

MINUTES

KANSAS CRIMINAL CODE RECODIFICATION COMMISSION

January 9, 2008
Room 514-S—Statehouse

Members Present

Professor Tom Stacy
Ed Klumpp
Senator David Haley
Senator John Vratil
Representative Paul Davis
Representative Lance Kinzer
Representative Jan Pauls
Judge Christel Marquardt
Professor Michael Kaye
Steve Opat
Kim Parker
Tim Madden
Debra Wilson

Staff Present

Judge John W. White, Reporter
Brett Watson, Staff Attorney
Jill Wolters, Office of the Revisor of Statutes
Jerry Ann Donaldson, Kansas Legislative Research Department
Jason Thompson, Office of the Revisor of Statutes
Carol Toland, Kansas Legislative Research Department

Others Present

Edward F. Britton, Kansas Sentencing Commission
Helen Pedigo, Kansas Sentencing Commission
Scott Schultz, Kansas Sentencing Commission
Michelle Schroeder
Jeff Brandau, Special-Agent-in-Charge, Kansas Bureau of Investigation
Stan Heffley, Kansas Bureau of Investigation
Dwain Worley, Kansas Bureau of Investigation

Morning Session

Judge White called the meeting to order at 9:30 a.m. He explained that there was a problem with minutes from the last meeting. Connie Burns contacted him and explained there was a problem with her audiotapes. Judge White told the Commission that he and Mr. Watson were going to reconstruct the minutes and they could not be approved at the current meeting. He also explained that Mr. Watson would take the minutes for the current meeting.

Judge White called on Professor Kaye of the fundraising committee. Professor Kaye explained that he had set up meetings to work on grant proposals. He explained that the Pew Trust was interested in sentencing and prisoner release issues and proportionality should also be interesting to them. He indicated that a request would be prepared soon. He also indicated that other organizations might be interested in the Commission's work.

Judge White introduced the new member of the Commission, Representative Jan Pauls. He explained that she was to take the place of Judge Solomon, the representative of the Kansas Sentencing Commission (KSC).

Representative Pauls stated she was happy to be on the Commission and that as a member of the KSC Proportionality Subcommittee, she had previously worked with several Commission members. Her work with the Proportionality Subcommittee familiarized her with much of the material before the Commission.

Judge White opened discussion of the report to the Legislature. The report is due February 1, 2008. A rough draft of the report was circulated to Commission members prior to the meeting. Judge White indicated that the report would be finalized at the January 30 meeting. He indicated that after the November meeting, he met with Ms. Donaldson who provided him with some reports that he used as a guide.

Ms. Donaldson explained that the format of Corrections and Juvenile Justice Oversight (CJJO) reports uses a box that highlights proposals at the beginning, then background, committee discussions, and other information is included. Senator Vratil said that the Commission should follow that format because legislators are accustomed to it. Judge White indicated that the draft would be revised to use that format.

Professor Stacy asked if the legislators would want the report to flag what the Commission wanted the Legislature to do during this Session: (a) incorporate the drug code into Chapter 21; (b) adopt the drug policy recommendations; and (c) continue funding for the upcoming year. Senator Vratil indicated that should be done in the report.

Judge Marquardt noted that there was a lot of history in the report, it was well written; but she asked if it was strictly necessary. She asked if it would be better to shorten that section as legislators are familiar with that information. Senator Vratil agreed and stressed that it would be more helpful if the report is as concise as possible.

Judge Marquardt asked if the legislative directive in Section 1 was necessary. She noted that restating the Commission's authorizing statute was unnecessary. Representative Kinzer agreed. Mr. Klumpp suggested a list of bullet points summarizing the Commission's tasks would add clarity and it would be concise.

Senator Vratil said that the report did not need to state that the Revisor's Office is assisting the Commission, on page 3, because legislators will make that assumption.

Representative Davis stated that the draft was good and some legislators will read more if they have a particular interest. He suggested that a cover letter with an executive summary would be good for most legislators. Judge White said that he intended to include an executive summary.

Judge Marquardt asked if the report needed the statutory authority for the appointment of each member. Judge White indicated that he included it to err on the side of overinclusion so as to avoid leaving out necessary information. Representative Kinzer suggested that just listing the members would be sufficient. Representative Pauls stated that she sometimes wonders who appointed a person to a Commission and knowing their background can be helpful. Mr. Klumpp suggested that there be a list of the members and what constituency they represent.

