

SENTENCING RANGE- DRUG OFFENSES

Categories→	A	B	C	D	E	F	G	H	I
Severity Level ↓	3 + Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felony	1 Person Felony	3 + Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2 + Misdemeanors	1 Misdemeanor 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	144 136 130	137 130 122	130 123 117	124 117 111	116 111 105	113 108 101	110 104 99	108 100 96	103 98 92
III	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
IV	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
V	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

Presumptive Probation

Border Box

Presumptive Imprisonment

•Fines not to exceed \$500,000 (SL1-SL2), \$300,000 (SL3-SL4), \$100,000 (SL5)

•Severity level of offense increases one level if controlled substance or analog is distributed or possessed w/ intent to distribute on or w/in 1000 ft of any school property.

Levels	Distribute or Possess w/ intent to Distribute				Cultivate	Dosage Units	Postrelease	Probation	Good Time
	Cocaine	Meth & Heroin	Marijuana	Manufacture (all)					
I	≥ 1 kg	≥ 100 g	≥ 30 kg	2nd or Meth	>100 plants	>1000	36	36	15%
II	100 g - 1 kg	3.5 g - 100 g	450 g - 30 kg	1st	50-99 plants	100-999	36	36	15%
III	3.5 g - 100 g	1 g - 3.5 g	25 g - 450 g		5-49 plants	10-99	36	36	**20%
IV	< 3.5 g	< 1 g	< 25 g			<10	24	≤ 18	20%
V	Possession	Possession	Possession-3rd offense				12	*≤12	20%

* ≤ 18 months for 2003 SB123 offenders

*** Retroactive application for offense committed on or after July 1, 2012

SENTENCING RANGE – NONDRUG OFFENSES

Category →	A	B	C	D	E	F	G	H	I
Severity Level ↓	3 + Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3 + Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2 + Misdemeanor	1 Misdemeanor No Record
I	653 620 592	618 586 554	285 272 258	267 253 240	246 234 221	226 214 203	203 195 184	186 176 166	165 155 147
II	493 467 442	460 438 416	216 205 194	200 190 181	184 174 165	168 160 152	154 146 138	138 131 123	123 117 109
III	247 233 221	228 216 206	107 102 96	100 94 89	92 88 82	88 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 Supervision Terms are:

36 months for felonies classified in Severity Levels 1-4

24 months for felonies classified in Severity Levels 5-6

12 months for felonies classified in Severity Levels 7-10

Postrelease for felonies committed before 4/20/95 are:

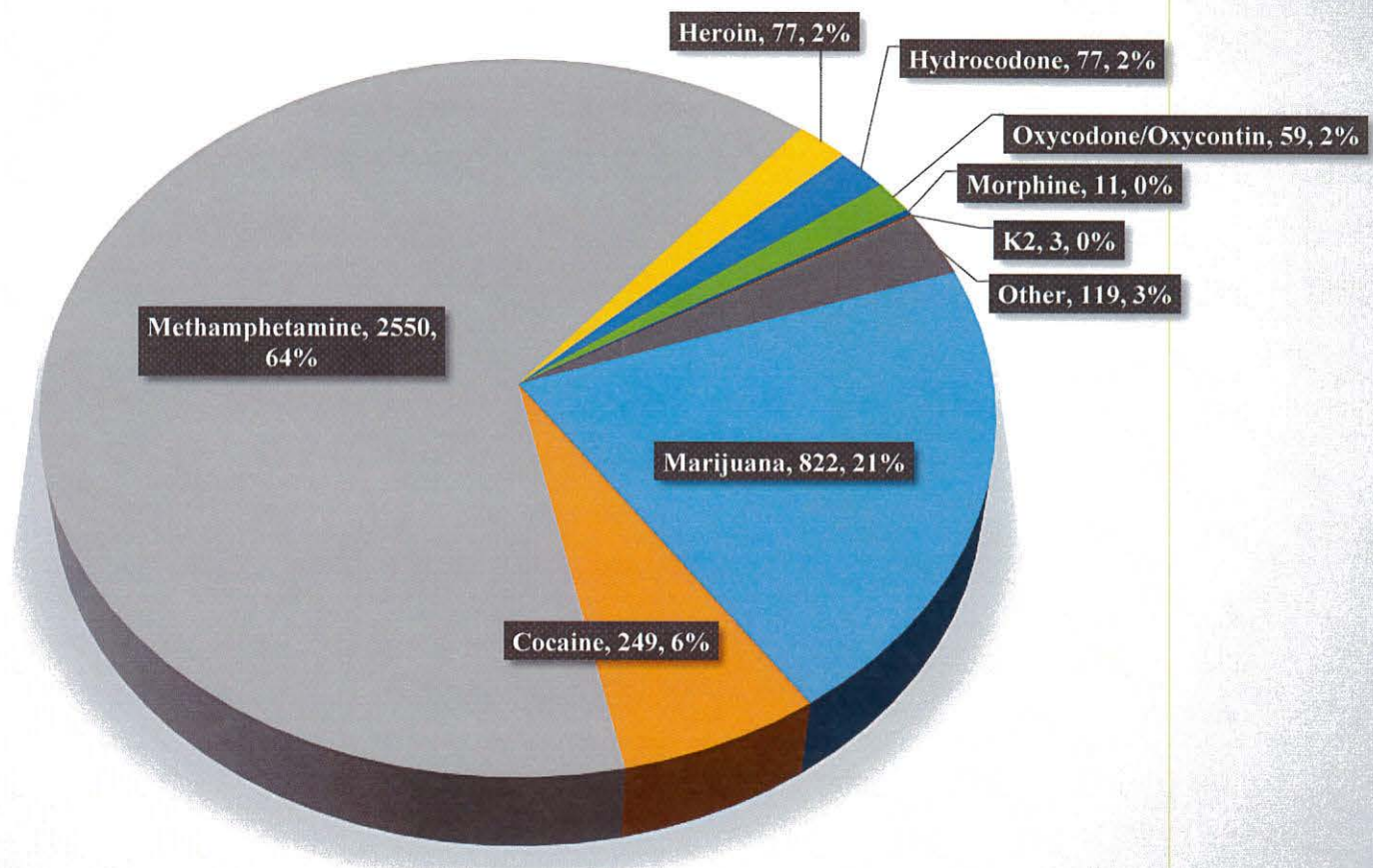
24 months for felonies classified in Severity Levels 1-6

