

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:38 A.M. on January 10, 2007, in Room 123-S of the Capitol.

All members were present except:

David Haley arrived 10:00 A.M.
Les Donovan- excused
Greta Goodwin- excused

Committee staff present:

Athena Anadaya, Kansas Legislative Research Department
Bruce Kinzie, Office of Revisor of Statutes
Nobuko Folmsbee, Office of Revisor of Statutes
Karen Clowers, Committee Secretary

Conferees appearing before the committee:

Helen Pedigo, Kansas Sentencing Commission

Bill Introductions

Senator Derek Schmidt introduced three bills to the committee. The first bill addresses small claims court and the deadline for filing a counter claim. The second bill would allow judges to review CASA (Court Appointed Special Advocates) reports prior to commencement of a hearing and the third bill would address mortgage registration fees and exemptions. Senator Schmidt moved, Senator Umbarger seconded to introduce the bills.

John Peterson on behalf of the Kansas Land Title Association requested the introduction of a bill to amend K.S.A. 58a-810 regarding conveyance of property titled to a trust. Senator Umbarger moved, Senator Bruce seconded, to introduce the bill. Motion carried.

Randy Hearrell, Kansas Judicial Council requested the introduction of three bills. The first would amend K.S.A. 59-2222, 59-2247 and 59-3086 regarding Medicaid reimbursement. The second bill would clarify K.S.A. 59-1507b to identify all property that may be transferred under this section. The third bill would authorize the Kansas Commission on Judicial Performance to employ senior judges under the same arrangement as the Judicial Branch. Senator Schmidt moved, Senator Umbarger seconded, to introduce the bills. Motion carried.

Senator Vratil introduced two bills. The first would increase fees for county law libraries and the second would repeal K.S.A. 20-351a pertaining to reports on certain judgeships. Senator Bruce moved, Senator Betts seconded to introduce the bills. Motion carried.

Presentation by Helen Pedigo, Executive Director, Kansas Sentencing Commission

Ms. Pedigo provided the committee with an assessment of adult prison population projections based on legislation passed during the 2006 legislative session, especially **HB 2576** commonly referred to as Jessica's Law (Attachment 1). Estimates indicate the prison population will increase approximately 100 inmates per year as a result of **HB 2576** causing the prison population to reach capacity by 2009. Currently prison capacity is 9,397 inmates and current prison population is 8,933. Ms. Pedigo indicated that based on current projections Kansas will need to add additional prison beds to order accommodate inmate projections.

Following the presentation several requests were made by the committee. Senator Umbarger requested Ms. Pedigo to provide information on projections outlined in FY 2000 prior to the implementation of **SB 323**. Senator Vratil requested the same information on projections outlined in FY 2003 prior to the implementation of **SB 123**. Senator Betts requested information on what counties offenders are being released to and Senator Bruce requested **SB 323** offender violations and re-offenses. Response to the requests was later distributed (Attachment 2).

Meeting adjourned at 10:20 A.M. The next scheduled meeting is January 11, 2007.



KANSAS SENTENCING COMMISSION

Honorable Ernest L. Johnson, Chairman
Attorney General Paul Morrison, Vice Chairman
Helen Pedigo, Executive Director

KATHLEEN SEBELIUS, GOVERNOR

SENATE JUDICIARY COMMITTEE

TESTIMONY

FISCAL YEAR 2007

ADULT INMATE

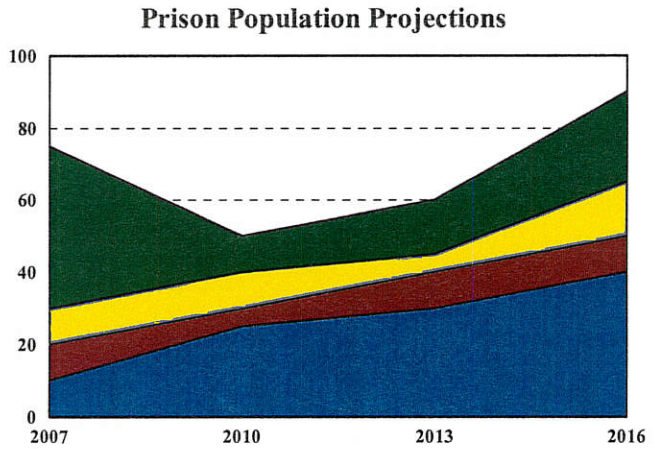
PRISON POPULATION PROJECTIONS

**By Helen Pedigo
Executive Director**

Wednesday, January 10, 2007

KANSAS SENTENCING COMMISSION

Fiscal Year 2007 Adult Inmate Prison Population Projections



August 24, 2006

GUIDELINE NEW COMMITMENT ADMISSION CHARACTERISTICS - FISCAL YEAR 2006

ID GROUP	NUMBER ADMITTED	PERCENT ADMITTED	AVERAGE SENTENCE (MONTHS)	JAIL CREDIT (DAYS)	CONDITION PROBATION VIOLATORS (%)	PROBATION VIOLATORS W/NEW SENT (%)
D1	145	3.8%	69.0	182.2	36.6	2.1
D2	50	1.3%	61.8	154.0	34.0	2.0
D3	310	8.2%	29.3	152.7	46.1	4.2
D4	657	17.3%	19.8	135.0	71.5	2.7
N1	76	2.0%	245.6	328.8	5.3	3.9
N2	36	1.0%	186.5	187.4	2.8	2.8
N3	227	6.0%	90.1	229.1	9.7	4.0
N4	64	1.7%	65.4	173.0	9.4	N/A
N5	309	8.2%	50.6	198.5	29.4	2.9
N6	77	2.0%	36.5	197.4	35.1	3.9
N7	611	16.1%	26.2	189.8	63.2	7.7
N8	345	9.1%	17.0	156.1	71.3	4.9
N9	650	17.2%	11.6	131.1	67.1	2.6
N10	184	4.9%	8.3	106.7	70.1	N/A
OFF GRID	29	0.8%	-	-	N/A	N/A
TOTAL NEW LAW	3770	99.5%	68.1	164.2	54.1	3.8
TOTAL OLD LAW	7	0.2%				
MISSING/ NONGRID	13	0.3%				
TOTAL ADMITS	3790	100.0%				

Source: DOC admission file.

PRISON POPULATION CHARACTERISTICS JUNE 30, 2006

ID GROUP	PRE-GUIDELINE		GUIDELINE		TOTAL	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
D1	0	0.0%	572	6.4%	572	6.4%
D2	1	0.0%	239	2.7%	240	2.7%
D3	0	0.0%	475	5.3%	475	5.3%
D4	0	0.0%	638	7.1%	638	7.1%
N1	166	1.9%	596	6.7%	762	8.5%
N2	109	1.2%	317	3.5%	426	4.8%
N3	86	1.0%	1202	13.5%	1288	14.4%
N4	8	0.1%	252	2.8%	260	2.9%
N5	18	0.2%	996	11.2%	1014	11.4%
N6	0	0.0%	148	1.7%	148	1.7%
N7	2	0.0%	840	9.4%	842	9.4%
N8	0	0.0%	233	2.6%	233	2.6%
N9	0	0.0%	267	3.0%	267	3.0%
N10	0	0.0%	43	0.5%	43	0.5%
OFFGRID	276	3.1%	238	2.7%	514	5.8%
PAROLE CONDITIONAL VIOLATORS	420	4.7%	317	3.5%	737	8.3%
AGGREGATE SENTENCE	456	5.1%	0	0.0%	456	5.1%
SUBTOTAL	1542	17.3%	7373	82.5%	8915	99.8%
MISSING/NONGRID					18	0.2%
TOTAL					8933	100.0%

Source: DOC prison population file.

**COMPARISON OF GUIDELINE NEW COMMITMENTS BY SEVERITY LEVEL
ADMISSIONS AND AVERAGE LENGTH OF SENTENCE (LOS)
FY 2002 THROUGH FY 2006**

Severity Level	FY 2002		FY 2003		FY2004		FY2005		FY2006	
	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	209	91.1	176	92.2	196	67.5	140	53.4	145	69.0
D2	110	53.1	106	51.5	80	51.9	41	53.8	50	61.8
D3	265	26.8	252	28.1	276	28.8	263	28.5	310	29.3
D4	451	20.0	576	22.8	505	19.6	579	21.1	657	19.8
N1	61	245.7	77	247.9	81	250.1	58	226.7	76	245.6
N2	37	178.8	33	142.4	20	152.4	27	170.7	36	186.5
N3	239	91.2	202	84.7	208	89.3	210	99.5	227	90.1
N4	74	66.5	59	68.8	61	59.7	58	68.7	64	65.4
N5	287	51.6	308	51.4	243	54.5	256	54.4	306	50.6
N6	69	35.0	69	34.5	71	29.8	62	33.7	77	36.5
N7	550	24.0	519	24.5	517	26.3	584	27.3	611	26.2
N8	261	16.0	281	17.4	336	16.9	332	16.1	345	17.0
N9	547	11.1	472	11.5	508	11.3	548	11.7	650	11.6
N10	166	7.4	158	7.3	215	8.3	190	7.9	184	8.3
Total	3326		3288		3317		3348		3741	

Source: DOC admission file.

