

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:36 A.M. on January 15, 2008, in Room 123-S of the Capitol.

All members were present except,

Senator Schmidt arrived, 9:38 A.M.

Senator Allen arrived, 9:44 A.M.

Senator Umbarger arrived, 9:47 A.M.

Committee staff present:

Athena Andaya, Kansas Legislative Research Department

Jerry Donaldson, Kansas Legislative Research Department

Bruce Kinzie, Office of Revisor of Statutes

Karen Clowers, Committee Assistant

Conferees appearing before the committee:

Senator Pat Apple

Kathy Porter, Office of Judicial Administration

Helen Pedigo, Executive Director, Kansas Sentencing Commission

Others attending:

See attached list.

Chairman Vratil welcomed everyone and distributed *Guidelines for Conferees* who wish to appear before the committee. Regular meetings are scheduled Monday through Thursday at 9:30 A.M. in Room 123-S, additional meetings may be scheduled on Fridays later in the session.

Bill Introductions

Senator Pat Apple requested introduction of a bill that would amend K.S.A. 2006 Supp. 21-3106 relating to the statute of limitations for certain sex offenses (Attachment 1). Senator Lynn moved, Senator Schmidt seconded to introduce the bill as a committee bill. Motion carried.

Kathy Porter, requested the introduction of three bills (Attachment 2). The first bill was requested on behalf of the Kansas Association of Court Services Officers and would include court services officers in several statutes regarding battery against a law enforcement officer. The second and third bills are requested on behalf of the Kansas Association of District Court Clerks and Court Administrators. The second bill would amend K.S.A. 60-3003 to require a judgment creditor or his or her lawyer to mail notice of the filing of a foreign judgment to the judgment debtor. The third bill would amend K.S.A. 55-221 to address the duties of the clerk of the district court in regard to bonus, rental, and other monies paid under oil and gas leases. Senator Schmidt moved, Senator Donovan seconded to introduce the bills as committee bills. Motion carried.

Senator Schmidt requested introduction of three bills all related to substance abuse sentencing. One relates to felony DUI's, the second applies to certain repeat offenders, and the third relates to persons in violation of parole as it relates to substance abuse. The general concept of all three bills is to create an option for courts to send certain offenders who engage in substance abuse to inpatient rehabilitation within the Department of Corrections. Senator Schmidt moved, Senator Donovan seconded to introduce the bills. Motion carried.

Helen Pedigo requested the introduction of two bills on behalf of the Kansas Sentencing Commission. The first bill is a clean-up bill related to the criminal sentencing journal entry and minor changes to the statute. The second bill would add to the duties of the Kansas Sentencing Commission the task of compiling the annual juvenile population projections.

Senator Bruce requested introduction of a bill to address economic losses to businesses as a result of criminal threats. Senator Bruce moved, Senator Donovan seconded to introduce the bill. Motion carried.

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:36 A.M. on January 15, 2008, in Room 123-S of the Capitol.

Presentation of FY 2008 Adult and Juvenile Prison Population Projections and Impact of 2007 Legislation on Future Bed Space.

Helen Pedigo provided the committee with an assessment of current and projected juvenile correctional facility populations (Attachment 3). Results indicate a ½% growth rate based on a consensus of information. The juvenile population is expected to remain stable and large growth is not anticipated. Currently there is ample capacity for future juvenile offenders. Following questions from the committee, Ms. Pedigo was requested to provide regional information on juvenile commitments and data on the current/budgeted system capacity.

Ms. Pedigo continued with a presentation on adult prison population projections (Attachment 4). It was noted that projections are already reflecting the effects of LSIR (“level of services revised” - an assessment tool to identify risk factors and allows focus and assistance on problem areas) enacted in SB14 of the 2007 Legislature. It is anticipated that 477 new beds will be needed by the year 2017.

The meeting adjourned at 10:32 A.M. The next scheduled meeting is January 16, 2008.

PLEASE CONTINUE TO ROUTE TO NEXT GUEST

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: 1-15-08

NAME	REPRESENTING
Scott Heidner	KADC
Lynn Wilk	JTA
Callie Hartle	KS Association for Justice
Kathy Roster	Judicial Branch
Emily Geier	Hein Law Firm
Isaac Ferguson	Kansas Chamber of Commerce
Helen Pedigo	KS Sentencing Comm.
Brenda Harman	" " "
Philip A. Hurley	PAT HURLEY & CO.
Kerry Barone	JH Leg. Com.
RA May	Lett. Gov. Petition

SENATE BILL NO. _____

By Senator Apple

AN ACT concerning criminal procedure; relating to the statute of limitations for certain sex offenses; amending K.S.A. 2006 Supp. 21-3106 and repealing the existing section.

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

Section 1. K.S.A. 2006 Supp. 21-3106 is hereby amended to read as follows: 21-3106. (1) A prosecution for the following criminal offenses may be commenced at any time:

(a) Murder;

(b) terrorism or;

(c) illegal use of weapons of mass destruction may--be commenced-at-any-time;

(d) rape as defined in K.S.A. 21-3502, and amendments thereto;

(e) aggravated indecent liberties with a child as defined in K.S.A. 21-3504, and amendments thereto;

(f) indecent liberties with a child as defined in K.S.A. 21-3503, and amendments thereto;

(g) aggravated sodomy as defined in K.S.A. 21-3506, and amendments thereto; or

(h) sodomy as defined in subsection (a)(2) or (a)(3) of K.S.A. 21-3505, and amendments thereto.

(2) Except as provided in subsection (5), a prosecution for any crime must be commenced within 10 years after its commission if the victim is the Kansas public employees retirement system.

(3) (a) Except as provided in ~~subsection~~ subsections (1) and (5), a prosecution for a sexually violent offense as defined in K.S.A. 22-3717, and amendments thereto, must be commenced within the limitation of time provided by the law pertaining to such offense or one year from the date on which the identity of the suspect is conclusively established by DNA testing, whichever is later.

(b) For purposes of this section, "DNA" means deoxyribonucleic acid.

(4) Except as provided by subsection (5), a prosecution for

any crime, as defined in K.S.A. 21-3105, and amendments thereto, not governed by subsections (1), (2) or (3) must be commenced within five years after it is committed.

(5) The period within which a prosecution must be commenced shall not include any period in which:

(a) The accused is absent from the state;

(b) the accused is concealed within the state so that process cannot be served upon the accused;

(c) the fact of the crime is concealed;

(d) a prosecution is pending against the defendant for the same conduct, even if the indictment or information which commences the prosecution is quashed or the proceedings thereon are set aside, or are reversed on appeal;

(e) an administrative agency is restrained by court order from investigating or otherwise proceeding on a matter before it as to any criminal conduct defined as a violation of any of the provisions of article 41 of chapter 25 and article 2 of chapter 46 of the Kansas Statutes Annotated which may be discovered as a result thereof regardless of who obtains the order of restraint; or

(f) whether or not the fact of the crime is concealed by the active act or conduct of the accused, there is substantially competent evidence to believe two or more of the following factors are present: (i) The victim was a child under 15 years of age at the time of the crime; (ii) the victim was of such age or intelligence that the victim was unable to determine that the acts constituted a crime; (iii) the victim was prevented by a parent or other legal authority from making known to law enforcement authorities the fact of the crime whether or not the parent or other legal authority is the accused; and (iv) there is substantially competent expert testimony indicating the victim psychologically repressed such witness' memory of the fact of the crime, and in the expert's professional opinion the recall of such memory is accurate and free of undue manipulation, and substantial corroborating evidence can be produced in support of

the allegations contained in the complaint or information but in no event may a prosecution be commenced as provided in this section later than the date the victim turns 28 years of age. Corroborating evidence may include, but is not limited to, evidence the defendant committed similar acts against other persons or evidence of contemporaneous physical manifestations of the crime. "Parent or other legal authority" shall include but not be limited to natural and stepparents, grandparents, aunts, uncles or siblings.

(6) An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing offense plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated. Time starts to run on the day after the offense is committed.

(7) A prosecution is commenced when a complaint or information is filed, or an indictment returned, and a warrant thereon is delivered to the sheriff or other officer for execution. No such prosecution shall be deemed to have been commenced if the warrant so issued is not executed without unreasonable delay.

Sec. 2. K.S.A. 2006 Supp. 21-3106 is hereby repealed.

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



State of Kansas

Office of Judicial Administration

Kansas Judicial Center
301 SW 10th
Topeka, Kansas 66612-1507

(785) 296-2256

Senate Judiciary Committee
Tuesday, January 15, 2008

Request for Bill Introductions
Kathy Porter

The Kansas Association of Court Services Officers (KACSO) requests the introduction of a bill during the 2008 legislative session to include court services officers in several statutes regarding battery against a law enforcement officer (a Class A person misdemeanor), aggravated battery against a law enforcement officer (a severity level 3, person felony), assault of a law enforcement officer (a Class A person misdemeanor), and aggravated assault of a law enforcement officer (a severity level 6, person felony). Under current law, court services officers are not included in these statutes.

Each of the requested amendments would elevate the severity level of the crime. Under current law, persons committing these crimes against court services officers presumably would be charged with battery (a Class B misdemeanor under K.S.A. 21-3412), aggravated battery (a severity level 4, 5, 7, or 8 person felony under K.S.A. 21-3414, depending upon the circumstances of the crime), assault (a Class C misdemeanor under K.S.A. 21-3408), or aggravated assault (a severity level 7, person felony under K.S.A. 21-3410).

The Kansas Association of District Court Clerks and Administrators (KADCCA) requests the introduction of two bills during the 2008 legislative session. The first bill would amend K.S.A. 60-3003 to require the judgment creditor or his or her lawyer to mail notice of the filing of a foreign judgment to the judgment debtor. Current law, which requires the clerk of the district court to mail notice to the judgment debtor at the address given, no longer reflects the prevailing practice. It has been the clerks' experience that, in the majority of cases, the attorney for the judgment creditor prepares the affidavit and gives it to the clerk for mailing. Requiring the clerk of the district court to mail the notice would appear to be an unnecessary step when it can be mailed directly by the judgment creditor or his or her attorney. Current law also appears to contemplate that mailing by the clerk is not a necessary procedural step in that it provides that "[l]ack of mailing notice of filing by the clerk of the district court shall not affect the enforcement proceedings if proof of mailing by the judgment creditor has been filed."

The requested amendment to K.S.A. 60-3003 is consistent with the amendment to K.S.A. 59-2233 authorized by the 2006 Legislature, which requires the administrator, executor,

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Attachment 2

Request for Bill Introductions

January 15, 2008

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petitioner, or affiant, rather than the court, to mail a copy of a will together with a notice statement to the surviving spouse with regard to property owned by a decedent at death. A copy of the proposed amendment is attached.

The second bill addresses the duties of the clerk of the district court in regard to bonus, rental, and other monies paid under oil and gas leases. A copy of the proposed amendment to K.S.A. 55-221 is attached. The intent is to remove the clerks of the district court from situations in which they might continue to receive lease bonus, rental, or other monies for years after the receiver has been discharged. Under current law, clerks have had to try to locate parties for whom they do not have current addresses and have had to issue multiple checks to parties, sometimes for very small amounts of money when fractional interests are involved. The oil and gas purchasing companies would be in a better position both to locate the parties and to manage the payments.