Mr. Klumpp asked if the report contained an executive summary, would that address the concern about the report being too long. He suggested that some people might wonder what came of the work of the "3Rs" Commission since it had been at work for four years. Senator Vratil said that was what Representative Davis was suggesting and the underlying report can be more comprehensive if there is an executive summary.

Representative Pauls stated that she thought Judge Solomon's name should remain on the report since he was present during the 2007 session of the Commission.

Mr. Klumpp said that on page 7, line 19, "September, 2005" should be "2006."

Judge Marquardt said that on page 8, line 29, the word "challenges" should be singular.

Representative Pauls asked if the report stated who was the original chair of the Commission. She asked if Representative Lloyd was the original chair. Judge Marquardt said that Representative Lloyd was the chair of the overall committee; however, Professor Stacy was always the Chair of this Commission and the original recodification subcommittee. Mr. Klumpp said that the first two paragraphs on page 9 addresses this issue.

Professor Stacy stated that the report focused too much on the "3Rs" Commission and not enough on this Commission. He suggested that the report should lead with a discussion of this Commission. Representative Kinzer suggested that the executive summary could emphasize the work of this Commission.

Judge Marquardt stated that on page 13, line 13, after "discussion" there should be a comma.

Mr. Madden stated that the Commission should be bold and state that continued funding is necessary on page 15, line 10. The Commission should also state that there are no definite commitments for further funding from other sources. Judge Marquardt said that the report could state that further funding shall be pursued. Mr. Klumpp suggested that this should be the first statement made on funding.

Mr. Madden stated that the report should emphasize that the Commission keeps the cost down by using donated materials such as office space and staff labor. Professor Kaye reminded the Commission that the Commission used volunteer law students from Washburn. Judge White noted that some material had been drafted by Mr. Watson on the law students.

Mr. Klumpp suggested that the report should emphasize support from the Attorney General's office. He suggested that the current funding was adequate because the Commission got so many things for free. He did not anticipate these accommodations changing in the foreseeable future.

Professor Kaye reminded the Commission that it got free Westlaw access through Washburn law school. He also suggested that the Commission may be looking for a new staff attorney or a paralegal. Mr. Klumpp said that if the Commission got another staff member, it would need additional office space and the Attorney General's office would not be adequate.

Professor Stacy asked if the Commission would alienate the Legislature if it asked for more or less than the amount authorized during the last session. Representative Kinzer stated that \$50,000 more may not be a significant amount overall, but any request will be looked at in terms of what funds are available. Emphasizing what has been spent is important; however, a substantial increase seemed unlikely to him.

Representative Davis asked where the Commission's budget came from. Mr. Klumpp responded that it was part of the Judicial Council budget.

Judge Marquardt asked about the likelihood of a budget cut. Mr. Klumpp said that the Governor's budget indicated the Commission was to receive \$150,000. Representative Davis stated that getting additional funds would be difficult. He noted that there have been problems getting additional money for the Judicial Council in the past. Senator Haley suggested that a request greater than that recommended by the Governor would be difficult.

Mr. Klumpp suggested that the report should reflect the limits that current funding puts on the Commission. He noted that Professor Stacy would like to do some subcommittee work and that increases the necessary funds.

Senator Haley stated that he did not think the funding would get cut, but getting an increase seemed unlikely.

Professor Stacy asked if the report should emphasize that the Commission is asking for funds or should that request be made through the Judicial Council. Representative Kinzer said that since it is already part of the Judicial Council, funding would go through that office. The Commission would need to keep in touch with the Judicial Council about its request.

Professor Kaye noted that there was some talk about getting people from Western Kansas at the Commission meetings. He asked if that would be a good recommendation.

Professor Stacy asked if there was legislative controversy over the funding of the Commission for the upcoming session or the past appropriation. Senator Haley indicated it was from the "3Rs" Commission and he could not predict what will happen in the current session.

Judge Marquardt requested that the report be distributed before the January 30 meeting so members could review it.

Mr. Klumpp noted that at the end of the draft there were internet links. He asked Ms. Donaldson if the minutes of the past meetings were posted online. Ms. Donaldson stated that they were not yet, but they would be by the time the report is published.

The Commission adjourned for a break and returned at 11:30 a.m.

Judge White opened discussion of the drug recommendation memo. On section 1, he noted that without the minutes it was difficult to determine what changes were proposed at the last meeting. Mr. Watson suggested that the term propagation should be removed from the definition of manufacture because it has the same meaning as cultivation and that could lead to a *McAdam* problem.