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

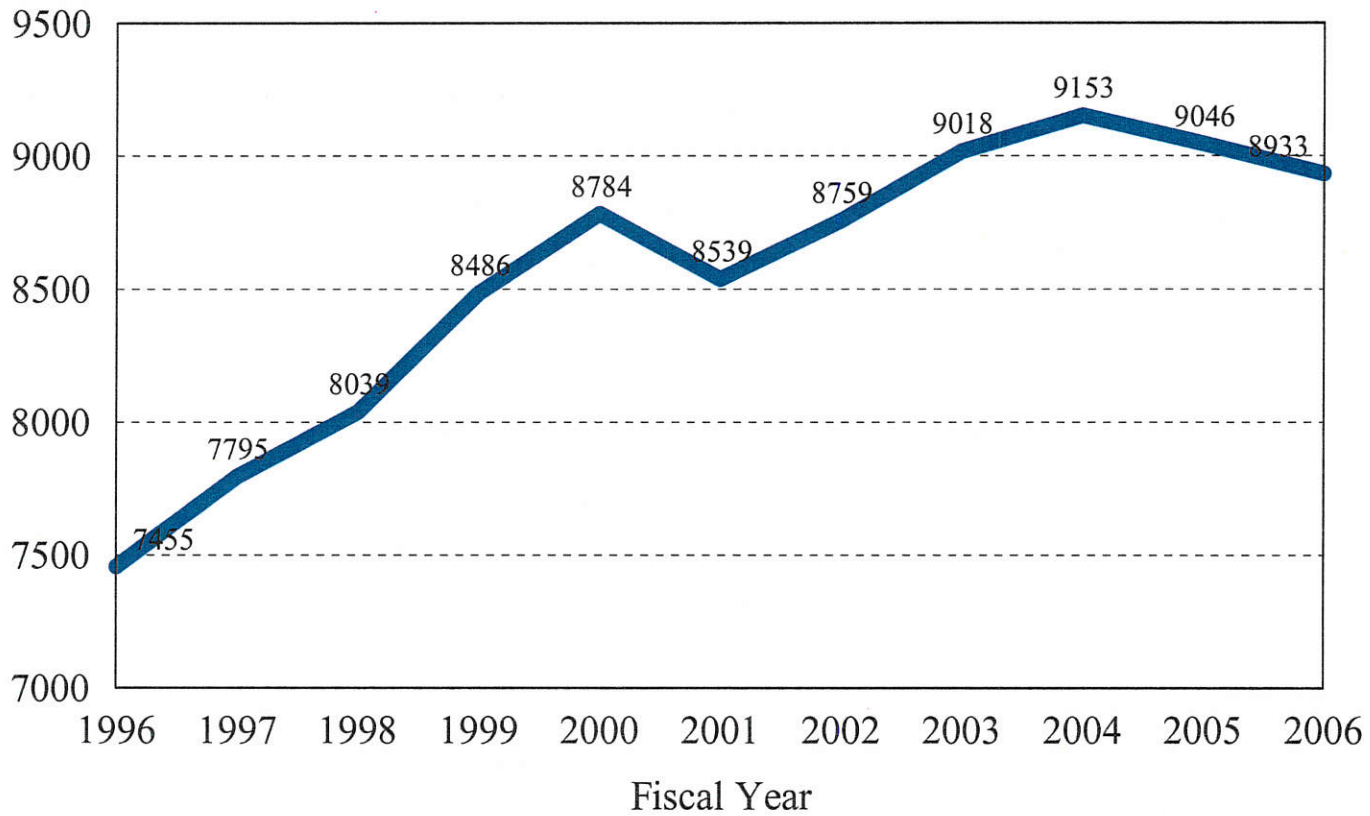
**COMPARATIVE ANALYSIS OF
CONDITION PAROLE/POST RELEASE SUPERVISION VIOLATORS
BETWEEN FY 2005 AND FY 2006**

Law	Admission Number				Average Length of Stay in Month			
	FY 2005	FY 2006	# Change	% Change	FY 2005	FY 2006	LOS Change	% Change
Both/Agg	55	33	-23	-41.1%	20.8	25.2	4.4	21.2%
Guideline	1748	1360	-388	-22.2%	3.5	4.0	0.5	14.3%
Pre-guideline	334	248	-86	-25.7%	19.0	19.8	0.8	4.2%
Total	2137	1641	-497	-23.2%				

Source: DOC admission and release files.