21-3413a

Chapter 21.--CRIMES AND PUNISHMENTS

PART II.--PROHIBITED CONDUCT

Article 34.--CRIMES AGAINST PERSONS

21-3413a. Battery against a law enforcement officer. [See Revisor's Note] Battery against a law enforcement officer is a battery, as defined in K.S.A. 21-3412 and amendments thereto:

(a) (1) Committed against a uniformed or properly identified state, county or city law enforcement officer, other than a state correctional officer or employee, a city or county correctional officer or employee, a juvenile correctional facility officer or employee or a juvenile detention facility officer or employee, while such officer is engaged in the performance of such officer's duty;

(2) committed against a state correctional officer or employee by a person in custody of the secretary of corrections, while such officer or employee is engaged in the performance of such officer's or employee's duty;

(3) committed against a juvenile correctional facility officer or employee by a person confined in such juvenile correctional facility, while such officer or employee is engaged in the performance of such officer's or employee's duty;

(4) committed against a juvenile detention facility officer or employee by a person confined in such juvenile detention facility, while such officer or employee is engaged in the performance of such officer's or employee's duty;

(5) committed against a city or county correctional officer or employee by a person confined in a city holding facility or county jail facility, while such officer or employee is engaged in the performance of such officer's or employee's duty; or

(6) committed against a uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty; or

(7) *Committed against a properly identified court services officer while such officer is engaged in the performance of such officer's duty.*

(b) Battery against a law enforcement officer as defined in subsection (a)(1) or (a)(7) is a class A person misdemeanor. Battery against a law enforcement officer as defined in subsection (a)(2), (a)(3), (a)(4) or (a)(5) is a severity level 5, person felony.

(c) As used in this section:

(1) "Correctional institution" means any institution or facility under the supervision and control of the secretary of corrections.

(2) "State correctional officer or employee" means any officer or employee of the Kansas department of corrections or any independent contractor, or any employee of such contractor, working at a correctional institution.

(3) "Juvenile correctional facility officer or employee" means any officer or employee of the juvenile justice authority or any independent contractor, or any employee of such contractor, working at a juvenile correctional facility, as defined in K.S.A. 2006 Supp. 38-2302, and amendments thereto.

(4) "Juvenile detention facility officer or employee" means any officer or employee of a juvenile detention facility as defined in K.S.A. 2006 Supp. 38-2302, and amendments thereto.

(5) "City or county correctional officer or employee" means any correctional officer or employee of the city or county or any independent contractor, or any employee of such contractor, working at a city holding facility or county jail facility.

History: L. 1969, ch. 180, § 21-3413; L. 1990, ch. 97, § 3; L. 1992, ch. 239, § 50; L. 1993, ch. 291, § 28; L. 1994, ch. 348, § 12; L. 1996, ch. 258, § 2; L. 1997, ch. 156, § 37; L. 1999, ch. 164, § 6; L. 2004, ch. 48, § 4; L. 2006, ch. 169, § 94; Jan. 1, 2007.

21-3413

Chapter 21.--CRIMES AND PUNISHMENTS

PART II.--PROHIBITED CONDUCT

Article 34.--CRIMES AGAINST PERSONS

21-3413. Battery against a law enforcement officer. [See Revisor's Note] (a) Battery against a law enforcement officer is:

(1) Battery, as defined in subsection (a)(2) of K.S.A. 21-3412, and amendments thereto, committed against: (A) A uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty; ~~or~~ (B) a uniformed or properly identified state, county or city law enforcement officer, other than a state correctional officer or employee, a city or county correctional officer or employee, a juvenile correctional facility officer or employee or a juvenile detention facility officer or employee, while such officer is engaged in the performance of such officer's duty; or (C) *a properly identified court services officer while such officer is engaged in the performance of such officer's duty; or*

(2) battery, as defined in subsection (a)(1) of K.S.A. 21-3412, and amendments thereto, committed against: (A) A uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty; ~~or~~ (B) a uniformed or properly identified state, county or city law enforcement officer, other than a state correctional officer or employee, a city or county correctional officer or employee, a juvenile correctional facility officer or employee or a juvenile detention facility officer or employee, while such officer is engaged in the performance of such officer's duty; or (C) *a properly identified court services officer while such officer is engaged in the performance of such officer's duty; or*

(3) battery, as defined in K.S.A. 21-3412, and amendments thereto, committed against: (A) A state correctional officer or employee by a person in custody of the secretary of corrections, while such officer or employee is engaged in the performance of such officer's or employee's duty;

(B) committed against a juvenile correctional facility officer or employee by a person confined in such juvenile correctional facility, while such officer or employee is engaged in the performance of such officer's or employee's duty;

(C) committed against a juvenile detention facility officer or employee by a person confined in such juvenile detention facility, while such officer or employee is engaged in the performance of such officer's or employee's duty;

(D) committed against a city or county correctional officer or employee by a person confined in a city holding facility or county jail facility, while such officer or employee is engaged in the performance of such officer's or employee's duty.

(b) Battery against a law enforcement officer as defined in subsection (a)(1) is a class A person misdemeanor. Battery against a law enforcement officer as defined in subsection (a)(2) is a severity level 7, person felony. Battery against a law enforcement officer as defined in subsection (a)(3) is a severity level 5, person felony.

(c) As used in this section:

(1) "Correctional institution" means any institution or facility under the supervision and control of the secretary of corrections.

(2) "State correctional officer or employee" means any officer or employee of the Kansas department of corrections or any independent contractor, or any employee of such contractor, working at a correctional institution.

(3) "Juvenile correctional facility officer or employee" means any officer or employee of the juvenile justice authority or any independent contractor, or any employee of such contractor, working at a juvenile correctional facility, as defined in K.S.A. 38-1602 and amendments thereto.

(4) "Juvenile detention facility officer or employee" means any officer or employee of a juvenile detention facility as defined in K.S.A. 38-1602 and amendments thereto.

(5) "City or county correctional officer or employee" means any correctional officer or employee of the city or county or any independent contractor, or any employee of such contractor, working at a city holding facility or county jail facility.

History: L. 1969, ch. 180, § 21-3413; L. 1990, ch. 97, § 3; L. 1992, ch. 239, § 50; L. 1993, ch. 291, § 28; L. 1994, ch. 348, § 12; L. 1996, ch. 258, § 2; L. 1997, ch. 156, § 37; L. 1999, ch. 164, § 6; L. 2004, ch. 48, § 4; L. 2006, ch. 211, § 12; July 1.

21-3110

Chapter 21.--CRIMES AND PUNISHMENTS

PART I.--GENERAL PROVISIONS

Article 31.--PRELIMINARY

21-3110. Definitions. [See Revisor's Note] The following definitions shall apply when the words and phrases defined are used in this code, except when a particular context clearly requires a different meaning.

- (1) "Act" includes a failure or omission to take action.
- (2) "Another" means a person or persons as defined in this code other than the person whose act is claimed to be criminal.
- (3) "Conduct" means an act or a series of acts, and the accompanying mental state.
- (4) "Conviction" includes a judgment of guilt entered upon a plea of guilty.
- (5) "Deception" means knowingly and willfully making a false statement or representation, express or implied, pertaining to a present or past existing fact.
- (6) To "deprive permanently" means to:
 - (a) Take from the owner the possession, use or benefit of property, without an intent to restore the same; or
 - (b) Retain property without intent to restore the same or with intent to restore it to the owner only if the owner purchases or leases it back, or pays a reward or other compensation for its return; or
 - (c) Sell, give, pledge or otherwise dispose of any interest in property or subject it to the claim of a person other than the owner.
- (7) "Dwelling" means a building or portion thereof, a tent, a vehicle or other enclosed space which is used or intended for use as a human habitation, home or residence.
- (8) "Forcible felony" includes any treason, murder, voluntary manslaughter, rape, robbery, burglary, arson, kidnapping, aggravated battery, aggravated sodomy and any other felony which involves the use or threat of physical force or violence against any person.
- (9) "Intent to defraud" means an intention to deceive another person, and to induce such other person, in reliance upon such deception, to assume, create, transfer, alter or terminate a right, obligation or power with reference to property.
- (10) "Law enforcement officer" means:
 - (a) Any person who by virtue of such person's office or public employment is vested by law with a duty to maintain public order or to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes;
 - (b) any officer of the Kansas department of corrections or, for the purposes of K.S.A. 21-3409, 21-3411 and 21-3415, and amendments thereto, any employee of the Kansas department of corrections; or
 - (c) any university police officer or campus police officer, as defined in K.S.A. 22-2401a, and amendments thereto.
 - (d) any court services officer of the Kansas Judicial Branch for the purposes of K.S.A. 21-3409, 21-3411, 21-3415, 21-3413 and amendments thereto.
- (11) "Obtain" means to bring about a transfer of interest in or possession of property, whether to the offender or to another.
- (12) "Obtains or exerts control" over property includes but is not limited to, the taking, carrying away, or the sale, conveyance, or transfer of title to, interest in, or possession of property.
- (13) "Owner" means a person who has any interest in property.
- (14) "Person" means an individual, public or private corporation, government, partnership, or unincorporated association.

(15) "Personal property" means goods, chattels, effects, evidences of rights in action and all written instruments by which any pecuniary obligation, or any right or title to property real or personal, shall be created, acknowledged, assigned, transferred, increased, defeated, discharged, or dismissed.

(16) "Property" means anything of value, tangible or intangible, real or personal.

(17) "Prosecution" means all legal proceedings by which a person's liability for a crime is determined.

(18) "Public employee" is a person employed by or acting for the state or by or for a county, municipality or other subdivision or governmental instrumentality of the state for the purpose of exercising their respective powers and performing their respective duties, and who is not a "public officer."

(19) "Public officer" includes the following, whether elected or appointed:

(a) An executive or administrative officer of the state, or a county, municipality or other subdivision or governmental instrumentality of or within the state.

(b) A member of the legislature or of a governing board of a county, municipality, or other subdivision of or within the state.

(c) A judicial officer, which shall include a judge of the district court, juror, master or any other person appointed by a judge or court to hear or determine a cause or controversy.

(d) A hearing officer or presiding officer, which shall include any person authorized by law or private agreement, to hear or determine a cause or controversy and who is not a judicial officer.

(e) A law enforcement officer.

(f) Any other person exercising the functions of a public officer under color of right.

(20) "Real property" or "real estate" means every estate, interest, and right in lands, tenements and hereditaments.

(21) "Solicit" or "solicitation" means to command, authorize, urge, incite, request, or advise another to commit a crime.

(22) "State" or "this state" means the state of Kansas and all land and water in respect to which the state of Kansas has either exclusive or concurrent jurisdiction, and the air space above such land and water. "Other state" means any state or territory of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

(23) "Stolen property" means property over which control has been obtained by theft.

(24) "Threat" means a communicated intent to inflict physical or other harm on any person or on property.

(25) "Written instrument" means any paper, document or other instrument containing written or printed matter or the equivalent thereof, used for purposes of reciting, embodying, conveying or recording information, and any money, token, stamp, seal, badge, trademark, or other evidence or symbol of value, right, privilege or identification, which is capable of being used to the advantage or disadvantage of some person.

History: L. 1969, ch. 180, § 21-3110; L. 1976, ch. 145, § 106; L. 1990, ch. 97, § 1; L. 2004, ch. 48, § 1; L. 2004, ch. 145, § 10; July 1, 2005.

21-3110b

Chapter 21.--CRIMES AND PUNISHMENTS

PART I.--GENERAL PROVISIONS

Article 31.--PRELIMINARY

21-3110b. Definitions. [See Revisor's Note] The following definitions shall apply when the words and phrases defined are used in this code, except when a particular context clearly requires a different meaning.

