3.4%
N8	242	257	256	270	244	255	247	249	249	261	267	25	10.3%
N9	295	258	211	161	153	144	158	146	159	163	168	-127	-43.1%
N10	48	54	47	47	54	62	55	57	59	68	54	6	12.5%
OFF GRID	599	626	651	682	710	743	775	806	843	872	900	301	50.3%
Condition Parole Violators	1535	1630	1416	1109	1022	1003	984	979	990	981	990	-545	-35.5%
Total	8539	8663	8571	8442	8604	8775	8879	9039	9200	9433	9585	1046	12.3%

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

NEW

**KANSAS SENTENCING COMMISSION
FY 2003 OFFICIAL ADULT INMATE PRISON POPULATION PROJECTIONS
One Point Five Percent Admission Growth Rate**

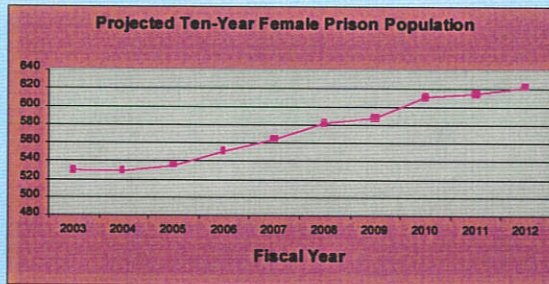
ID Group	June 30 2002*	June 30 2003	June 30 2004	June 30 2005	June 30 2006	June 30 2007	June 30 2008	June 30 2009	June 30 2010	June 30 2011	June 30 2012	TOTAL # INCREASE	PERCENT INCREASE
D1**	371	423	515	582	635	712	751	760	792	820	830	459	123.7%
D2	340	337	345	367	374	405	442	445	460	439	435	95	27.9%
D3	427	433	445	450	464	475	485	458	481	478	488	61	14.3%
D4**	480	549	543	539	591	618	589	600	611	622	637	157	32.7%
N1	656	692	741	793	837	876	910	951	983	1019	1056	400	61.0%
N2	509	511	520	532	548	562	576	596	594	608	612	103	20.2%
N3	1246	1323	1380	1431	1487	1514	1529	1592	1638	1651	1689	443	35.6%
N4	276	278	295	305	323	319	339	331	345	356	358	82	29.7%
N5	921	946	907	900	896	912	925	937	982	994	998	77	8.4%
N6	160	165	170	177	183	182	189	171	189	186	198	38	23.8%
N7	758	758	778	808	829	835	841	828	843	864	852	94	12.4%
N8	212	213	207	205	195	190	193	210	222	214	211	-1	-0.5%
N9	274	274	303	290	302	288	320	317	328	328	331	57	20.8%
N10	51	65	70	52	56	44	65	57	56	59	54	3	5.9%
OFF GRID	656	676	707	734	763	795	825	854	885	916	945	289	44.1%
Condition Parole PIS Violators	1422	1401	1077	947	900	828	826	820	876	857	878	-544	-38.3%
Total	8759	9044	9003	9112	9383	9555	9805	9927	10285	10411	10572	1813	20.7%

*Based on the actual prison population on that date for the purpose of forecasting, removal and intake are analyzed and assigned to each level.

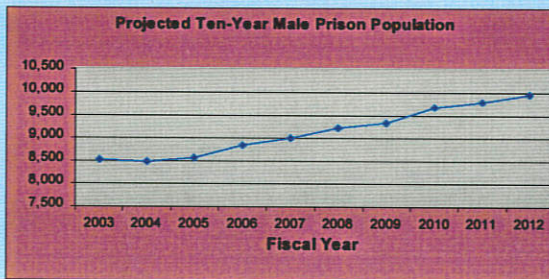
**Kansas Sentencing Commission
Ten-Year Custody Classification Projections
FY 2003 Through FY 2012**

June 30, Each Year	Unclassified	Minimum	Medium	Maximum	Special	Total
2003	148	2966	3921	1405	604	9044
2004	134	2975	3910	1355	629	9003
2005	145	2977	3932	1418	640	9112
2006	145	3071	4044	1446	677	9383
2007	139	3150	4153	1449	664	9555
2008	139	3247	4298	1466	655	9805
2009	139	3267	4380	1509	632	9927
2010	160	3439	4510	1500	676	10285
2011	149	3437	4560	1572	693	10411
2012	156	3447	4687	1578	704	10572

Fiscal Year	
2003	530
2004	529
2005	535
2006	551
2007	564
2008	582
2009	588
2010	611
2011	615
2012	621



Fiscal Year	
2003	8,514
2004	8,474
2005	8,577
2006	8,832
2007	8,991
2008	9,223
2009	9,339
2010	9,674
2011	9,796
2012	9,951



Prison Population Projections by Severity Level and Gender

	2,003	2,004	2,005	2,006	2,007	2,008	2,009	2,010	2,011	2,012
Female										
D1	49	60	68	74	83	87	88	92	95	98
D2	48	49	52	53	58	63	63	65	62	62
D3	32	33	34	35	36	36	34	36	36	37
D4	53	52	52	57	59	57	58	59	60	61
N1	21	23	25	26	27	28	29	30	32	33
N2	15	16	16	16	17	17	18	18	18	18
N3	36	37	39	40	41	41	43	44	45	46
N4	9	10	10	11	11	11	11	11	12	12
N5	39	37	37	37	37	38	38	40	41	41
N6	6	6	7	7	7	7	6	7	7	8
N7	36	37	39	40	40	40	40	40	41	41
N8	42	41	41	39	38	38	42	44	43	42
N9	19	21	20	21	20	22	22	23	23	23
N10	8	8	6	7	6	6	7	7	7	6
OFF	31	33	34	35	37	38	39	41	42	43
PVTECH	84	65	57	54	50	50	49	53	51	53
Subtotal	530	529	535	551	564	582	588	611	615	621
Male										
D1	374	455	514	561	629	664	672	700	725	734
D2	289	296	315	321	347	379	382	395	377	373
D3	401	412	418	429	439	449	424	445	442	451
D4	498	491	487	534	559	532	542	552	562	576
N1	671	718	768	811	849	882	922	963	987	1,023
N2	498	504	516	532	545	559	578	576	590	594
N3	1,287	1,343	1,392	1,447	1,473	1,488	1,549	1,594	1,606	1,643
N4	269	285	295	312	308	328	320	334	344	346
N5	907	870	863	859	875	887	899	942	953	957
N6	159	164	170	176	175	182	165	182	179	191
N7	722	741	769	789	795	801	788	803	823	811
N8	171	166	164	156	152	155	168	178	171	169
N9	255	282	270	281	288	298	295	305	305	308
N10	57	62	46	48	39	57	50	49	52	48
OFF	645	674	700	728	758	787	815	844	874	902
PVTECH	1,317	1,012	890	846	778	776	771	823	806	825
Subtotal	8,514	8,474	8,577	8,832	8,991	9,223	9,339	9,674	9,796	9,951
Total	9,044	8,903	9,112	9,383	9,555	9,805	9,927	10,285	10,411	10,572