KANSAS PRISON POPULATION TRENDS

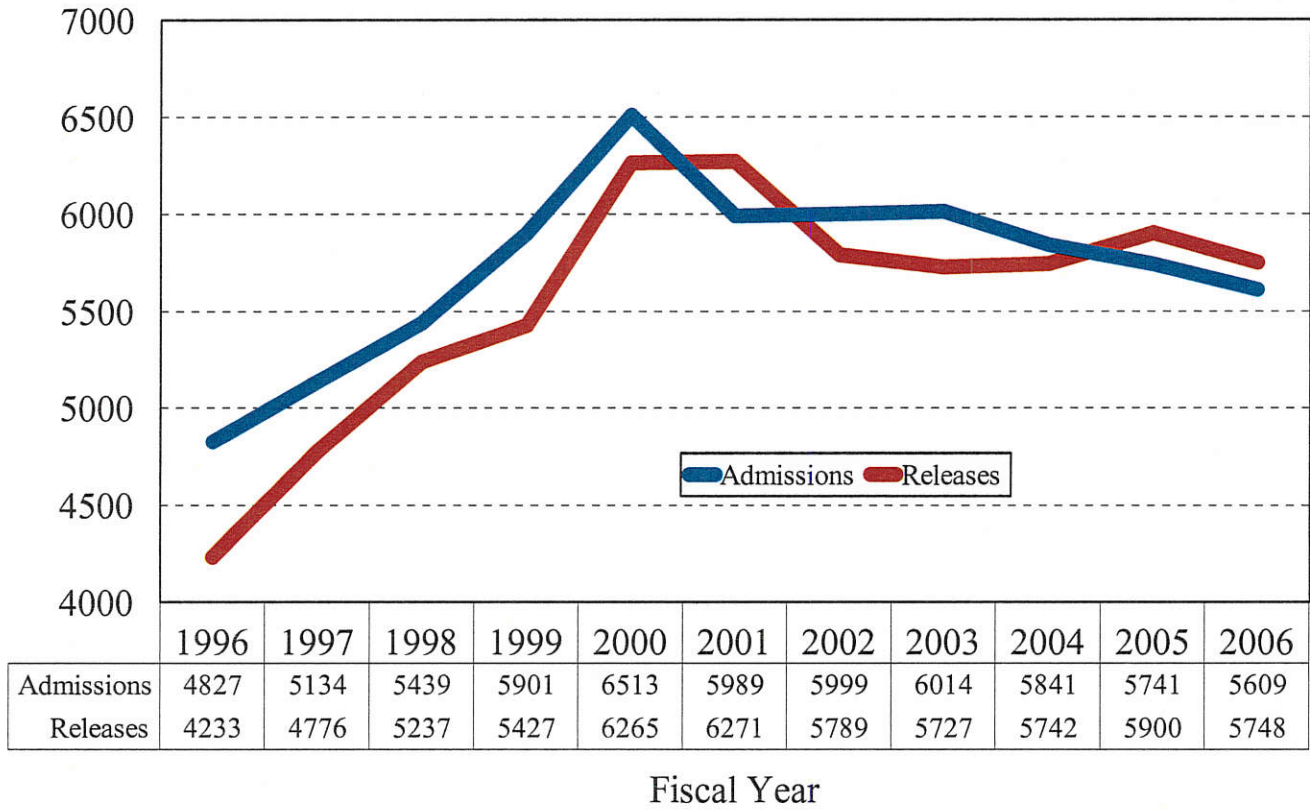
Total Prison Population



Source: KDOC prison population files

KANSAS PRISON POPULATION TRENDS

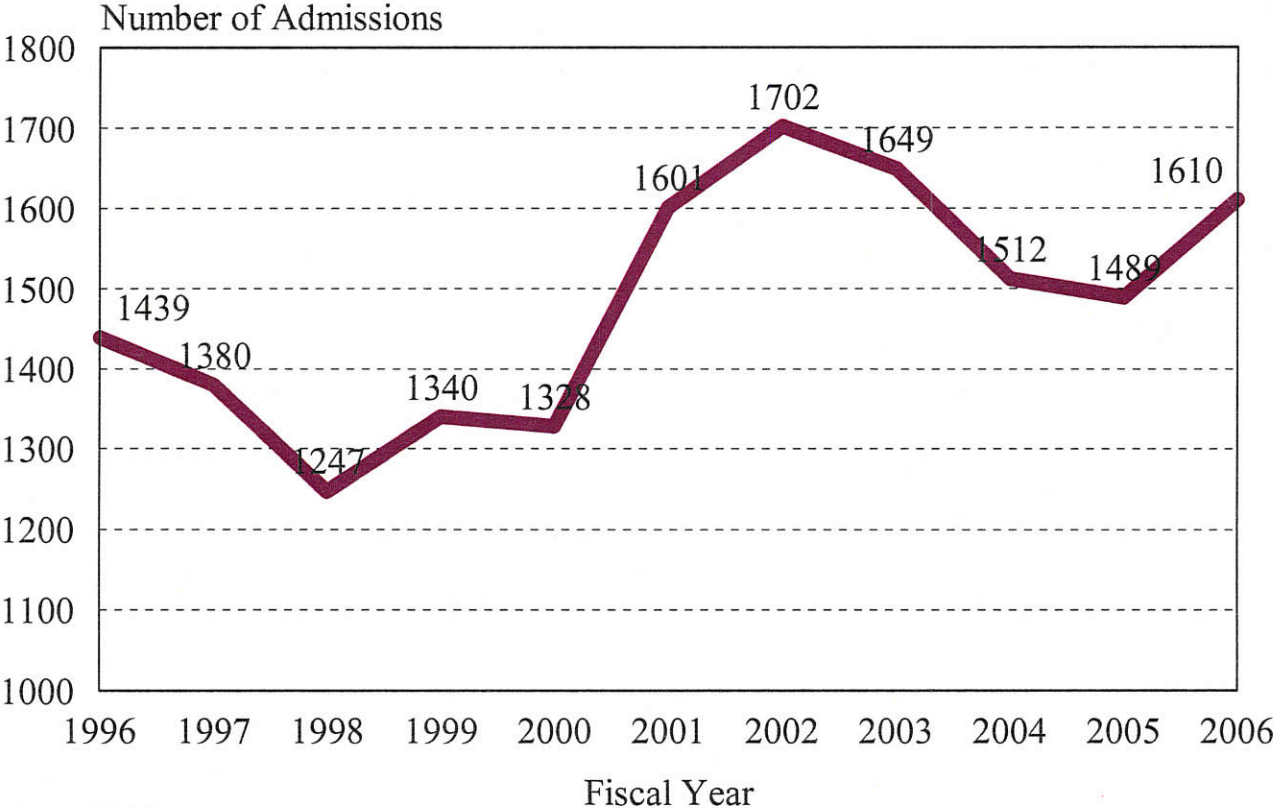
Admissions and Releases



Source: KDOC admission and release files

KANSAS PRISON ADMISSION TRENDS

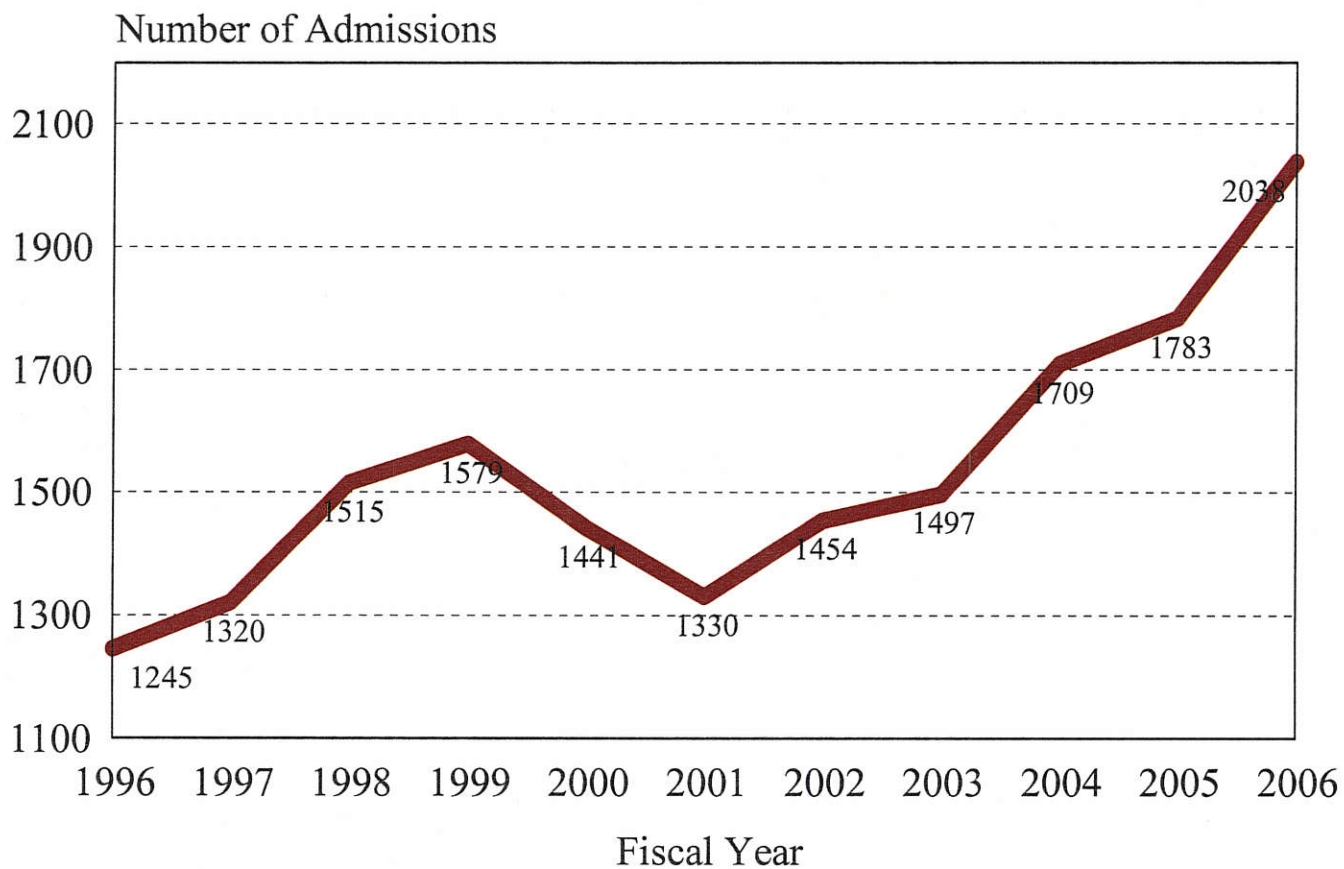
New Court Commitments



Source: KDOC admission files

KANSAS PRISON ADMISSION TRENDS

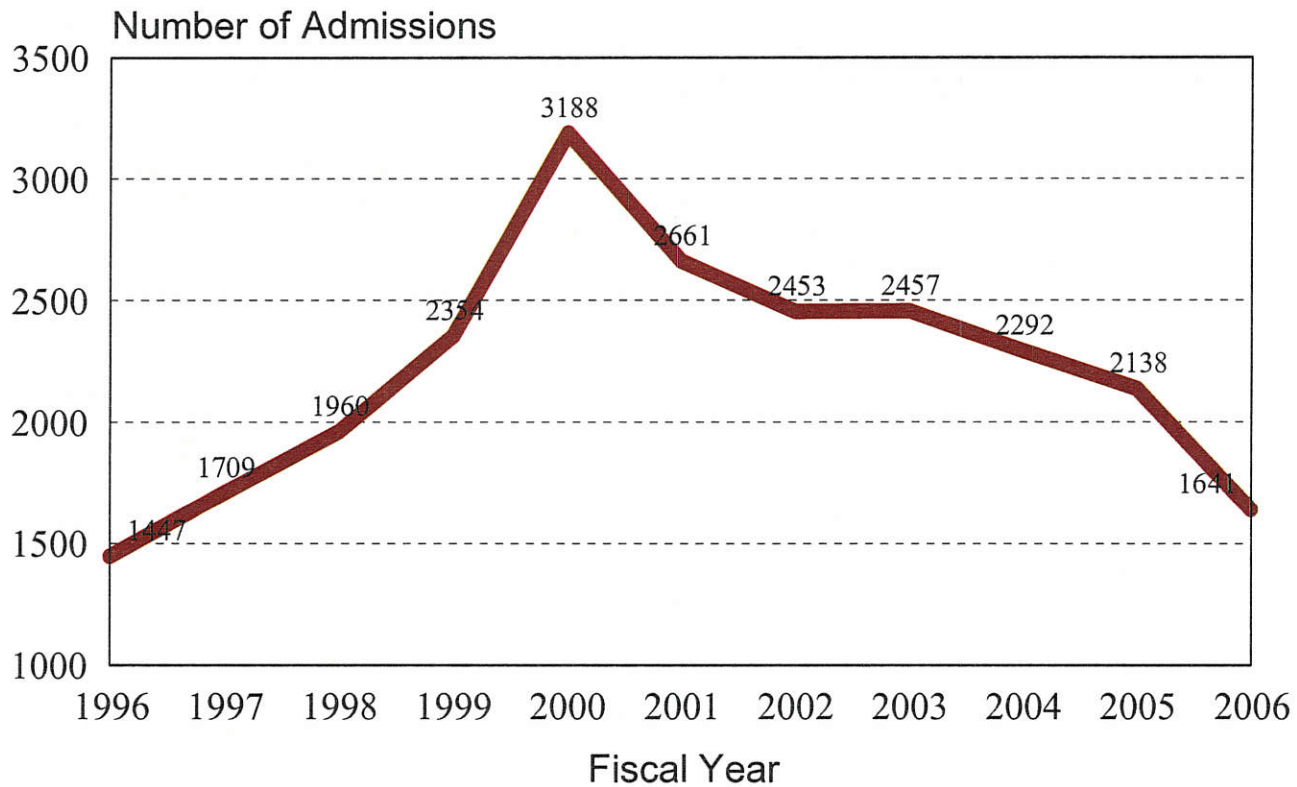
Probation Condition Violators



Source: KDOC admission files

KANSAS PRISON ADMISSION TRENDS

Parole/Postrelease Condition Violators

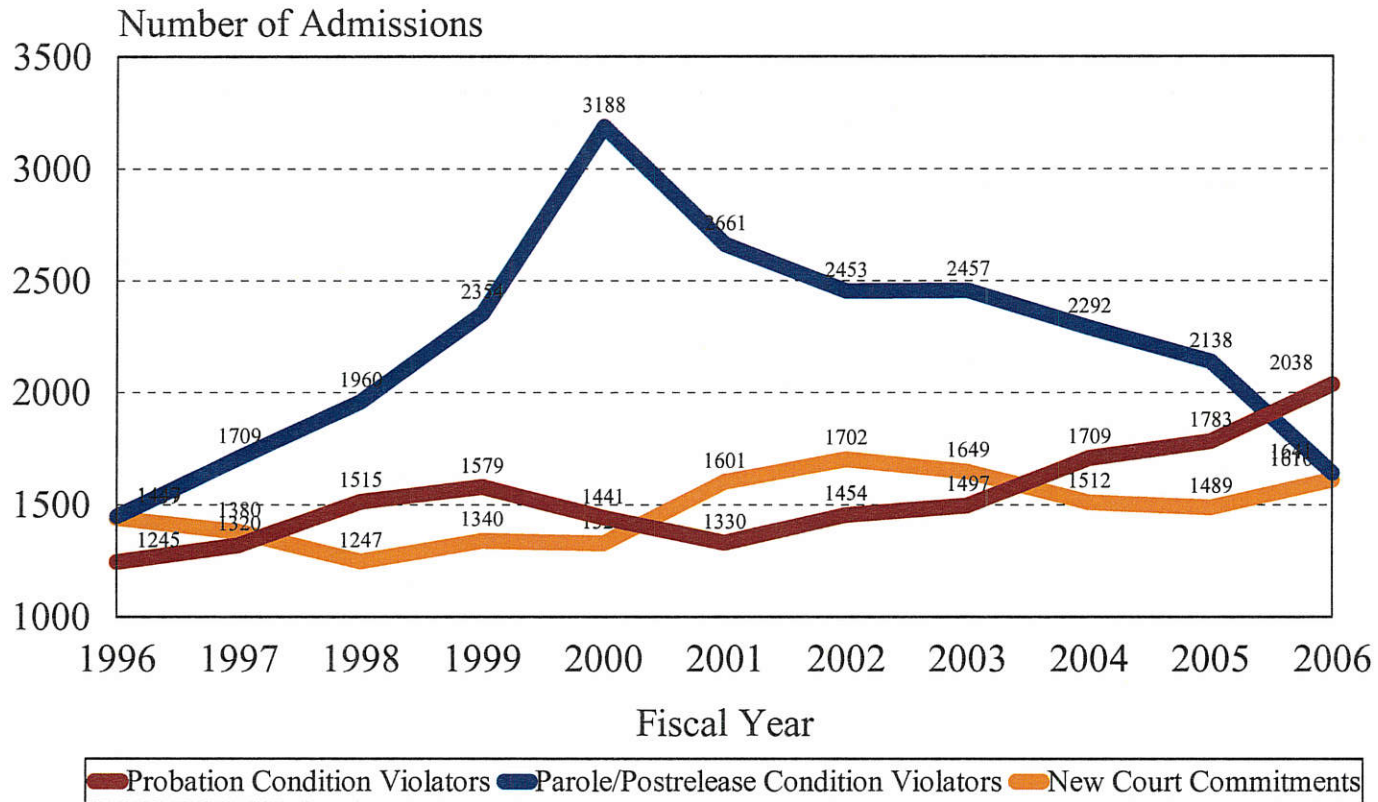


Source: KDOC admission file

Note: Including condition conditional-release violators

KANSAS PRISON ADMISSION TRENDS

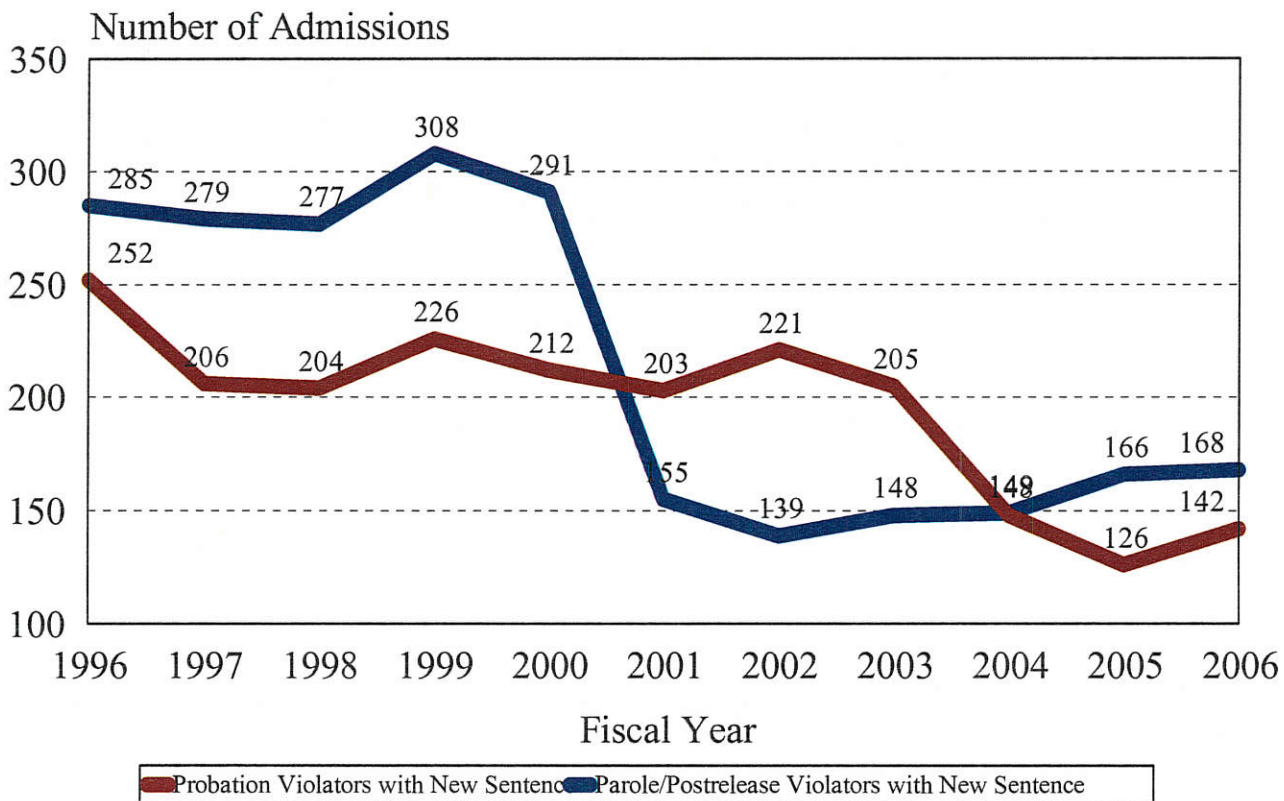
Admissions by Type