- (1) "Act" includes a failure or omission to take action.
- (2) "Another" means a person or persons as defined in this code other than the person whose act is claimed to be criminal.
- (3) "Conduct" means an act or a series of acts, and the accompanying mental state.
- (4) "Conviction" includes a judgment of guilt entered upon a plea of guilty.
- (5) "Deception" means knowingly and willfully making a false statement or representation, express or implied, pertaining to a present or past existing fact.
- (6) To "deprive permanently" means to:
 - (a) Take from the owner the possession, use or benefit of property, without an intent to restore the same; or
 - (b) retain property without intent to restore the same or with intent to restore it to the owner only if the owner purchases or leases it back, or pays a reward or other compensation for its return; or
 - (c) sell, give, pledge or otherwise dispose of any interest in property or subject it to the claim of a person other than the owner.
- (7) "Dwelling" means a building or portion thereof, a tent, a vehicle or other enclosed space which is used or intended for use as a human habitation, home or residence.
- (8) "Firearm" means any weapon designed or having the capacity to propel a projectile by force of an explosion or combustion.
- (9) "Forcible felony" includes any treason, murder, voluntary manslaughter, rape, robbery, burglary, arson, kidnapping, aggravated battery, aggravated sodomy and any other felony which involves the use or threat of physical force or violence against any person.
- (10) "Intent to defraud" means an intention to deceive another person, and to induce such other person, in reliance upon such deception, to assume, create, transfer, alter or terminate a right, obligation or power with reference to property.
- (11) "Law enforcement officer" means:
 - (a) Any person who by virtue of such person's office or public employment is vested by law with a duty to maintain public order or to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes;
 - (b) any officer of the Kansas department of corrections or, for the purposes of K.S.A. 21-3409, 21-3411 and 21-3415, and amendments thereto, any employee of the Kansas department of corrections; or
 - (c) any university police officer or campus police officer, as defined in K.S.A. 22-2401a, and amendments thereto.
 - (d) any court services officer of the Kansas Judicial Branch, for the purposes of K.S.A. 21-3409, 21-3411, 21-3415, and 21-3413 and amendments thereto.
- (12) "Obtain" means to bring about a transfer of interest in or possession of property, whether to the offender or to another.
- (13) "Obtains or exerts control" over property includes but is not limited to, the taking, carrying away, or the sale, conveyance, or transfer of title to, interest in, or possession of property.
- (14) "Owner" means a person who has any interest in property.

(15) "Person" means an individual, public or private corporation, government, partnership, or unincorporated association.

(16) "Personal property" means goods, chattels, effects, evidences of rights in action and all written instruments by which any pecuniary obligation, or any right or title to property real or personal, shall be created, acknowledged, assigned, transferred, increased, defeated, discharged, or dismissed.

(17) "Property" means anything of value, tangible or intangible, real or personal.

(18) "Prosecution" means all legal proceedings by which a person's liability for a crime is determined.

(19) "Public employee" is a person employed by or acting for the state or by or for a county, municipality or other subdivision or governmental instrumentality of the state for the purpose of exercising their respective powers and performing their respective duties, and who is not a "public officer."

(20) "Public officer" includes the following, whether elected or appointed:

(a) An executive or administrative officer of the state, or a county, municipality or other subdivision or governmental instrumentality of or within the state.

(b) A member of the legislature or of a governing board of a county, municipality, or other subdivision of or within the state.

(c) A judicial officer, which shall include a judge of the district court, juror, master or any other person appointed by a judge or court to hear or determine a cause or controversy.

(d) A hearing officer, which shall include any person authorized by law or private agreement, to hear or determine a cause or controversy and who is not a judicial officer.

(e) A law enforcement officer.

(f) Any other person exercising the functions of a public officer under color of right.

(21) "Real property" or "real estate" means every estate, interest, and right in lands, tenements and hereditaments.

(22) "Solicit" or "solicitation" means to command, authorize, urge, incite, request, or advise another to commit a crime.

(23) "State" or "this state" means the state of Kansas and all land and water in respect to which the state of Kansas has either exclusive or concurrent jurisdiction, and the air space above such land and water. "Other state" means any state or territory of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

(24) "Stolen property" means property over which control has been obtained by theft.

(25) "Threat" means a communicated intent to inflict physical or other harm on any person or on property.

(26) "Written instrument" means any paper, document or other instrument containing written or printed matter or the equivalent thereof, used for purposes of reciting, embodying, conveying or recording information, and any money, token, stamp, seal, badge, trademark, or other evidence or symbol of value, right, privilege or identification, which is capable of being used to the advantage or disadvantage of some person.

History: L. 1969, ch. 180, § 21-3110; L. 1976, ch. 145, § 106; L. 1990, ch. 97, § 1; L. 2004, ch. 48, § 1; L. 2005, ch. 141, § 1; July 1.

21-3411

Chapter 21.--CRIMES AND PUNISHMENTS

PART II.--PROHIBITED CONDUCT

Article 34.--CRIMES AGAINST PERSONS

21-3411. Aggravated assault of a law enforcement officer. (a) Aggravated assault of a law enforcement officer is an aggravated assault, as defined in K.S.A. 21-3410 and amendments thereto:

(1) Committed against a uniformed or properly identified state, county or city law enforcement officer while such officer is engaged in the performance of such officer's duty; or

(2) committed against a uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty--; or

(3) *committed against a properly identified court services officer while such officer is engaged in the performance of such officer's duty.*

(b) Aggravated assault of a law enforcement officer is a severity level 6, person felony. A person convicted of aggravated assault of a law enforcement officer shall be subject to the provisions of subsection (g) of K.S.A. 21-4704, and amendments thereto.

History: L. 1969, ch. 180, § 21-3411; L. 1992, ch. 239, § 48; L. 1993, ch. 291, § 26; L. 2004, ch. 48, § 3; July 1.

21-3415

Chapter 21.--CRIMES AND PUNISHMENTS

PART II.--PROHIBITED CONDUCT

Article 34.--CRIMES AGAINST PERSONS

21-3415. Aggravated battery against a law enforcement officer. (a) Aggravated battery against a law enforcement officer is:

(1) An aggravated battery, as defined in subsection (a)(1)(A) of K.S.A. 21-3414 and amendments thereto, committed against: (A) A uniformed or properly identified state, county or city law enforcement officer while the officer is engaged in the performance of the officer's duty; or (B) a uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty; or (C) a properly identified court services officer while such officer is engaged in the performance of such officer's duty.

(2) an aggravated battery, as defined in subsection (a)(1)(B) or (a)(1)(C) of K.S.A. 21-3414 and amendments thereto, committed against: (A) A uniformed or properly identified state, county or city law enforcement officer while the officer is engaged in the performance of the officer's duty; or (B) a uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty; or

(3) intentionally causing, with a motor vehicle, bodily harm to: (A) A uniformed or properly identified state, county or city law enforcement officer while the officer is engaged in the performance of the officer's duty; or (B) a uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty.

(b) (1) Aggravated battery against a law enforcement officer as described in subsection (a)(1) or (a)(3) is a severity level 3, person felony.

(2) Aggravated battery against a law enforcement officer as described in subsection (a)(2) is a severity level 4, person felony.

(3) A person convicted of aggravated battery against a law enforcement officer shall be subject to the provisions of subsection (g) of K.S.A. 21-4704 and amendments thereto.

History: L. 1969, ch. 180, § 21-3415; L. 1992, ch. 298, § 13; L. 1993, ch. 291, § 30; L. 1994, ch. 291, § 23; L. 2000, ch. 181, § 4; L. 2004, ch. 48, § 5; L. 2006, ch. 211, § 13; July 1.

21-3409

Chapter 21.--CRIMES AND PUNISHMENTS

PART II.--PROHIBITED CONDUCT

Article 34.--CRIMES AGAINST PERSONS

21-3409. Assault of a law enforcement officer. (a) Assault of a law enforcement officer is an assault, as defined in K.S.A. 21-3408 and amendments thereto:

(1) Committed against a uniformed or properly identified state, county or city law enforcement officer while such officer is engaged in the performance of such officer's duty; or

(2) committed against a uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty; ; or

(3) *committed against a properly identified court services officer while such officer is engaged in the performance of such officer's duty.*

(b) Assault of a law enforcement officer is a class A person misdemeanor.

History: L. 1969, ch. 180, § 21-3409; L. 1992, ch. 239, § 46; L. 1993, ch. 291, § 24; L. 2004, ch. 48, § 2; July 1.

Proposed Amendment to K.S.A. 60-3003

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

1. On and after July 1, 2008, K.S.A. 60-3003 is hereby amended to read as follows:
2. 60-3003. (a) At the time of the filing of the foreign judgment, the judgment creditor
3. or his or her lawyer shall make and file with the clerk of the district court an
4. affidavit setting forth the name and last known post-office address of the judgment
5. debtor, and the judgment creditor.
6. (b) Promptly upon the filing of the foreign judgment and the affidavit, the ~~clerk~~
7. ~~of the district court~~ *judgment creditor or his or her lawyer* shall mail notice of the
8. filing of the foreign judgment to the judgment debtor at the address given ~~and shall~~
9. ~~make a note of the mailing in the docket.~~ The notice shall include the name and
10. and office address of the judgment creditor and the judgment creditor's lawyer, if
11. any, in this state. In addition, the judgment creditor may mail a notice of the filing
12. of the judgment to the judgment debtor and may file proof of mailing with the clerk
13. of the district court. Lack of mailing notice of filing by the ~~clerk of the district court~~
14. *judgment creditor or his or her lawyer* shall not affect the enforcement proceedings
15. if proof of mailing by the judgment creditor has been filed.

Proposed Amendment to K.S.A. 55-221

55-221. Same; duties of receiver, *distribution of funds.* Such receiver shall proceed immediately to enter into negotiations with prospective purchasers and shall sell an oil and gas lease on the interest of the defendant or defendants, said lease to be for a primary term of not to exceed five (5) years from date and as long thereafter as oil and gas, or either of them, is produced in paying quantities from said land by the lessee. Said lease shall not be sold for less than the minimum bonus, rentals and royalties specified in the order of the court. All *bonus, rentals, or other monies* paid to the receiver *for the execution or extension of the oil and gas lease* shall be by the receiver deposited with the court for the use and benefit of the defendants. *Upon production being obtained or the expiration of the lease and thereupon* the court shall immediately discharge such receiver, ~~and any~~. *The court shall hold and distribute the monies received in the same manner as property received by a court as proceeds of a class action as specified in K.S.A. 58-3935(9).* Any and all future production payments or other benefits paid under said oil and gas lease shall be paid directly into the court and held for the use and benefit of the defendant or defendants retained in suspense by the oil and gas purchasing company and held until further orders of the court, or until required to be distributed pursuant to the Kansas Uniform Unclaimed Property Act, K.S.A. 58-3934 et seq. The cost of the receiver and the court cost shall be affixed by the court and shall be paid by the plaintiff.



Kansas Sentencing Commission

Juvenile Correctional Facility
Population Projections
FY 2008 – FY2017

Presented to
Senate Judiciary Committee

January 15, 2008

Understanding The Placement Matrix

Offender Type	Offense Level	Length of Stay	Aftercare Term
Violent I	Off Grid	60 mo. - 22 ½ years of age	6 mo. - 23 years of age
Violent II	1-3 person felony	24 mo. - 22 ½ years of age	6 mo. - 23 years of age
Serious I	4-6 person or 1-2 drug felony	18 - 36 mo.	6 - 24 mo.
Serious II	7 - 10 person felony + 1 prior felony adjudication	9 - 18 mo.	6 - 24 mo.
Chronic I Chronic Felons	Present non-person felony or level 3 drug felony + 2 prior felony adjudications	6 - 18 mo.	6 - 12 mo.
Chronic II Escalating Felons	Present felony or level 3 drug + 2 prior misdemeanor adjudications or level 4 drug adjudication	6 - 18 mo.	6 - 12 mo.
Chronic III Escalating Misdemeanant	Present misdemeanor or level 4 drug felony + 2 prior misdemeanor or level 4 drug adjudications + 2 placement failures + exhaustion of community placement finding	3 - 6 mo.	3 - 6 mo.
Conditional Release Violators	All	3 - 6 mo.	2 - 6 mo.

