

MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairman Ward Loyd at 1:30 p.m. on January 21, 2004 in Room 241-N of the Capitol.

All members were present except:  
Rep. Dale Swenson - Absent

Committee staff present:  
Jill Wolters, Revisor of Statutes Office  
Jerry Ann Donaldson, Legislative Research Department  
Becky Krahl, Legislative Research Department  
Connie Burns, Committee Secretary

Conferees appearing before the committee:  
Mike Jennings, Kansas County & District Attorneys Association  
Patricia Biggs, Executive Director Kansas Sentencing Commission

Others attending:  
See Attached List.

Staff provided an explanation of the hand out from the questions asked of Secretary Werholtz.  
(Attachment 1 and 2)

Mike Jennings, Kansas County & District Attorneys Association appeared before the committee to request the introduction of bills.

1. KSA 21-471 c (2) the crime of conviction is for involuntary manslaughter where the underlying DUI was for alcohol and drugs. The KS County and District Attorney's Association is requesting that the "and" be deleted and the phrase "and/or" be added. (Attachment 3)
2. KSA 38-1635 (b)2) be amended to allow diversion for person felonies and for offenses involving firearms unless the offense constitutes "a violation which constitutes an off-grid crime, a severity level 1, 2, or 3 felony for nondrug crimes or severity level 1 or 2 for drug crimes. (Attachment 4)

Representative Jeff Goering made the motion that this request should be introduced as a committee bill. Vice-Chairperson Owens seconded the motion. The motion carried.

Patricia Biggs, Executive Director, provided an overview of the Kansas Sentencing Commission. The Kansas Sentencing Commission was statutory established under KSA 74-9101. The guidelines set out for the commission by the statute. KSA 74-9102 states the Kansas sentencing commission shall consist of 17 members. Executive Director Patricia Biggs went over the functional areas of routine work of Kansas Sentencing Commission staff. The KSC Staff produces adult prison population projections annually. This population projection is performed using a statistically based model of prisoner movement. The model (Prophet) uses a combination of probabilistic method and Monte Carlo simulation to move prisoners through the Kansas prison system based on each offender's imposed sentence. (Attachment 5)

In addition to the production of total adult prison population forecasts, the staff also produces projections by gender, by custody level, and by gender and custody. Production of these forecasts assist the Department of Corrections in understanding the anticipated composition of correctional population and in formulating policies and plans based on this information.

The data recorded via our receipt of Journal Entries is used in conjunction with the adult prison population projections to estimate the impact in terms of prison beds needed or saved for proposed legislation. The staff of the Commission produced 150-impact statements in FY 2003 and we estimated

KSC will produce 165 in the current fiscal year.

Since the statistical methodology used for the JJA projections is similar to that used for the adult incarcerated population, KSC has the ability to produce bed-space impact statement for proposed legislation concerning the JJA population.

JJA's projections are developed for the entire juvenile incarcerated system, and are broken down by facility as well. The facility-level breakdown includes consideration of gender.

The department also has the ability to respond to data request received from other criminal justice researchers and scholars.

These types of data requests are not covered under 74-9101 but are covered under the Kansas Open Records Act.

KSC also responds to Sentencing questions, conducts training, publishes Kansas Desk Reference Manual, and publishes case law updates.

Four major functions fall under this area of focus as well. These are:

1. Devise and implementation Plan for **SB 123**
2. Train the Implementation Plan
3. Monitor and Recommend Updates and Modification to the Implementation of **SB 123**
4. Monitor **SB 123** Data Tracking and Issue Payments for SB 123 Services.

KSC serves as the State's SAC (Statistical Analysis Center). SACs collect, analyze, and disseminate justice data.

Due to the recommended application of the language contained in **SB 123**, the adult inmate prison population projections released this fall must be revised. The initial projections were built using the assumption that the provision of **SB 123** would be applied to any non-violent drug possession conviction (per the requirements of the legislation) that was sentenced on or after November 1, 2003. The provision of **SB 123** are to be applied to the target group of offenders whose offense date is on or after July 1, 2003 and who are sentenced on or after November 1, 2003.

The 2004 revised projected population stands at 9134 up 88 from the initial projection of 9046. The 2005 revised projected population stands at 9111, an increase of 62 from the initial projection of 9049.

The committee meeting adjourned at 2:43 p.m. The next meeting is a tour of the Topeka Correctional Facility on January 22, 2004.