Source: KDOC admission files

KANSAS PRISON ADMISSION TRENDS

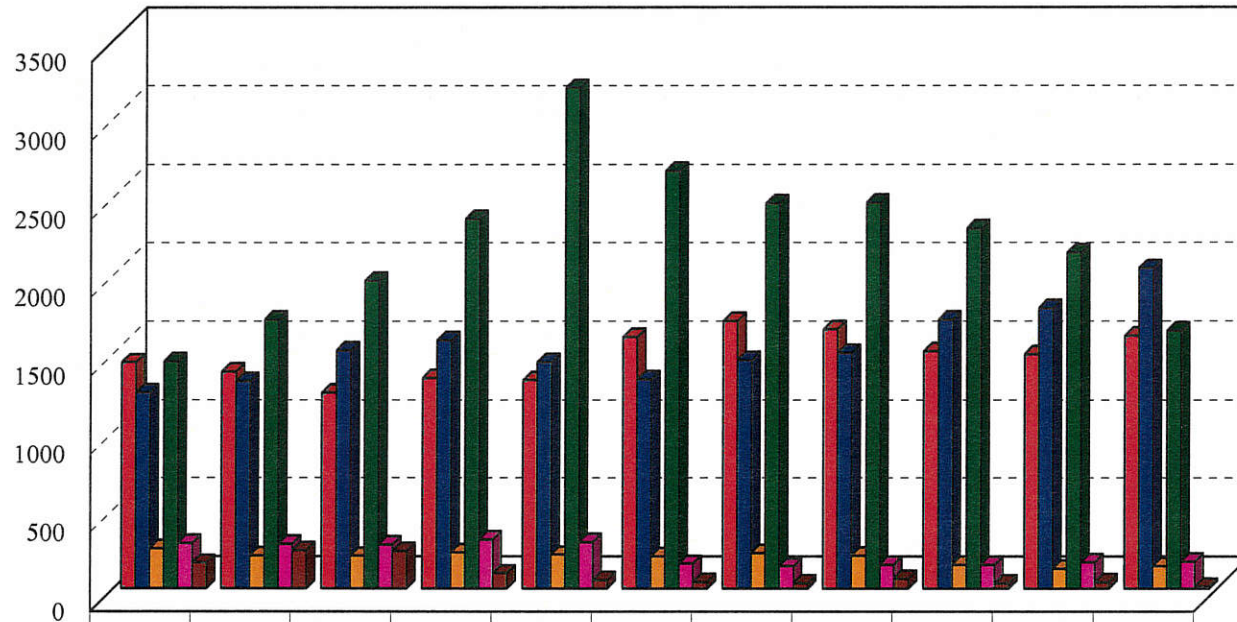
Comparison between Probation and Parole/Postrelease Violators with New Sentence



Source: KDOC admission files

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KANSAS PRISON ADMISSION TRENDS BY TYPE FY 1996 Through FY 2006



	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
New Court Commitment	1439	1380	1247	1340	1328	1601	1702	1649	1512	1489	1610
Probation Condition Violators	1245	1320	1515	1579	1441	1330	1454	1497	1709	1783	2038
Probation Violators w/New Sent	252	206	204	226	212	203	221	205	148	126	142
Parole/PIS Condition Violators	1447	1709	1960	2354	3188	2661	2453	2457	2292	2138	1641
Parole/PIS Violators w/New Sent	285	279	277	308	291	155	139	148	149	166	168
Other	159	240	236	94	53	39	30	58	31	39	10