Senate Judiciary

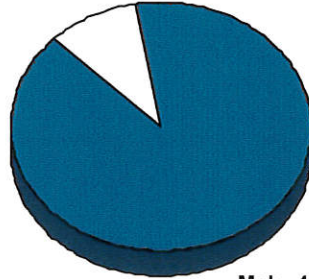
1-15-08

Attachment 3

JJA Correctional Facility Admission Characteristics

FY 2007 Admission by Gender

Female, 52,
9.7%



Male, 483,
90.3%

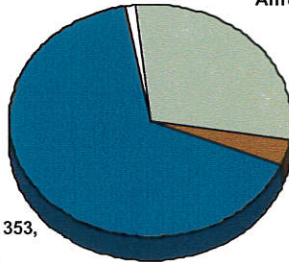
Total Admission=535.

JJA Correctional Facility Admission Characteristics

FY 2007 Admission by Race

Asian or Pacific
Islander, 6, 1.1%

African
American, 156,
29.2%



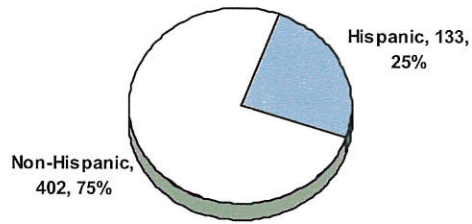
American Indian,
20, 3.7%

Caucasian, 353,
66.0%

Total Admission=535.

JJA Correctional Facility Admission Characteristics

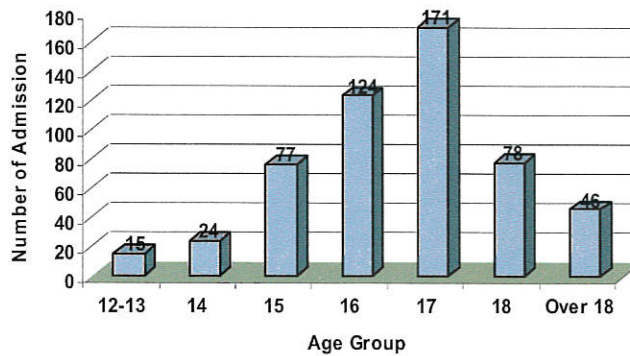
FY 2007 Admission by Ethnicity



Total Admission=535.

JJA Correctional Facility Admission Characteristics

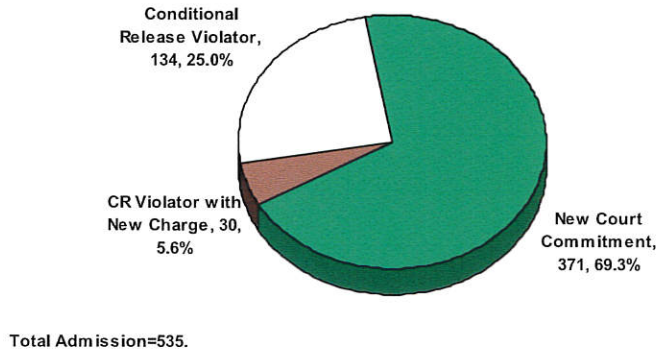
FY 2007 Admission by Age



Total Admission=535.

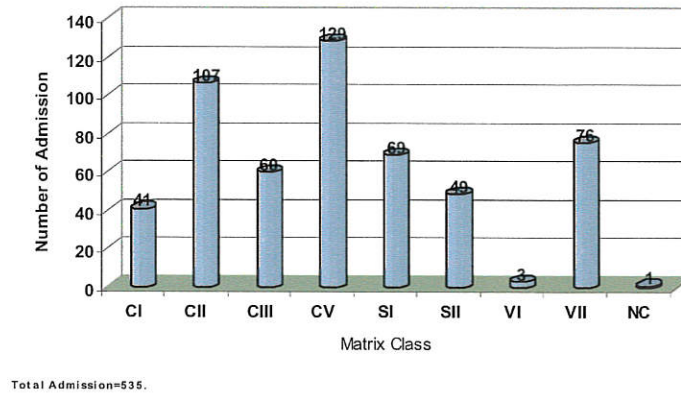
JJA Correctional Facility Admission Characteristics

FY 2007 Admission by Type



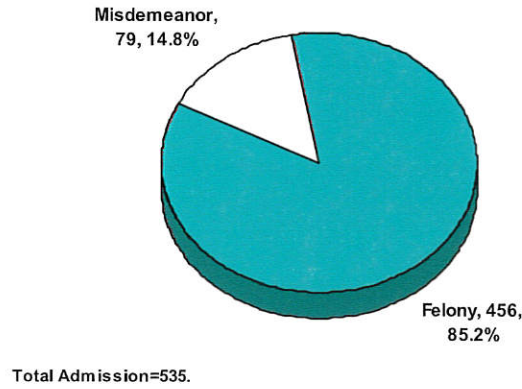
JJA Correctional Facility Admission Characteristics

FY 2007 Admission by Placement Matrix



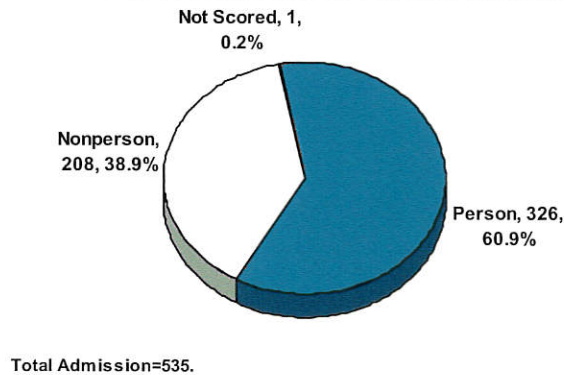
JJA Correctional Facility Admission Characteristics

FY 2007 Admission by Offense Type



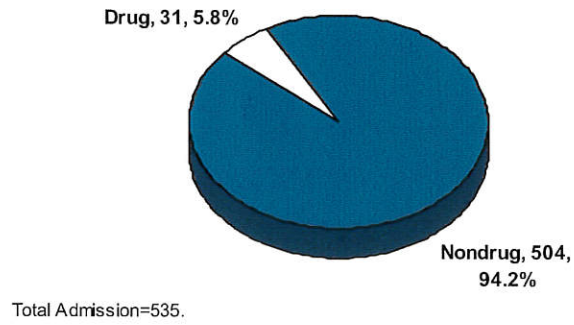
JJA Correctional Facility Admission Characteristics

FY 2007 Admission by Person/Nonperson



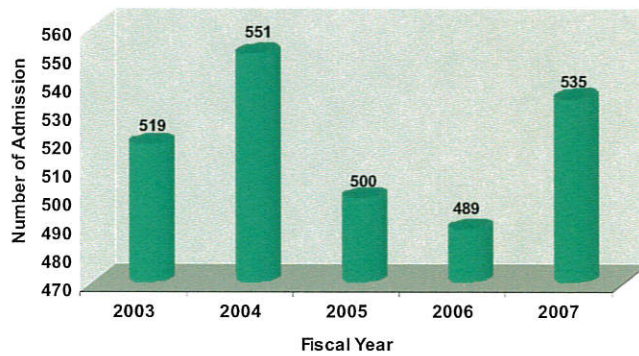
JJA Correctional Facility Admission Characteristics

FY 2007 Admission by Drug/Nondrug



JJA Correctional Facility

Admission Trends



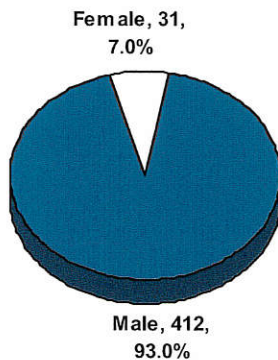
JJA Correctional Facility Admission Trends

Admission Changes

Fiscal Year	Number of Admissions	Number Change	Percent Change
2003	519		
2004	551	32	6.2%
2005	500	-51	-9.3%
2006	489	-11	-2.2%
2007	535	46	9.4%
2003-2007 Change		16	3.1%

JJA Correctional Facility Population Characteristics

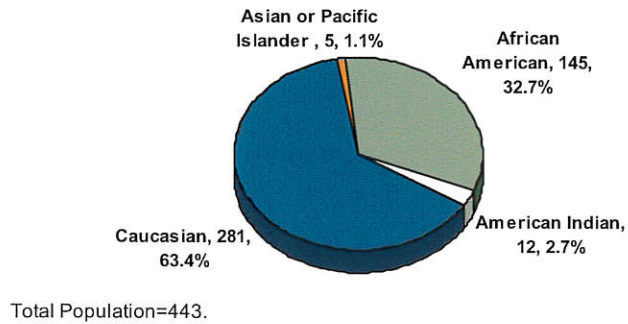
June 30, 2007 Facility Population by Gender



Total Population=443.

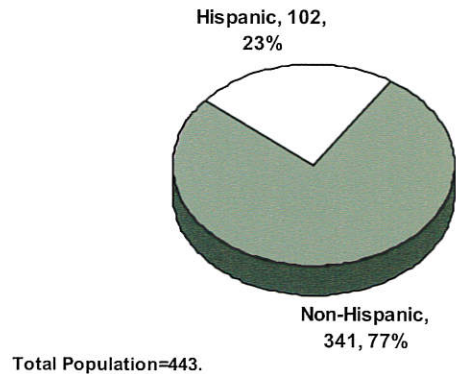
JJA Correctional Facility Population Characteristics

June 30, 2007 Facility Population by Race

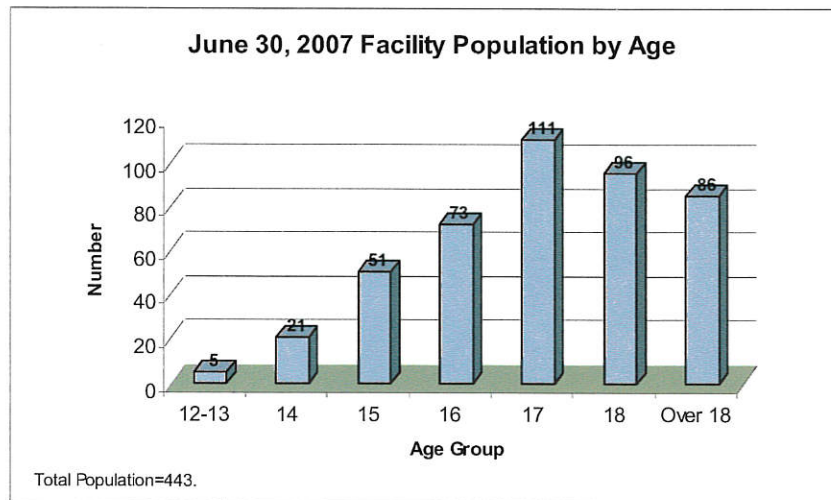


JJA Correctional Facility Population Characteristics

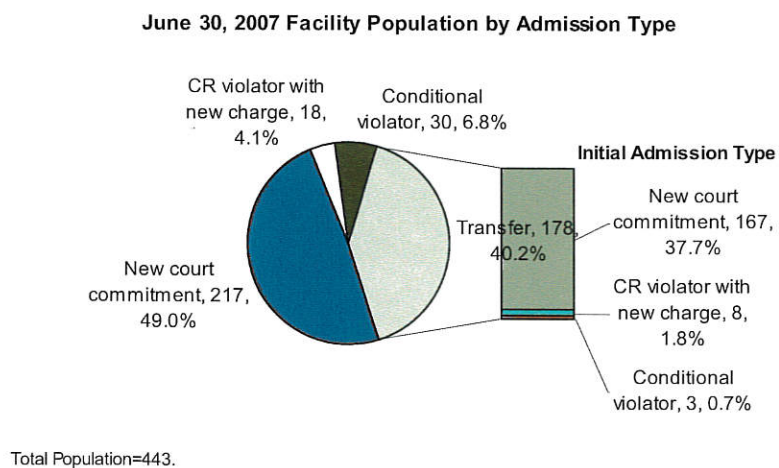
June 30, 2007 Facility Population by Ethnicity