12 months for felonies classified in Severity Level 7-10

LEGEND
Presumptive Probation
Border Box
Presumptive Imprisonment



Kansas Felony Drug Sentences FY 2017



PRISON POPULATION MONTHLY MONITORING REPORT**FY 2018 MODEL**

Month/Year	Projected	Actual	Difference	Percent Error
July 2017	9895	9878	17	0.17%
August 2017	9959	9975	-16	-0.16%
September 2017	9968	9923	45	0.45%
October 2017	10016	10007	9	0.09%
November 2017	10045			
December 2017	10042			
January 2018	10067			
February 2018	10068			
March 2018	10122			
April 2018	10126			
May 2018	10111			
June 2018	10130			

MALE PRISON POPULATION MONTHLY MONITORING REPORT**FY 2018 MODEL**

Month/Year	Projected	Actual	Difference	Percent Error
July 2017	9016	9001	15	0.17%
August 2017	9068	9084	-16	-0.18%
September 2017	9087	9013	74	0.82%
October 2017	9128	9080	48	0.53%
November 2017	9160			
December 2017	9141			
January 2018	9159			
February 2018	9158			
March 2018	9197			
April 2018	9207			
May 2018	9184			
June 2018	9212			

FEMALE PRISON POPULATION MONTHLY MONITORING REPORT

FY 2018 MODEL

Month/Year	Projected	Actual	Difference	Percent Error
July 2017	879	877	2	0.23%
August 2017	891	891	0	0.00%
September 2017	881	910	-29	-3.19%
October 2017	888	927	-39	-4.21%
November 2017	885			
December 2017	901			
January 2018	908			
February 2018	910			
March 2018	925			
April 2018	919			
May 2018	927			
June 2018	918			



**JOINT COMMITTEE ON CORRECTIONS
AND JUVENILE JUSTICE OVERSIGHT**

**SENTENCE PROPORTIONALITY
DISCUSSION**

**Scott Schultz
Executive Director**

Wednesday, November 1, 2017



2004

Vera Institute of Justice Report

Presumptive prison remains largely reserved for person felonies. However, number of nonperson felonies with presumptive prison sentences tripled since guidelines were established in 1993

Presumptive sentences for person felonies are generally longer for person vs. nonperson felonies. The exceptions are SL 1 and 2 drug felonies

Sentences for repeat offenses were found to be disproportionate to the severity of the current offense. Sentences for repeat drug offenses are often longer than sentences for repeat convictions for offenses ranked as more severe.



2007

Kansas Criminal Code Recodification Commission – Summer

Requested KSSC to review proportionality

Meeting at same time

Designated a member to attend KSSC meetings



2007

KSSC Proportionality Subcommittee – Fall

Discussion issues:

Quantity-based drug classification – High (SL 1-3), Medium (SL 4-6) and Low (SL 7-9)

Nongrid brought on to grid at SL 10

Drug grid eliminated



2007

KSSC Proportionality Subcommittee – Fall

Discussion issues:

All crimes on grid, except capital and 1st degree murder, treason, human trafficking and weapons of mass destruction

Financial loss thresholds be SL 5-10 based on loss amount

Offender Registration Violations – SL 5 lower to SL 10.

Aiding KORA violator SL 5 to SL 9.



2008

KSSC Recommendations to Kansas Criminal Code Recodification Commission

Merge grids

Assign drug distribution based on quantity

Establish consistent property crime penalties based on dollar thresholds



2010

KSSC introduces bill



2017

Where are we now?

Quantity based drug offenses adopted

Felony theft threshold raised from \$1,000 to \$1,500 – Original 2017 HB 2092 raised threshold for 12 other property offenses but was stripped out of the bill



2018

Where do we go from here?

Recommendation to request KSSC reestablish
Proportionality Committee to study for 2019
session

Collaborate with stakeholders to explore merging
grids



Thank You

Questions

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