Source: KDOC admission files

**PRISON POPULATION MONTHLY MONITORING REPORT
FY 2006 MODEL**

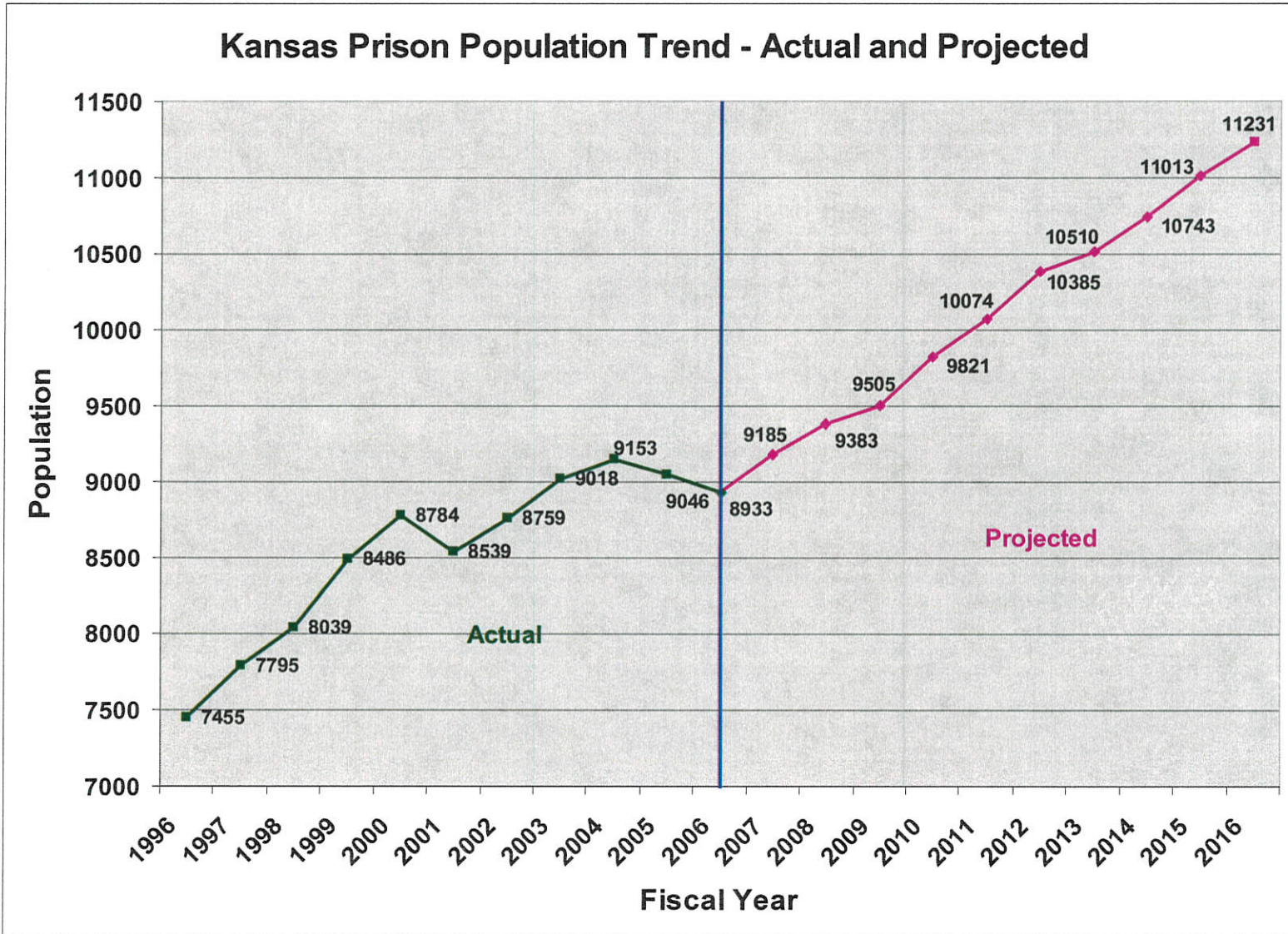
Month/Year	Projected	Actual	Difference	Percent Error
July 2005	8991	8943	48	0.54%
August 2005	9042	9049	-7	-0.08%
September 2005	9052	9101	-49	-0.54%
October 2005	9045	9113	-68	-0.75%
November 2005	9053	9073	-20	-0.22%
December 2005	9066	9069	-3	-0.03%
January 2006	9014	9074	-60	-0.66%
February 2006	9036	9080	-44	-0.48%
March 2006	9065	9032	33	0.37%
April 2006	9128	9005	123	1.37%
May 2006	9150	9052	98	1.08%
June 2006	9166	8933	233	2.61%
Month-End Average	9067	9044	23	0.25%
Month-End High	9166	9113	53	0.58%
Month-End Low	8991	8933	58	0.65%

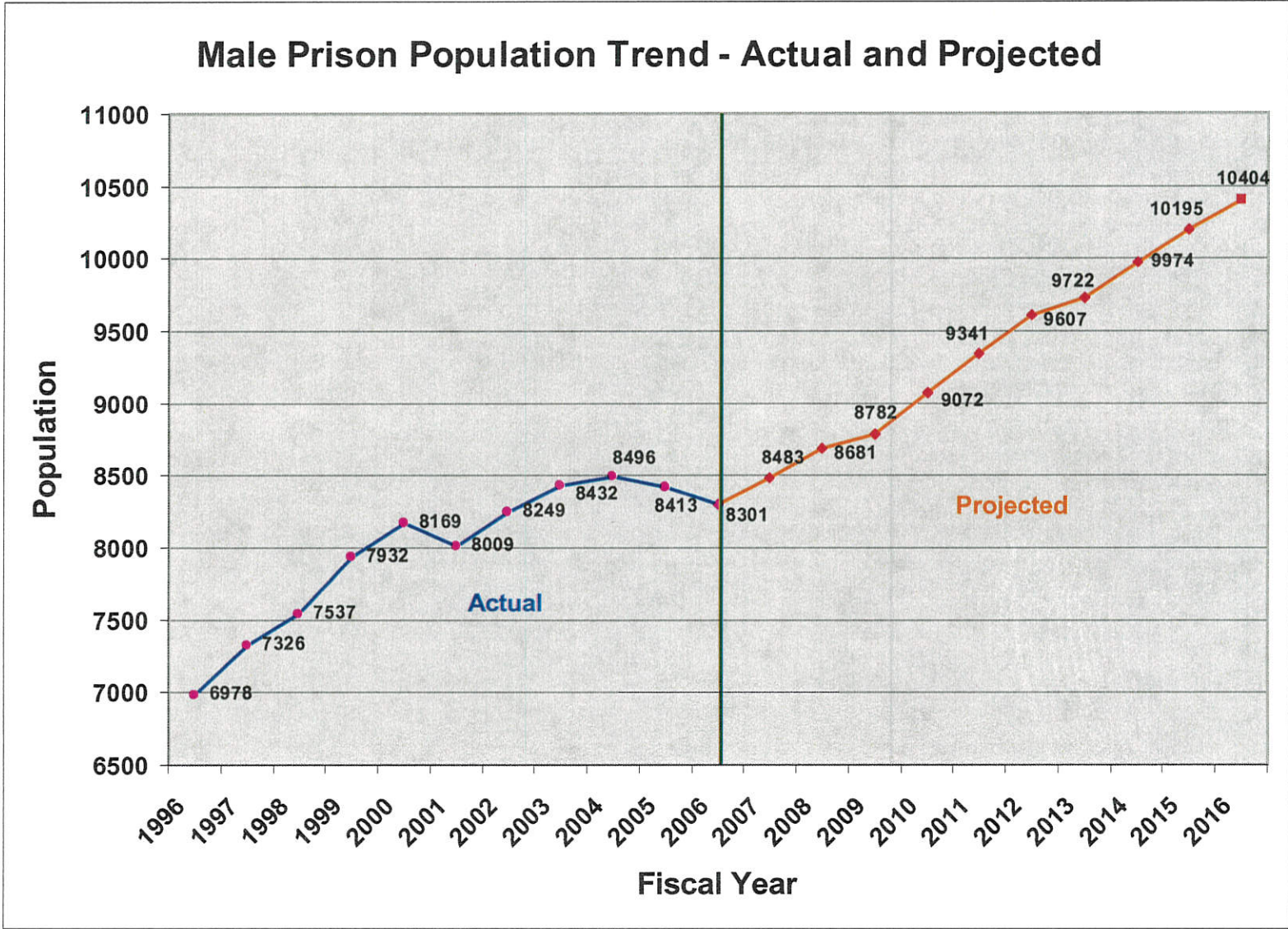
KANSAS SENTENCING COMMISSION FY 2007 ADULT INMATE PRISON POPULATION PROJECTIONS

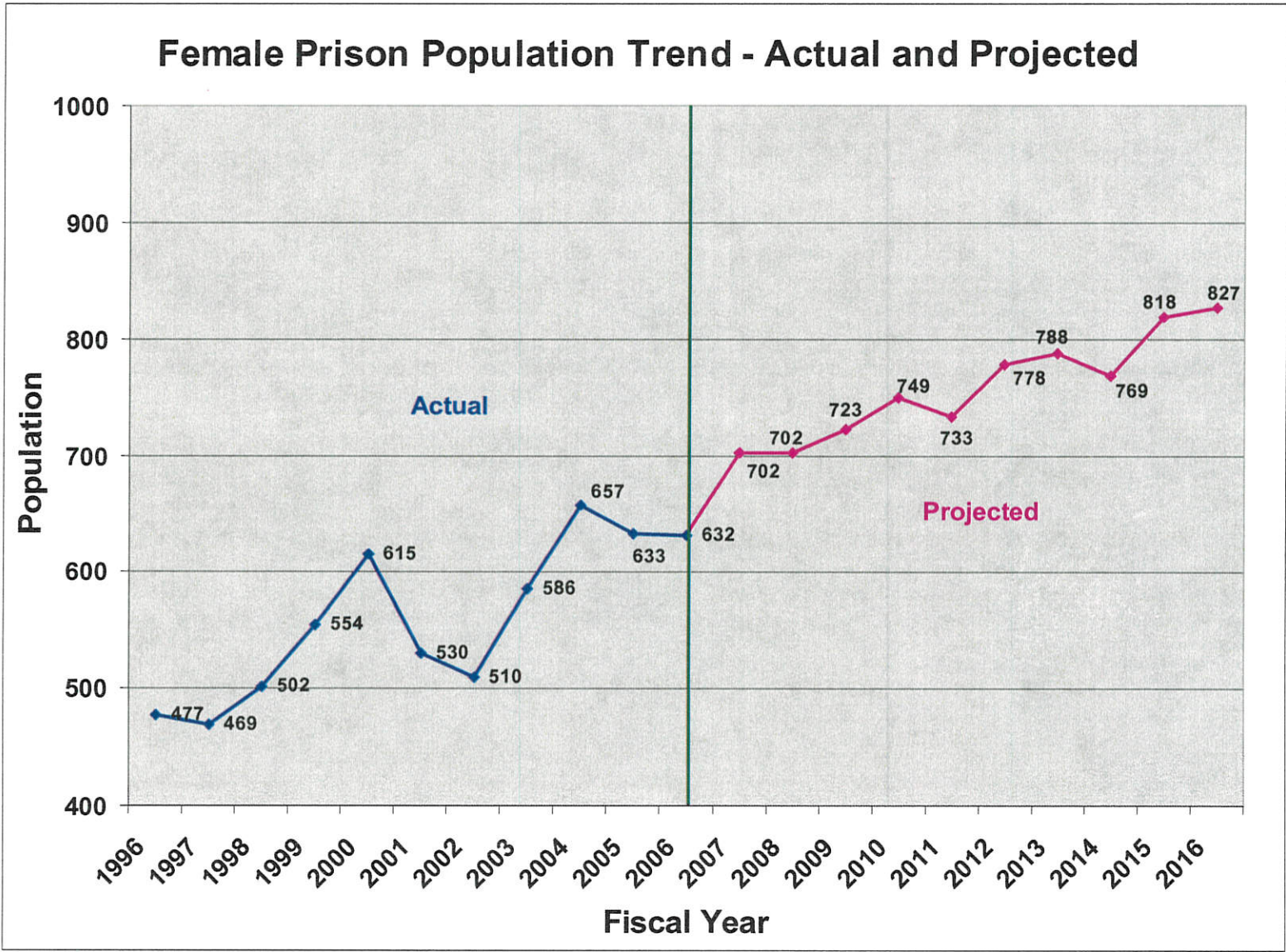
Severity Level	June 30 2006*	June 30 2007	June 30 2008	June 30 2009	June 30 2010	June 30 2011	June 30 2012	June 30 2013	June 30 2014	June 30 2015	June 30 2016	Total # Increase	% Increase
D1	581	524	510	486	491	511	510	508	509	522	525	-56	-9.6%
D2	244	261	283	298	327	355	379	376	368	377	380	136	55.7%
D3	484	529	522	552	555	568	589	578	585	591	605	121	25.0%
D4	641	695	728	731	768	789	788	772	822	840	792	151	23.6%
N1	806	843	869	890	917	929	939	960	960	982	992	186	23.1%
N2	449	457	442	434	440	430	428	434	434	423	413	-36	-8.0%
N3	1352	1349	1338	1310	1307	1289	1285	1258	1233	1233	1255	-97	-7.2%
N4	269	263	271	264	269	276	284	293	303	304	306	37	13.8%
N5	1050	1036	1046	1030	1014	1034	1053	1037	1031	1039	1062	12	1.1%
N6	156	167	172	192	212	203	200	193	202	214	222	66	42.3%
N7	854	887	902	888	876	877	890	891	890	906	881	27	3.2%
N8	239	279	257	253	256	266	273	280	262	298	290	51	21.3%
N9	268	348	348	357	371	376	379	387	404	386	419	151	56.3%
N10	43	62	63	56	63	71	69	67	76	63	68	25	58.1%
OFF GRID	711	729	900	1080	1269	1444	1621	1800	1980	2156	2340	1629	229.1%
Condition Parole/PIS Violators	786	756	732	684	686	656	698	676	684	679	681	-105	-13.4%
Total	8933	9185	9383	9505	9821	10074	10385	10510	10743	11013	11231	2298	25.7%