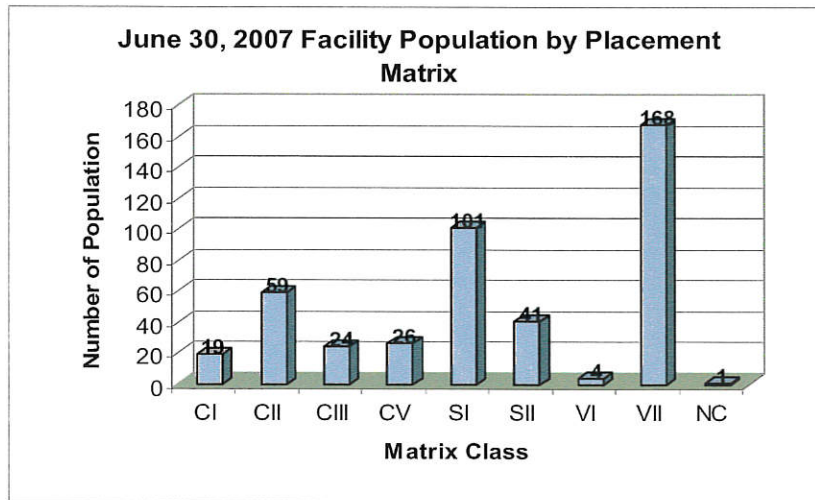
JJA Correctional Facility Population Characteristics



JJA Correctional Facility Population Characteristics

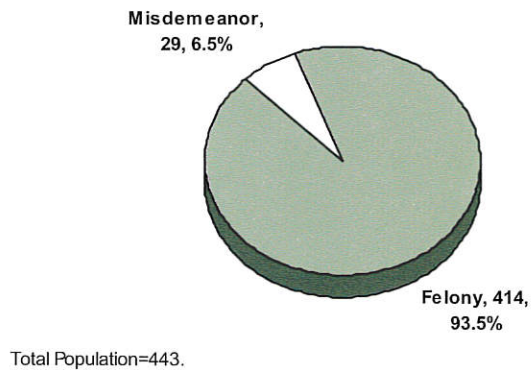


JJA Correctional Facility Population Characteristics



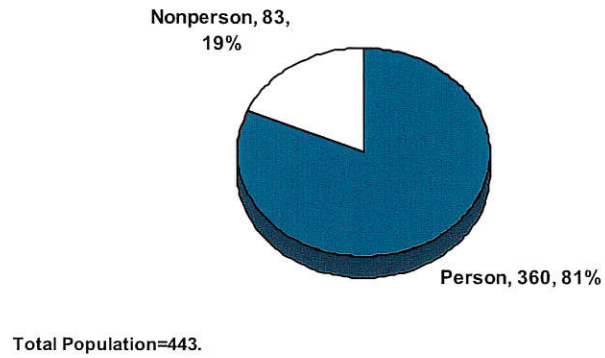
JJA Correctional Facility Population Characteristics

June 30, 2007 Facility Population by Offense Type



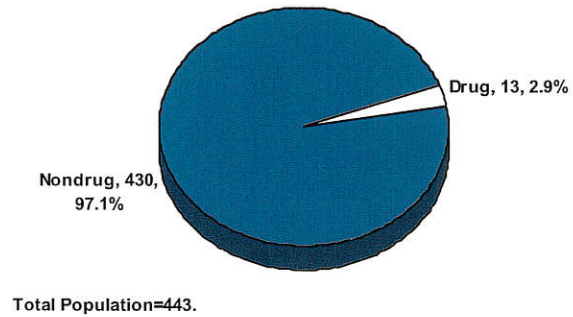
JJA Correctional Facility Population Characteristics

June 30, 2007 Facility Population by Person/Nonperson

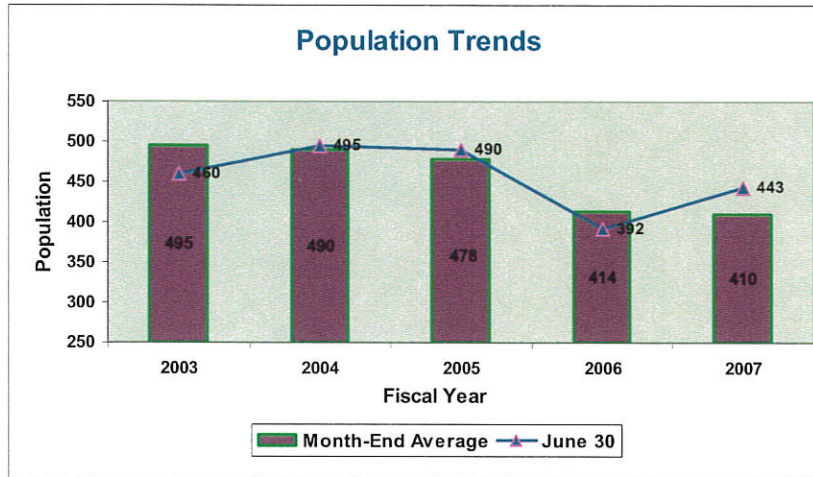


JJA Correctional Facility Population Characteristics

June 30, 2007 Facility Population by Drug/Nondrug



JJA Correctional Facility

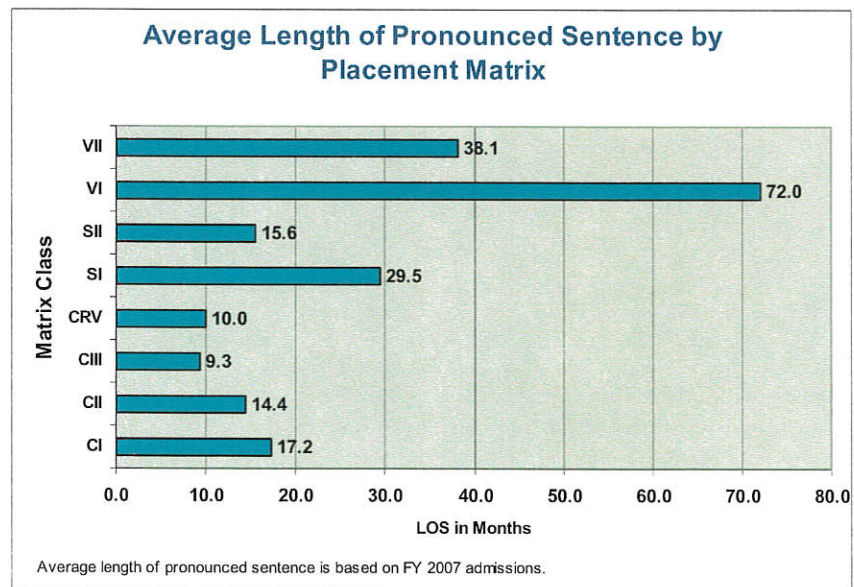
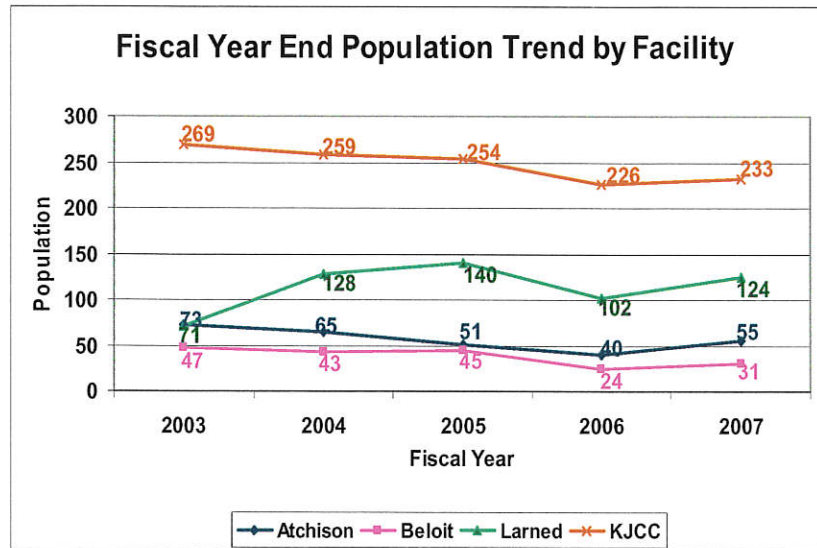


JJA Correctional Facility Population Trends

End of Fiscal Year Population – 2003 to 2007

End of Fiscal Year	Population	Number Change	Percent Change
2003	460		
2004	495	35	7.6%
2005	490	-5	-1.0%
2006	392	-98	-20.0%
2007	443	51	13.0%
2003-2007 Change		-17	-3.7%

JJA Correctional Facility Population Trends

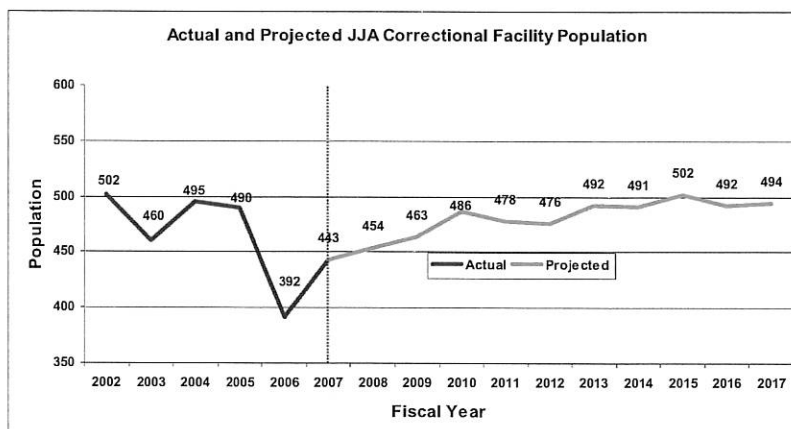


Average Length of Stay (in Months) by Matrix

Matrix Class	Average Length of Stay	Percent of Pronounced Sentence
CI	6.1	49.3%
CII	6.3	52.5%
CIII	3.7	66.7%
CRV	2.8	55.5%
SI	17.4	68.4%
SII	9.4	61.2%
VI	34.6	98.8%
VII	27.1	71.0%

Note: Length of stay (LOS) and percent of pronounced sentence are based on JJA FY 2007 releases.