Judge White reminded the Commission that Section 1 was approved at the last meeting. Ms. Wilson added that at the last meeting the Commission agreed to add a paragraph to the definition that is in the current definition of manufacture. Judge White agreed that the change was discussed at the last meeting and that paragraph would be added in the next draft of the memo.

On section 2, Judge White noted that the Commission approved the recommendation to add a subsection to the non-controlled substance statute allowing dual prosecution for theft by deception.

On section 3, Judge White noted that there was not a quorum at the last meeting and the recommendations had been discussed but not approved. Section 3 contained three proposals, reducing the length of Drug Severity 1 (D1) sentences, increasing D3 sentences to D2, or adopting some kind of quantity based system for grading the severity of drug distribution sentences. Judge White explained that a memo had been prepared by Mr. Watson on the drug quantity issue. He noted that several people in the audience had assisted Mr. Watson with this memo, and introduced them to the Commission: Jeff Brandau, a law enforcement agent with the KBI; and Stan Heffley and Dwain Worley, both chemists with the KBI.

Mr. Brandau addressed the Commission. He said that he met with Mr. Watson and was happy to see many of his suggestions in the memo. The only thing he recommended was changing the levels regarding distribution of marijuana. He said that 100 kilograms of marijuana is a very large amount and that level should be lowered. He noted that marijuana was as grave a problem as meth and it is commonly found in the majority of homes that harbor drug distribution operations. He suggested that the quantity should be measured in pounds and not kilograms.

Professor Stacy stated that Kansas has current drug offenses regarding manufacture and distribution. He said that Mr. Opat had suggested that distribution be divided into two offenses, D2 and D3, and it would never be punished at the D1 level. He asked Mr. Brandau, in that scenario, what should the quantity levels be to draw the line between a D3 and D2 offense. Mr. Brandau indicated that the category marked "Super-high" in the memo, on page 6, would be appropriate. He said that, in the case of marijuana, 30 pounds would be appropriate. He also noted that the levels regarding cultivation were appropriate and 75 plants would be a good cut off point.

Mr. Opat asked where should the break be for a small time dealer versus a big-time dealer for marijuana. Mr. Brandau said anything over a pound. He noted that marijuana varies based on its quality; one pound of low grade marijuana can cost \$600, whereas high quality can cost \$3,700.

Mr. Opat asked if small-time dealers should be treated differently. Mr. Brandau agreed that they should.

Mr. Opat asked why there should be any difference between crack and powder cocaine. Mr. Brandau stated that there should be a difference because of how it is distributed and the effects it has on communities. He noted that there is more violence surrounding the distribution of crack and government should condemn that behavior through harsher sentences.

Mr. Opat asked if crack is easier to distribute. Mr. Brandau said it is easier to conceal and distribute. He noted that it can be concealed in the distributor's mouth or swallowed. It is distributed in lower dollar amounts, usually \$20, which is much lower than powder cocaine.

Mr. Opat asked if there was a difference between crack and powder from a law enforcement perspective. Mr. Brandau said there was.

Professor Stacy noted that the difference proposed in the memo was a disparity of 2 to 1 and the previous federal disparity was 100 to 1. Mr. Brandau said that the two-to-one difference would be reasonable.

Professor Stacy stated that part of the quantity proposal is to make distribution a D1 offense. He asked if that was appropriate or should manufacture be treated as categorically worse. Mr. Brandau said that was a difficult question. He noted that manufacture has other effects on the environment; most of the labs make small amounts; but they do not create the same social harm as the distributors. He stated that the decision was for the Commission, but it would be appropriate to treat distribution as a D1 felony, even though many of those cases would be taken in the federal system.

Judge Marquardt asked how people use crack rocks. Mr. Brandau said they are smoked, and that allows the drug to get into the user's system faster and create an intense high. He also noted that meth can be smoked, injected, eaten, and snorted, and this makes it an attractive drug for users. Senator Haley stated that he authored legislation that would prohibit a distinction between crack and powder. He said that as a former prosecutor, he was sensitive to the problems of crack distribution, but the disparity was unfair to the poor and minorities. He compared such a law to a ban on wine with one penalty for Chianti and a much more severe one for Ripple.

Mr. Brandau said that he thought the government should help alleviate the distribution problem and the punishment should communicate to the distributor that they should not commit the crime. He noted that the punishment under current law is too lenient.

Ms. Wilson asked if it is logical to also divide manufacture by quantity. Mr. Brandau noted that prosecutors seem to make that call themselves through plea bargains. She asked if the Proportionality Subcommittee was considering the same issue. Representative Pauls said it was, and it had heard a presentation from Mr. Klumpp and Mr. Watson on this issue.