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

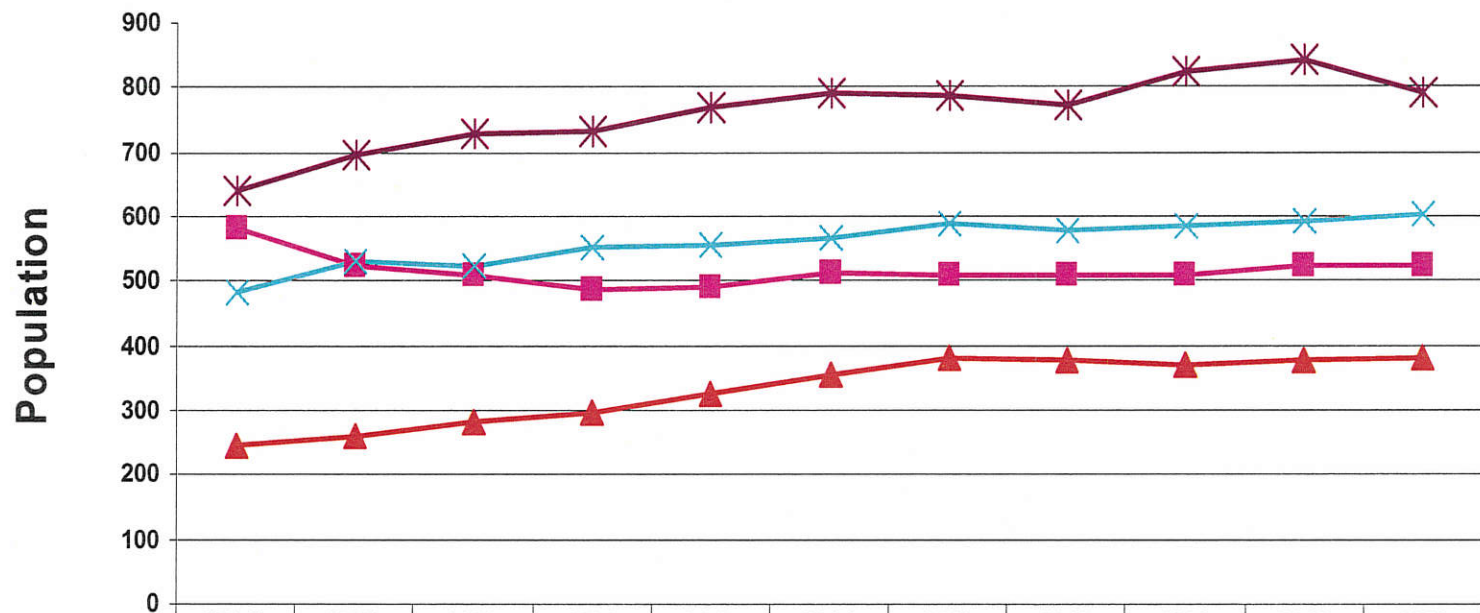
1-17







Projected Drug Inmate Prison Population

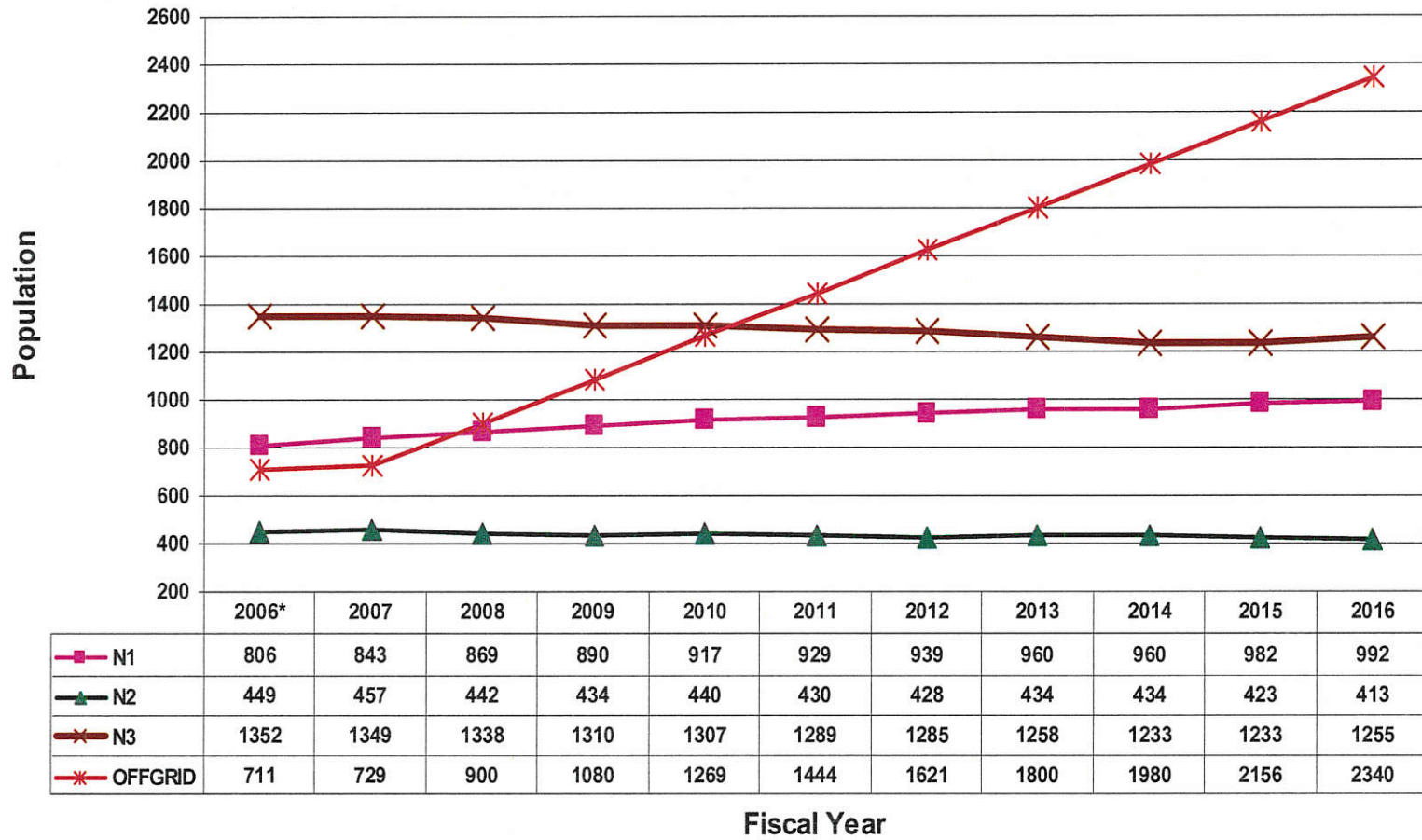


	2006*	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
■ D1	581	524	510	486	491	511	510	508	509	522	525
▲ D2	244	261	283	298	327	355	379	376	368	377	380
× D3	484	529	522	552	555	568	589	578	585	591	605
* D4	641	695	728	731	768	789	788	772	822	840	792