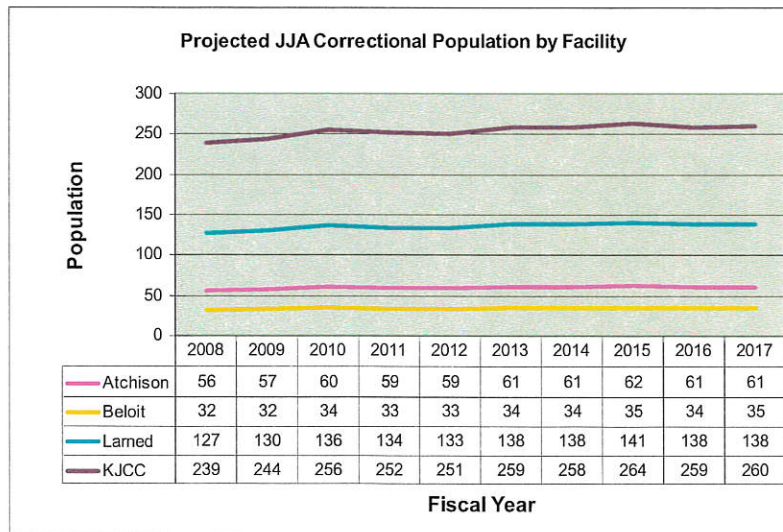
JJA Correctional Facility Population Projection



JJA Correctional Facility Population Projection

End of Fiscal Year	Female	Male	Total
2008	32	422	454
2009	32	431	463
2010	34	452	486
2011	33	445	478
2012	33	443	476
2013	34	458	492
2014	34	457	491
2015	35	467	502
2016	34	458	492
2017	35	459	494

JJA Correctional Facility Population Projection



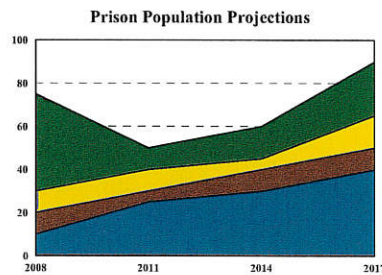
JJA Correctional Facility Population Projection

Projected JJA Population by Placement Matrix

End of Fiscal Year	CI	CII	CIII	CV	SI	SII	VI	VII	Total
2008	21	64	20	32	106	36	7	168	454
2009	20	61	22	30	106	48	9	167	463
2010	24	66	20	32	123	41	14	166	486
2011	24	65	23	28	119	43	14	162	478
2012	24	66	20	30	120	45	16	155	476
2013	21	64	22	30	132	45	15	163	492
2014	24	63	17	30	132	40	13	172	491
2015	21	67	19	31	131	47	11	175	502
2016	25	69	21	30	117	44	15	171	492
2017	24	62	21	31	125	49	14	168	494
# Change	3	-2	1	-1	19	13	7	0	40

KANSAS SENTENCING COMMISSION

Fiscal Year 2008 Adult Inmate Prison Population Projections



August 23, 2007

GUIDELINE NEW COMMITMENT ADMISSION CHARACTERISTICS - FISCAL YEAR 2007

SEVERITY LEVEL	NUMBER ADMITTED	PERCENT ADMITTED	AVERAGE SENTENCE (MONTHS)	JAIL CREDIT (DAYS)	PROBATION CONDITION VIOLATORS (%)	PROBATION VIOLATORS W/NEW SENT (%)
D1	89	2.6%	71.9	278.5	29.2	N/A
D2	26	0.8%	50.6	100.6	3.8	3.8
D3	284	8.2%	30.0	169.9	46.5	2.5
D4	741	21.5%	20.5	140.1	68.0	2.7
N1	67	1.9%	263.8	308.8	7.5	N/A
N2	29	0.8%	158.4	342.4	3.4	N/A
N3	187	5.4%	89.5	214.9	5.3	2.7
N4	54	1.6%	71.8	190.8	7.4	5.6
N5	293	8.5%	51.9	209.2	25.3	1.4
N6	66	1.9%	33.1	207.6	37.9	1.5
N7	525	15.2%	26.3	182.5	57.3	4.2
N8	322	9.3%	16.2	150.9	67.1	5.9
N9	549	15.9%	11.5	130.8	67.1	2.9
N10	183	5.3%	8.3	113.6	55.7	0.5
OFF GRID	21	0.6%	-	-	N/A	N/A
TOTAL NEW LAW	3436	99.5%				
TOTAL OLD LAW	3	0.1%				
MISSING/ NONGRID	15	0.4%				
TOTAL ADMITS	3454	100.0%				

Source: DOC admission file.

**PRISON POPULATION CHARACTERISTICS
JUNE 30, 2007**

SEVERITY LEVEL	PRE-GUIDELINE		GUIDELINE		TOTAL	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
D1	0	0.0%	443	5.0%	443	5.0%
D2	1	0.0%	183	2.1%	184	2.1%
D3	1	0.0%	487	5.5%	488	5.5%
D4	0	0.0%	768	8.7%	768	8.7%
N1	149	1.7%	654	7.4%	803	9.1%
N2	101	1.1%	323	3.6%	424	4.8%
N3	74	0.8%	1199	13.5%	1273	14.4%
N4	9	0.1%	259	2.9%	268	3.0%
N5	16	0.2%	1017	11.5%	1033	11.7%
N6	0	0.0%	158	1.8%	158	1.8%
N7	3	0.0%	785	8.9%	788	8.9%
N8	0	0.0%	217	2.5%	217	2.5%
N9	0	0.0%	242	2.7%	242	2.7%
N10	0	0.0%	45	0.5%	45	0.5%
OFFGRID	262	3.0%	252	2.8%	514	5.8%
PAROLE CONDITIONAL VIOLATORS	371	4.2%	371	4.2%	742	8.4%
AGGREGATE SENTENCE	448	5.1%	0	0.0%	448	5.1%
SUBTOTAL	1435	16.2%	7403	83.6%	8838	99.8%
MISSING/NONGRID					16	0.2%
TOTAL					8854	100.0%

Source: DOC prison population file.

**COMPARISON OF GUIDELINE NEW COMMITMENTS BY SEVERITY LEVEL
ADMISSIONS AND AVERAGE LENGTH OF SENTENCE (LOS)
FY 2003 THROUGH FY 2007**

Severity Level	FY 2003		FY 2004		FY2005		FY2006		FY2007	
	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	176	92.2	196	67.5	140	53.4	145	69.0	89	71.9
D2	106	51.5	80	51.9	41	53.8	50	61.8	26	50.6
D3	252	28.1	276	28.8	263	28.5	310	29.3	284	30.3
D4	576	22.8	505	19.6	579	21.1	657	19.8	741	20.5
N1	77	247.9	81	250.1	58	226.7	76	245.6	67	263.8
N2	33	142.4	20	152.4	27	170.7	36	186.5	29	158.4
N3	202	84.7	208	89.3	210	99.5	227	90.1	187	89.5
N4	59	68.8	61	59.7	58	68.7	64	65.4	54	71.8
N5	308	51.4	243	54.5	256	54.4	306	50.6	293	51.9
N6	69	34.5	71	29.8	62	33.7	77	36.5	66	33.1
N7	519	24.5	517	26.3	584	27.3	611	26.2	525	26.3
N8	281	17.4	336	16.9	332	16.1	345	17.0	322	16.2
N9	472	11.5	508	11.3	548	11.7	650	11.6	549	11.5
N10	158	7.3	215	8.3	190	7.9	184	8.3	183	8.3
Total	3288		3317		3348		3741		3415	

Source: DOC admission file.

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

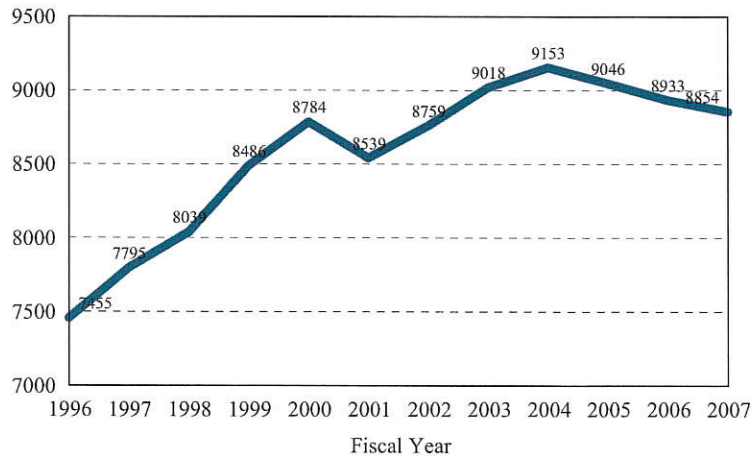
**COMPARATIVE ANALYSIS OF
PAROLE/POST RELEASE SUPERVISION CONDITION VIOLATORS
BETWEEN FY 2006 AND FY 2007**

Law	Admission Number				Average Length of Stay in Month			
	FY 2006	FY 2007	# Change	% Change	FY 2006	FY 2007	LOS Change	% Change
Both/Agg	33	32	-1	-3.3%	25.2	18.6	-6.6	-26.2%
Guideline	1360	1034	-326	-24.0%	4.0	4.3	0.3	7.0%
Pre-guideline	248	174	-74	-29.8%	19.8	25.0	5.2	26.3%
Total	1641	1239	-402	-24.5%				

Source: DOC admission and release files.

KANSAS PRISON POPULATION TRENDS

Total Prison Population

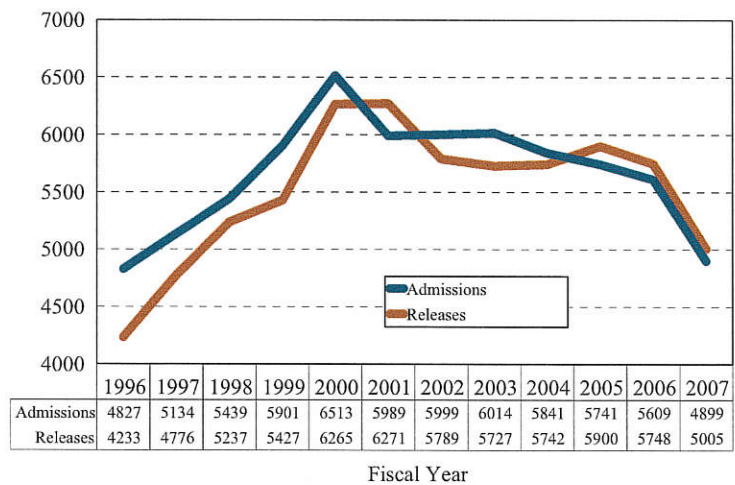


Source: KDOC prison population files.

Notes: Federal female inmates housed in KDOC are excluded.