Ms. Pedigo indicated that the Proportionality Subcommittee is waiting for the Commission to determine the appropriate quantities.

Judge White asked if quantity grading is new to Kansas, and he noted that it exists in the surrounding states. Mr. Brandau said it is, and it is just something that has not been tried in Kansas yet.

Judge White asked if the KBI has looked at the memo. Mr. Brandau said that Mr. Watson brought it to them in December and he was in support of it.

Mr. Klumpp noted that there was a debate over the issue of drug quality or purity, and the Commission wanted to avoid that. He stated that the Kansas law would be different from the federal system in that there would be no element of purity in the determination of quantity.

Representative Kinzer asked if the sentences would be less or more under the quantity proposal. Mr. Watson explained that they would be more, because there was no proposal to reduce the sentences for distribution below the current D3 level.

Mr. Klumpp stated that the Proportionality Subcommittee is considering a proposal to combine the two sentencing grids and adjust the sentence ranges in several boxes. He explained that such a reform had the advantage of producing more sentencing options.

Ms. Wilson said that with combined grids, culpability issues could be more easily addressed, such as consideration of what level of management a defendant had in a drug distribution organization.

Representative Kinzer said that he liked the idea of an amount based system; however, the disadvantage is that there is unfairness at the cut-off points. He stated that there does not seem to be much of a difference between a defendant who distributes 10 grams of cocaine and 10.1, but the greater amount will draw a greater punishment. Furthermore, he said, four severity levels, as opposed to two, only seem to provide more cut-off points and more potential for unfairness. Representative Kinzer also stated that the quantity levels seemed arbitrary. Mr. Watson stated that he was concerned with this problem when he wrote the memo, but he consulted many sources including other states' laws, the federal sentencing guidelines, local and federal law enforcement, and chemists and pharmacists at the KU School of Pharmacy, to determine the quantity levels. He stated that they would be somewhat arbitrary, but careful thought had gone into trying to have some reason for each level.

Ms. Parker said that some disparity issues can best be handled by departures. She asked if the KBI has statistics on drug crimes. Mr. Brandau said that the KBI had statistics on what it tests, but no general statistics for the state. He said the KBI could not tell the Commission how often a particular drug crime occurs.

Professor Stacy asked Mr. Brandau, if the Commission stays with the existing drug grid or combines the two, how many categories of drug dealers are there. He refined the question by asking Mr. Brandau how many categories he personally used to classify drug dealers he saw in the course of his duties. Mr. Brandau explained that the KBI must decide whether a case is significant before it will become involved, and sometimes it is difficult to prove that a dealer was dealing at the level the KBI initially suspected. Mr. Klumpp said that law enforcement usually has 15 minutes to one hour to catch a dealer with their full supply, because the dealer does not want to be caught with a large amount.

Judge White thanked Mr. Brandau, Mr. Heffley, and Mr. Worley for attending. The meeting was adjourned for a lunch break.

Afternoon Session

Judge White reconvened the meeting at 1:30 p.m. He began discussion of section 3 of the drug memo, and he thanked Mr. Watson for his work drafting the drug quantity memo.

Mr. Opat asked how the recommendations will be submitted to the Legislature. Judge White posed the question to the Commission and asked if the recommendations should be presented to the Legislature during the current session. He suggested that the drug quantity material may not be ready to present by the time the report is due.

Mr. Klumpp said that his vision was an attachment to the report that would contain the policy recommendation materials, even though they may not be ready for final consideration by the January 30 meeting. The attachment would be an example of the Commission's work product.

Professor Stacy said that if the Commission works within the existing drug grid, there is sufficient information to aggravate the distribution crime between a D3 and D2 offense. However, if there is a good chance that the Proportionality Subcommittee might recommend merging the two grids, it would not make much sense to recommend such a change now because it would create a significant amount of new law that would only last a short time, *i.e.*, until the sentencing grids were merged. Judge Marquardt and Mr. Madden agreed that it would be unwise to recommend such a short-term change in the law. Professor Stacy suggested waiting to see the outcome of the Proportionality proposal.

Mr. Klumpp said the Commission should still show that it has made some definite progress on this issue. Judge Marquardt said that she feared if a proposal was made to the Legislature now they might act on it, and it would be better to wait.