Fiscal Year

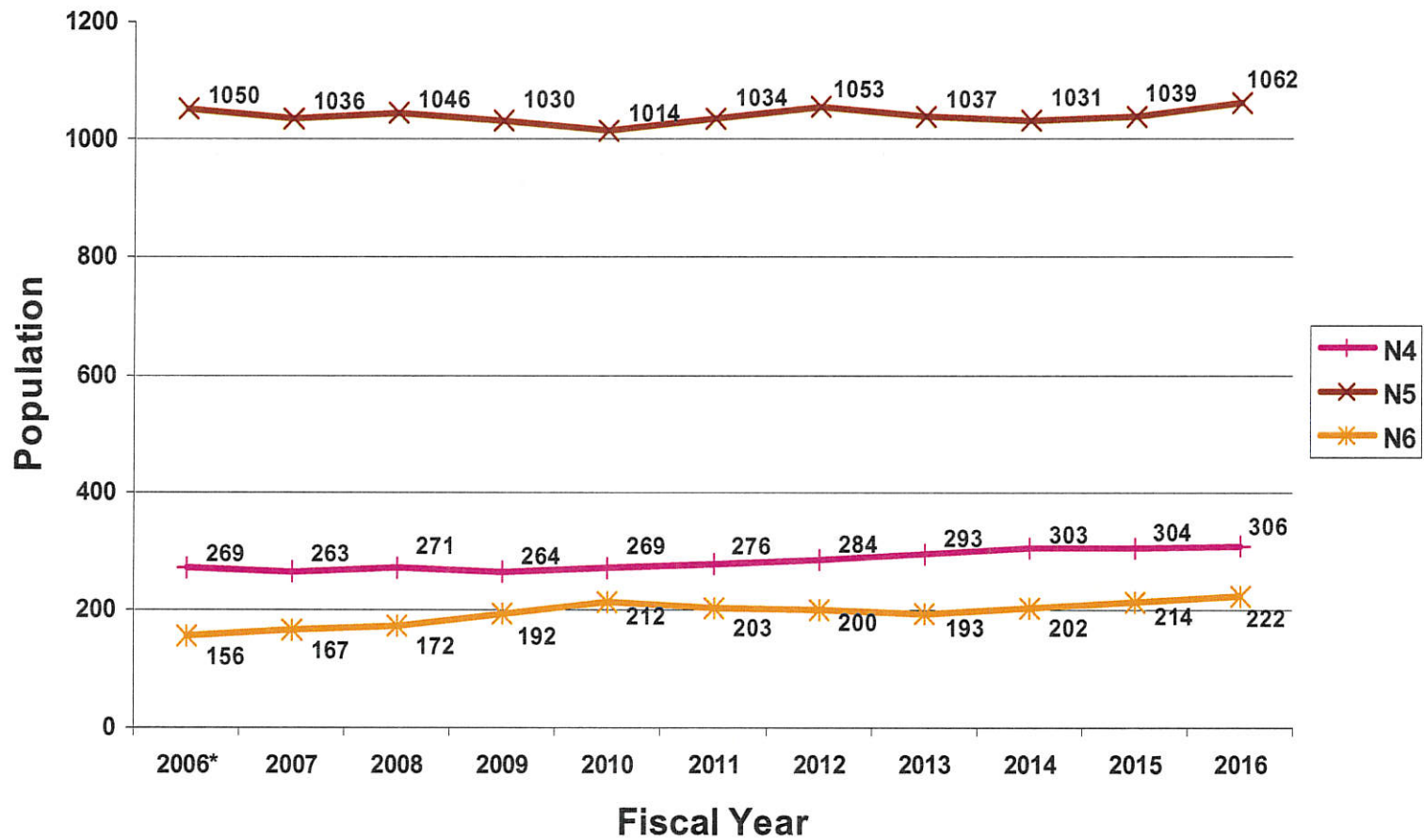
*. Actual prison population on June 30, 2006 (for the purpose of forecasting, non-grid and missing are analyzed and assigned to each level).

Projected Violent Inmate Prison Population

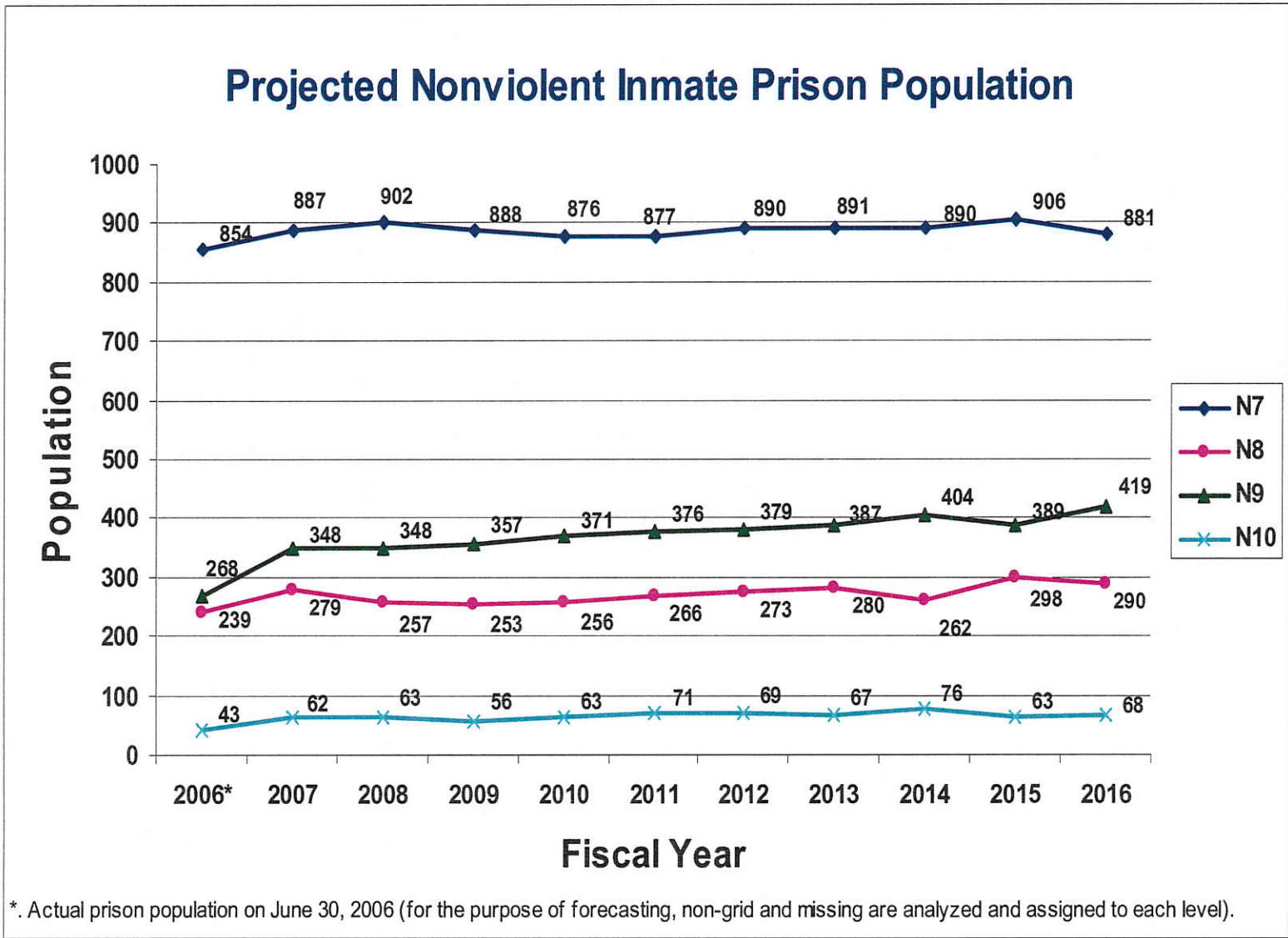


*. Actual prison population on June 30, 2006 (for the purpose of forecasting, non-grid and missing are analyzed and assigned to each level). This group will account for 44.5% of the total projected prison population in FY 2016.

Projected N4-N6 Inmate Prison Population



*. Actual prison population on June 30, 2006 (for the purpose of forecasting, non-grid and missing are analyzed and assigned to each level).





KANSAS

KANSAS SENTENCING COMMISSION

Honorable Ernest L. Johnson, Chairman
Attorney General Paul Morrison, Vice Chairman
Helen Pedigo, Executive Director

KATHLEEN SEBELIUS, GOVERNOR

MEMORANDUM

To: Senate Judiciary Committee
Senator John Vratil, Chairman

From: Helen Pedigo, Executive Director

Date: January 16, 2007

Re: Follow-up to Adult Population Projections Testimony, January 10, 2007

In response to questions asked during my testimony last week, I offer the following:

- 1) A graph outlining the projections in FY 2000, prior to the implementation of SB 323 and as a result of SB 323;
- 2) A graph outlining the projections in FY 2003, prior to the implementation of SB 123 and as a result of SB 123;
- 3) A map showing what counties offenders are being released to after prison or supervision; and
- 4) SB 123 Offender Violations and Re-offenses: From implementation to June 30, 2006, a total of 538 SB 123 offenders violated their treatment conditions. Of this number, 26 offenders were convicted of a new crime. We do not have any information regarding SB 323 offenders who have been convicted of a new crime.

I hope this information is helpful to you. Please contact me if you have other questions.