KANSAS PRISON POPULATION TRENDS

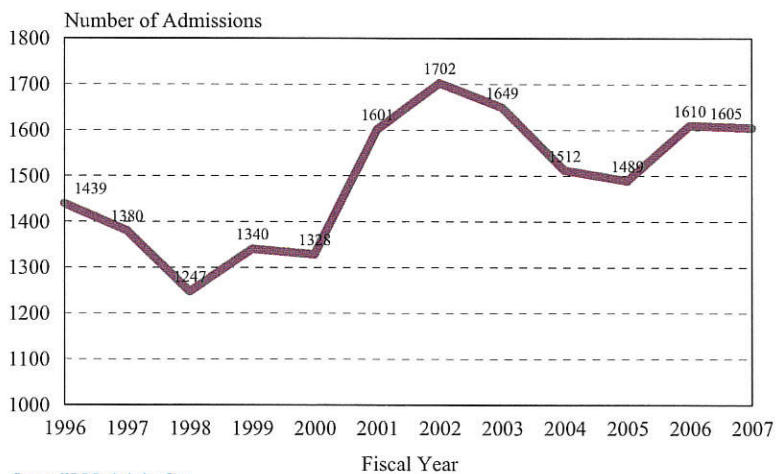
Admissions and Releases



Source: KDOC admission and release files

KANSAS PRISON ADMISSION TRENDS

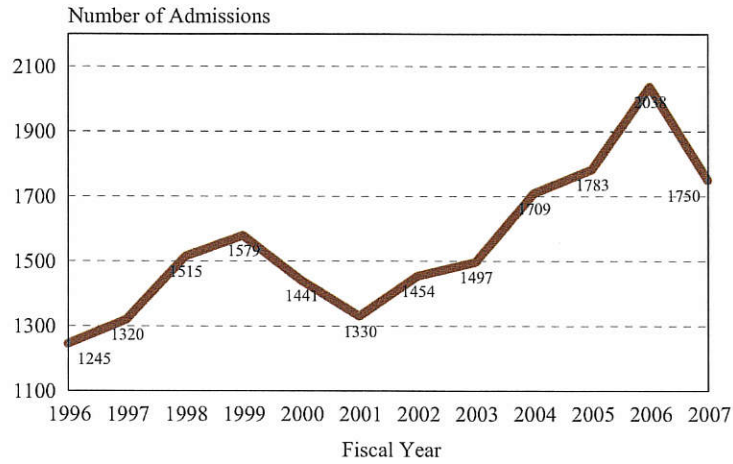
New Court Commitments



Source: KDOC admission files

KANSAS PRISON ADMISSION TRENDS

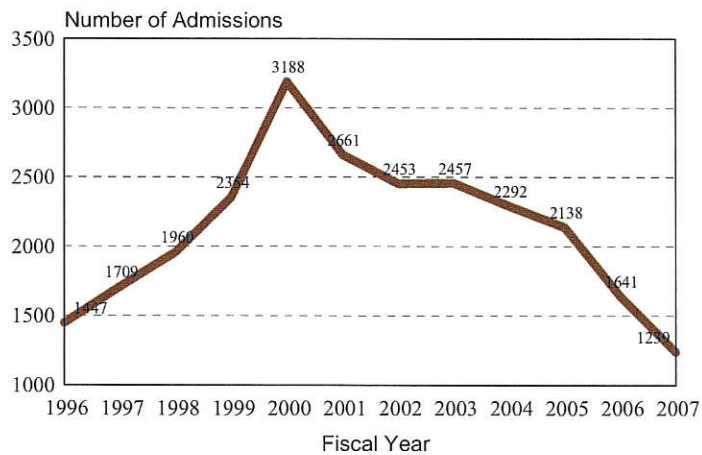
Probation Condition Violators



Source: KDOC admission files

KANSAS PRISON ADMISSION TRENDS

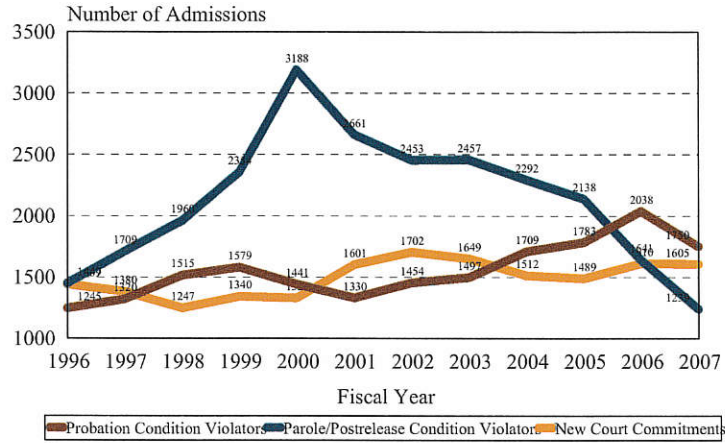
Parole/Postrelease Condition Violators



Source: KDOC admission file
Note: Including condition conditional-release violators

KANSAS PRISON ADMISSION TRENDS

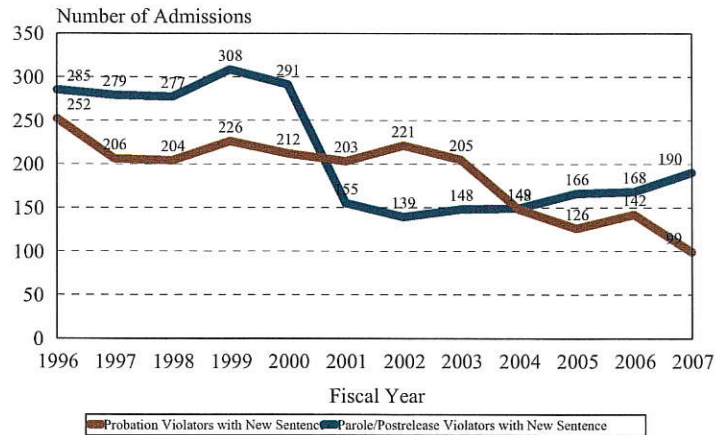
Admissions by Type



Source: KDOC admission files

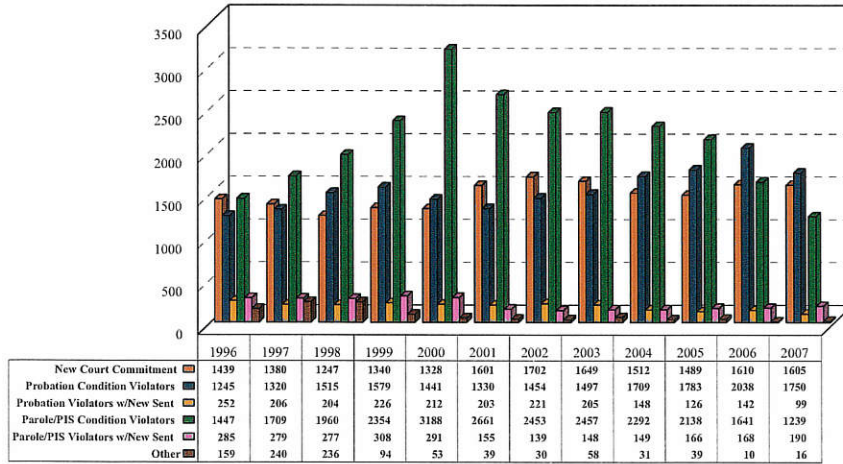
KANSAS PRISON ADMISSION TRENDS

Comparison between Probation and Parole/Postrelease Violators with New Sentence



Source: KDOC admission files

KANSAS PRISON ADMISSION TRENDS BY TYPE FY 1996 Through FY 2007



Source: KDOC admission files

PRISON POPULATION MONTHLY MONITORING REPORT FY 2007 MODEL

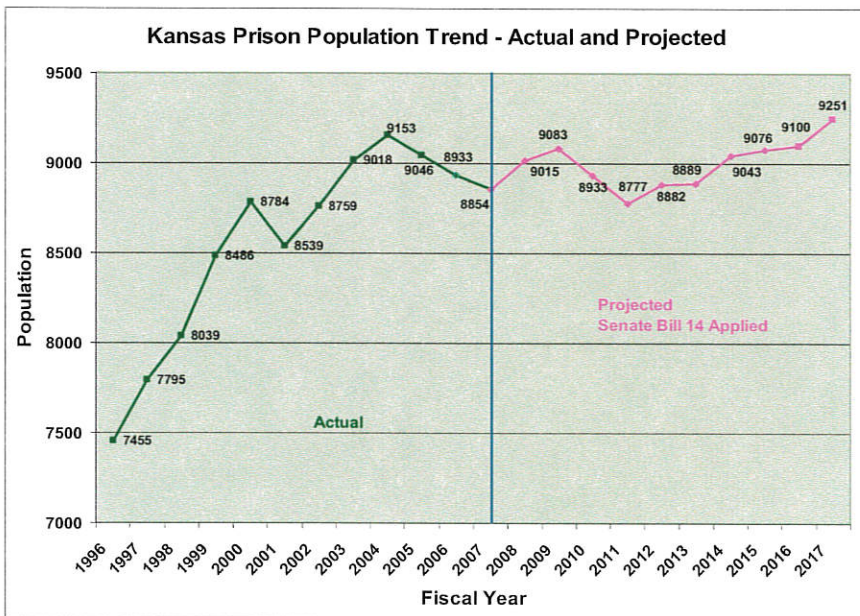
Month/Year	Projected	Actual	Difference	Percent Error
July 2006	8977	8929	48	0.54%
August 2006	9041	8927	114	1.28%
September 2006	9075	8901	174	1.95%
October 2006	9106	8923	183	2.05%
November 2006	9126	8881	245	2.76%
December 2006	9143	8818	325	3.69%
January 2007	9177	8833	344	3.89%
February 2007	9180	8776	404	4.60%
March 2007	9155	8792	363	4.13%
April 2007	9149	8790	359	4.08%
May 2007	9170	8861	309	3.49%
June 2007	9185	8854	331	3.74%

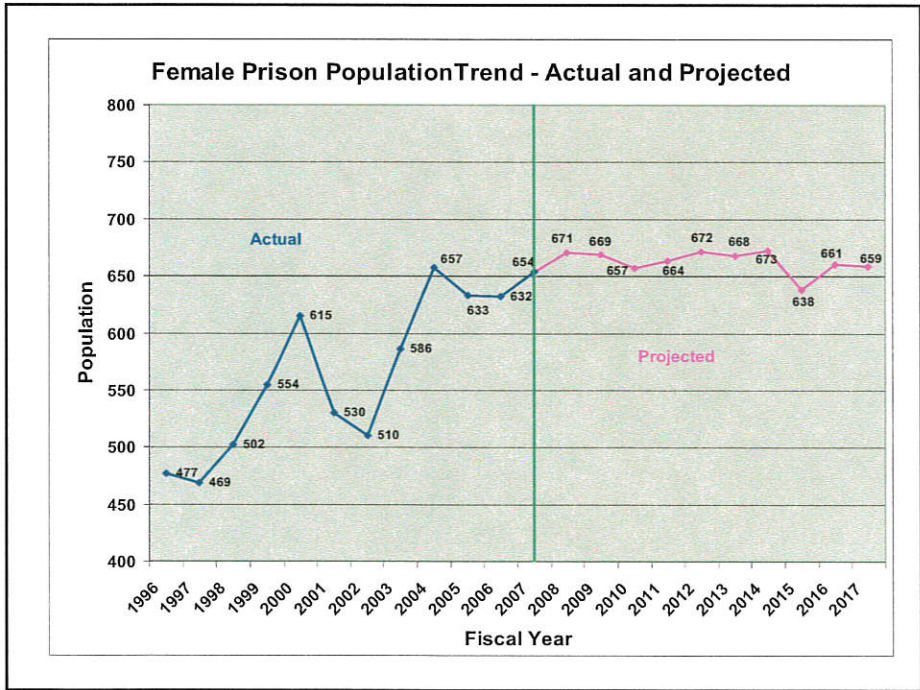
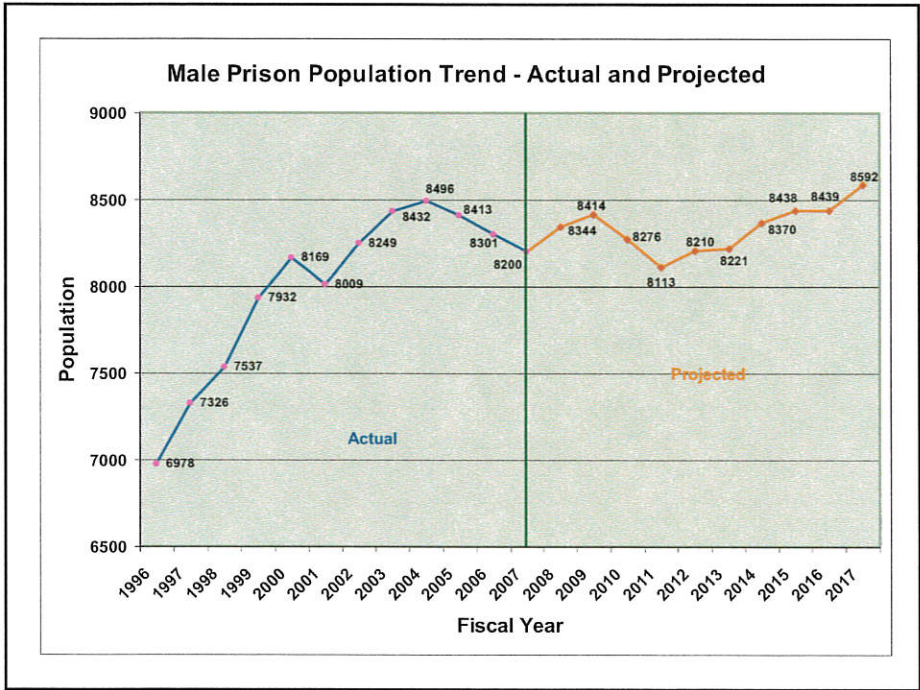
*. Federal female inmates housed at Topeka facility are excluded.