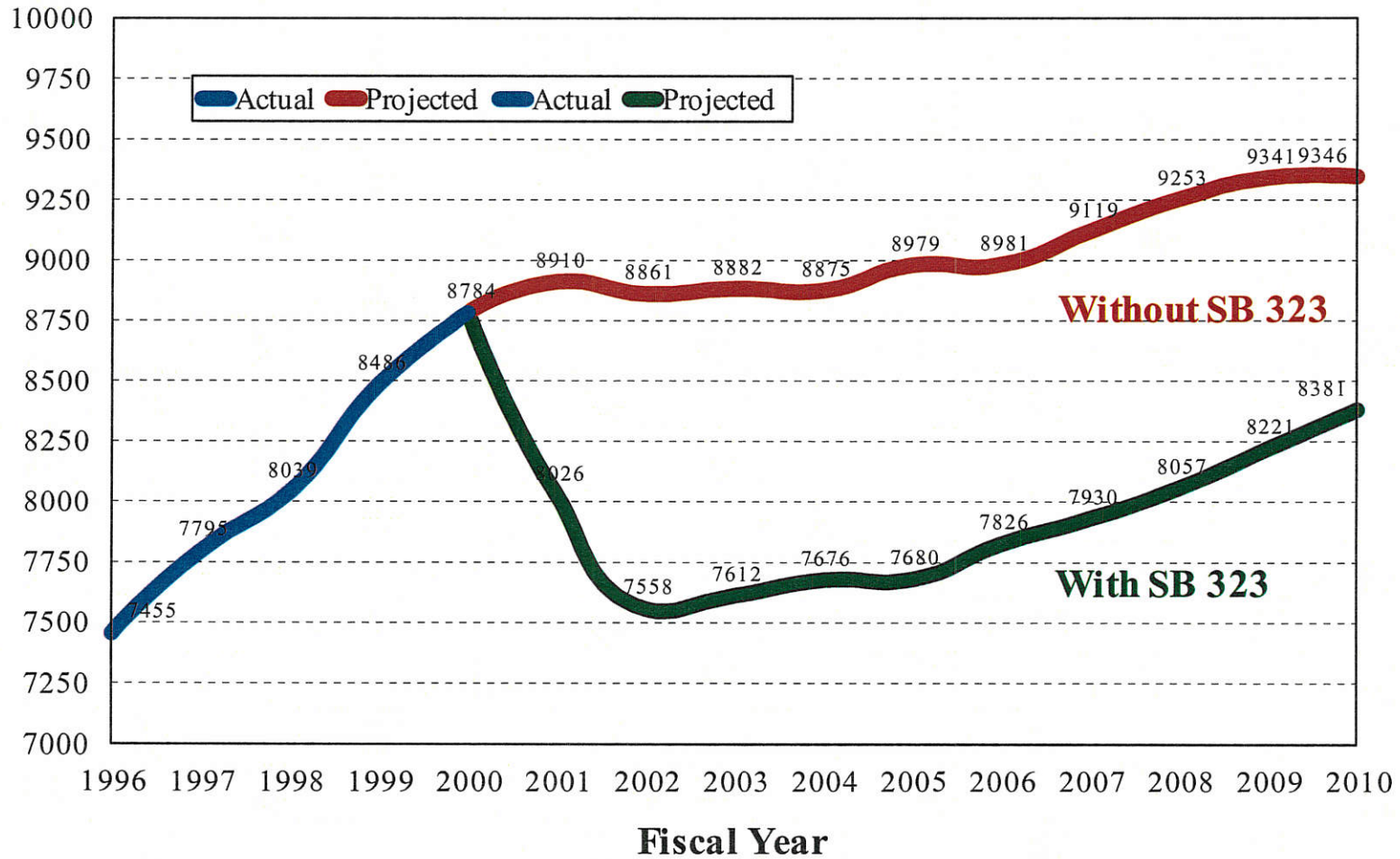
Senate Judiciary

1-10-07

Attachment 2

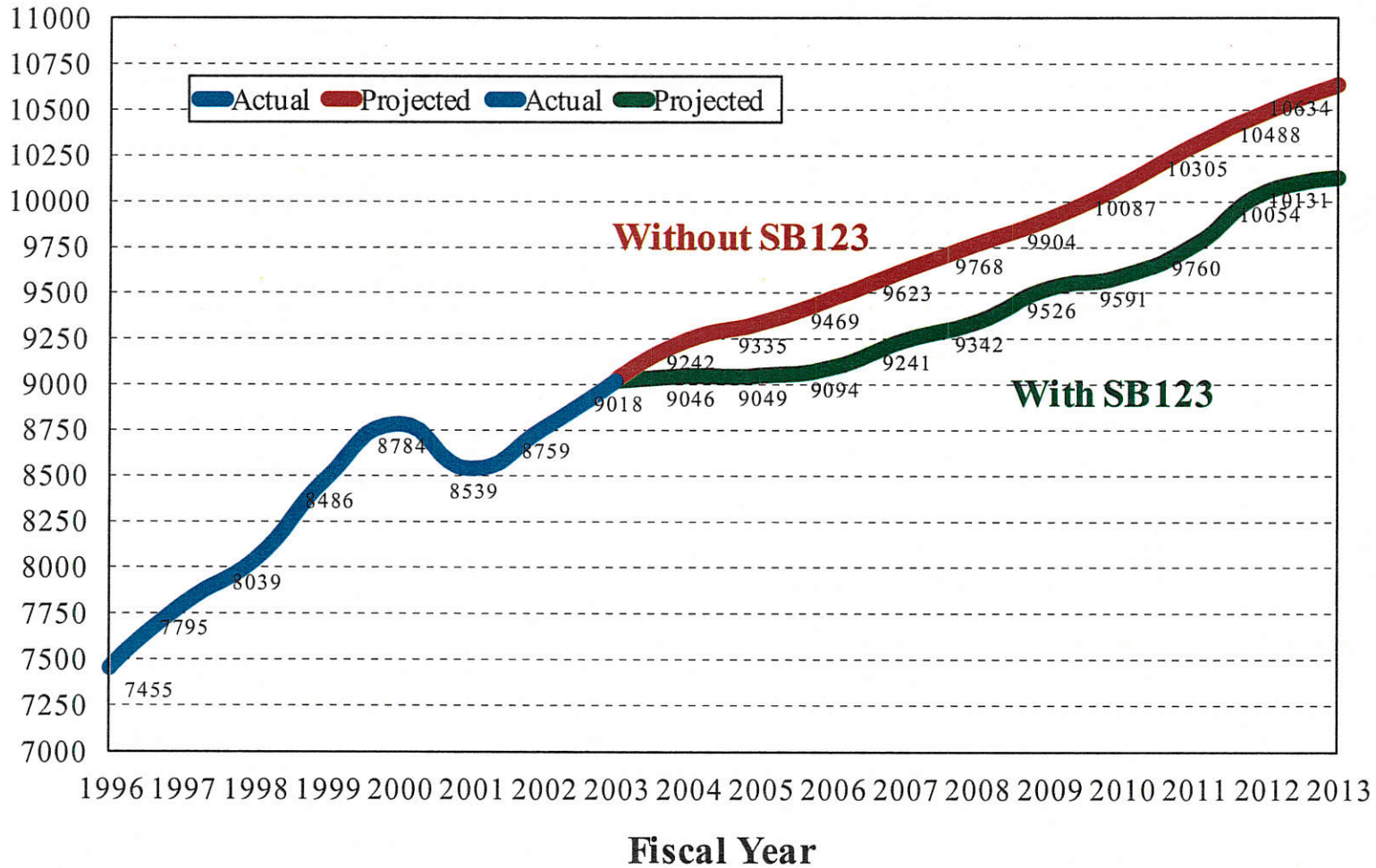
KANSAS PRISON POPULATION TRENDS

Actual and Projected Prison Population With or Without Senate Bill 323



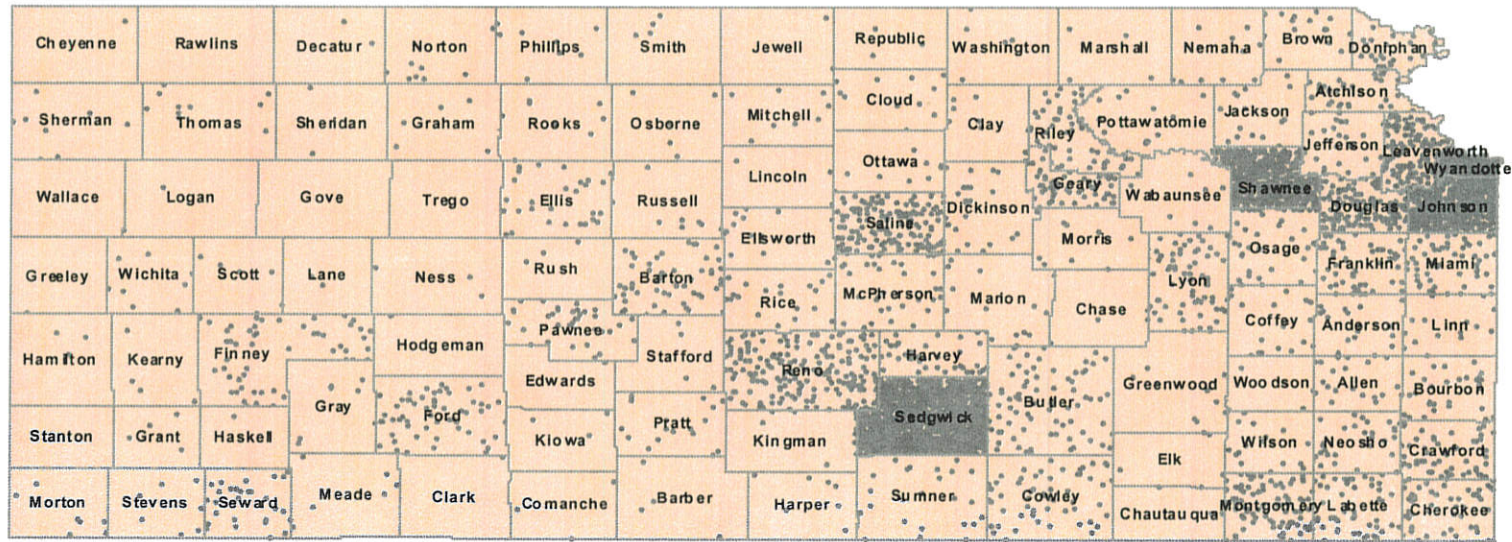
KANSAS PRISON POPULATION TRENDS

Actual and Projected Prison Population With or Without Senate Bill 123



4-2

Location of Parole/Post Incarceration Supervision Offenders



One Dot=1



Note: On December 31, 2006, the population of parole/post incarceration supervision offenders was 6,781. This population includes 5,556 in-state populations, 910 Kansas offenders supervised by other states and 315 absconders (whereabouts unknown). The in-state population includes out-of-state offenders supervised by Kansas.