KANSAS SENTENCING COMMISSION FY 2008 ADULT INMATE PRISON POPULATION PROJECTIONS

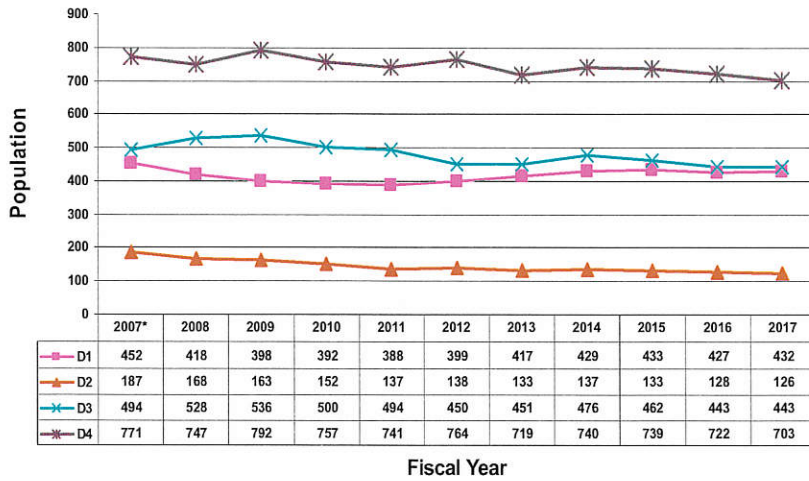
Severity Level	June 30 2007*	June 30 2008	June 30 2009	June 30 2010	June 30 2011	June 30 2012	June 30 2013	June 30 2014	June 30 2015	June 30 2016	June 30 2017	Total # Increase	% Increase
D1	452	418	398	392	388	399	417	429	433	427	432	-20	-4.4%
D2	187	168	163	152	137	138	133	137	133	128	126	-61	32.6%
D3	494	528	536	500	494	450	451	476	462	443	443	-51	10.3%
D4	771	747	792	757	741	764	719	740	739	722	703	-68	-8.8%
N1	847	870	882	896	916	933	946	975	997	1012	1031	184	21.7%
N2	446	454	437	435	441	430	430	417	407	404	397	-49	11.0%
N3	1333	1328	1303	1290	1266	1245	1223	1198	1169	1167	1135	-198	14.9%
N4	276	276	272	286	287	279	278	269	282	280	282	6	2.2%
N5	1067	1069	1079	1040	989	999	998	1008	997	1003	1014	-53	-5.0%
N6	162	159	149	134	127	137	122	142	134	123	130	-32	19.8%
N7	797	868	868	820	722	710	704	660	665	640	669	-128	16.1%
N8	218	284	252	244	229	221	214	236	216	225	241	23	10.6%
N9	244	308	297	263	248	258	248	245	242	263	255	11	4.5%
N10	46	65	61	50	42	62	58	56	59	45	50	4	8.7%
OFF GRID	728	735	825	905	986	1077	1165	1252	1343	1425	1520	792	108.8%
Condition Parole/PIS Violators	786	738	769	769	764	780	783	803	798	793	823	37	4.7%
Total	8854	9015	9083	8933	8777	8882	8889	9043	9076	9100	9251	397	4.5%

*.The actual prison population on that date (for the purpose of forecasting, non-grid and missing are analyzed and assigned to each level).
Note: This model is built with House Substitute for Senate Bill 14 which was enacted into law on July 1, 2007.



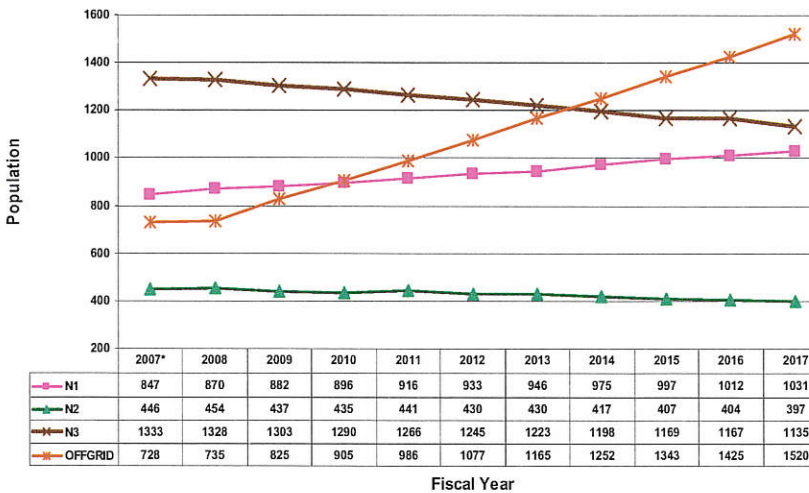


Projected Drug Inmate Prison Population

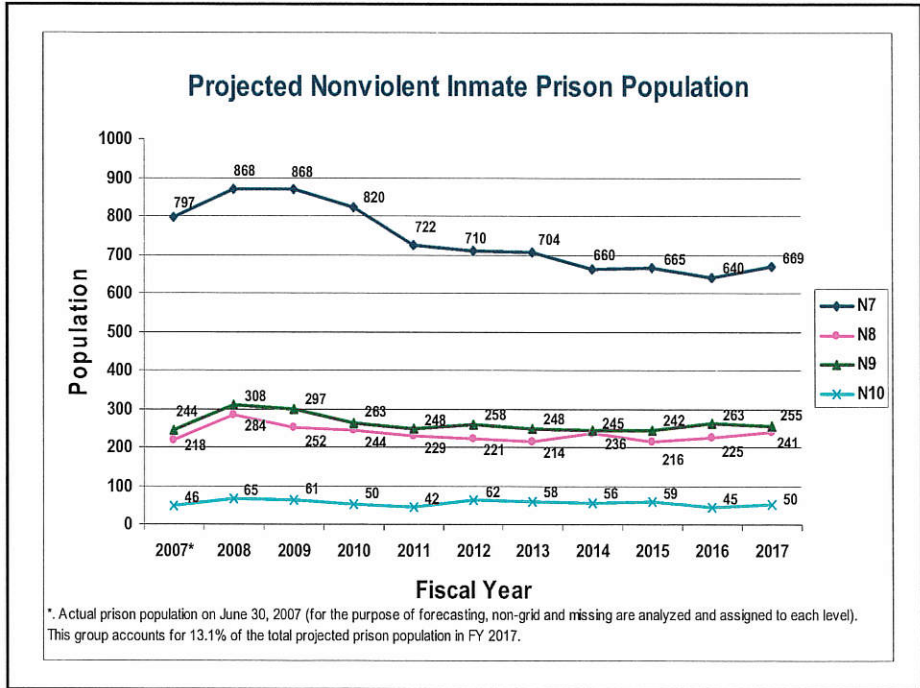
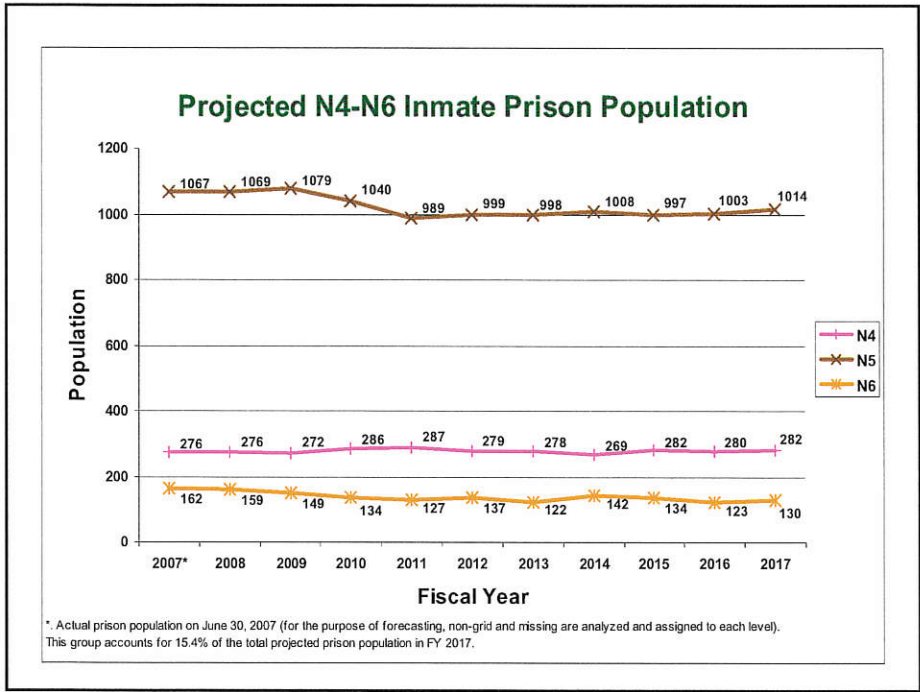


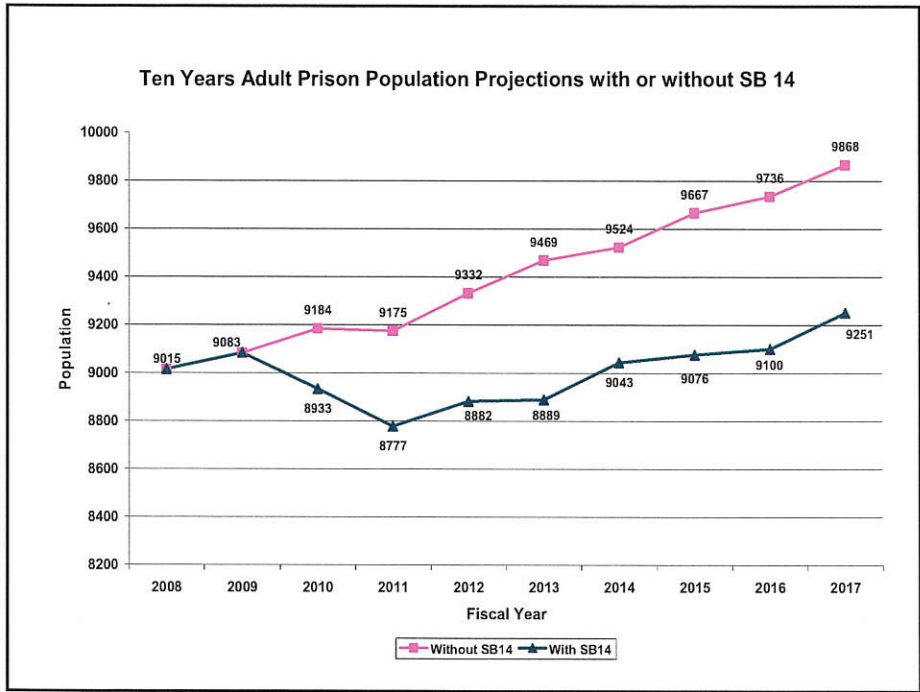
*. Actual prison population on June 30, 2007 (for the purpose of forecasting, non-grid and missing are analyzed and assigned to each level). This group accounts for 18.4% of the total projected prison population in FY 2017.

Projected Violent Inmate Prison Population



*. Actual prison population on June 30, 2007 (for the purpose of forecasting, non-grid and missing are analyzed and assigned to each level). This group accounts for 44.1% of the total projected prison population in FY 2017.





FY 2008 Adult Inmates Prison population Projection with or without Senate Bill 14

Fiscal Year	Without SB14	With SB14	Beds Saving
2008	9015	9015	0
2009	9083	9083	0
2010	9184	8933	-251
2011	9175	8777	-398
2012	9332	8882	-450
2013	9469	8889	-580
2014	9524	9043	-481
2015	9667	9076	-591
2016	9736	9100	-636
2017	9868	9251	-617

Note: SB 14 enacted into law on July 1, 2007.