Judge White asked the legislators what they expected to see in the report. Senator Vratil said that there were no specific expectations, but the Commission should show that it has made progress to justify continued support. Mr. Klumpp asked if it was a good idea or bad idea to say there are some things that should wait for future revisions. Senator Vratil said that would be fine. Representative Kinzer said he agreed with Professor Stacy, that it would be fine to proceed with a recommendation on quantity if the two grids were to continue, but if merger was likely, then a quantity recommendation would be impracticable. However, he said, if the grids are not changed, then waiting is also a problem because the Legislature is less likely to address the recommendation later. He asked how imminent is the single sentencing grid recommendation.

Representative Pauls said the KSC has not acted on the Proportionality Subcommittee proposal, but it will be discussed later this month. Her impression was that there will be interest in the proposal. She said that KSC members are concerned with some issues such as border boxes and how they are treated, and there is interest in tinkering with the grids.

Mr. Klumpp said that one grid is a good idea and it is more workable in terms of producing an appropriate sentence.

Professor Stacy stated that, on the other hand, merger will require substantial work and the more drastic the proposed change, the lower the chances of legislative acceptance. He said that if the Commission waits to make a quantity recommendation, it may lose the chance to make a good change in the law. He suggested adopting a recommendation that would create two distribution offenses based on quantity, at the D2 and D3 level, and alert the Legislature to the merger proposal of the Proportionality Subcommittee and caution that if the merger proposal is attractive, it should wait on the quantity proposal.

Representative Pauls stated that quantity is an aggravated factor in the current sentencing law, but the quantity proposal would be better because it would be clearer and would produce more determinant sentencing.

Judge White asked if the Commission was ready to propose any legislation. Representative Kinzer said that the Commission should prepare a bill that can be introduced.

Professor Stacy moved to draft a provision that would incorporate the "super high" drug levels contained in the memo to aggravate drug distribution from a D3 to a D2 felony, to not distinguish between crack and powder cocaine, to set the quantity at 30 pounds for aggravating marijuana, and to alert the Legislature to the possible merger issue. The motion was seconded.

Judge Marquardt opposed the motion on the grounds that it was a piecemeal reform.

The yeas were 4, the neas were 4; the motion did not pass.

Mr. Madden said that most of the drug proposals can be addressed by the Legislature relatively quickly, but the quantity issue will take more time. If the Legislature works on this issue now it will be reluctant to combine the grids later. He said that the main accomplishment for this year is for the Commission to justify its continued work.

Ms. Parker asked if the Commission could outline some things where there was consensus and move forward on those issues. Representative Kinzer said that without proposed legislation, the issue would not get much legislative attention.

Judge White said that the Legislature emphasized sentencing issues in the Commission's authorizing statutes, so the Commission should emphasize that it has looked closely at this issue.

Judge Marquardt stated she thinks it is okay to say the Commission is looking at these issues.

Mr. Madden stated that the Commission made significant progress, but a specific bill on drug quantity would not be wise at this point. *He moved to place a recommendation in the report to use drug quantities in the distribution crime but to not make a specific legislative proposal. The motion was seconded.*

Professor Stacy was not in favor of the motion because it was too general.

Judge Marquardt asked if the report could say that specifics would be forthcoming.

Representative Pauls noted that the KSC often adopts a policy and informs the Legislature so that it can prevent contrary legislative action and it informs the Legislature that the issue is being considered. Professor Stacy asked if Mr. Madden would accept this as a friendly amendment to his motion. Mr. Madden agreed. The motion passed unanimously.

Ms. Wilson spoke on the section option under section 3, *i.e.*, reducing the length of D1 sentences. She said that she was in favor of the proposal as there are so many downward departures in that range. *She moved to recommend to the Legislature a decrease in the length of D1 offenses. The motion was seconded and passed.* Representative Kinzer was opposed to the motion.

Mr. Madden moved not to include the third recommendation in section 3, i.e., to, increase D3 distribution offenses to D2 and leave marijuana distribution at D3. The motion was seconded and passed unanimously.

On section 4, Professor Stacy moved to table discussion and not make any recommendation on recidivism at the current time. The motion was seconded and passed unanimously.

Ms. Wilson said that current law makes first-time possession of marijuana a Class A misdemeanor, but the second offense is a felony. She noted that other crimes require at least a third offense before they are aggravated to a felony and she cited domestic battery, shoplifting, and DUI as examples. She proposed to revise the drug code to require a third offense for possession of marijuana for a felony conviction. Judge Marquardt agreed that the proposal made sense, but consideration of the issue should wait until the Commission is ready to consider proportionality. Professor Stacy suggested that the issue could also be addressed by requiring only two convictions for domestic battery and DUI before they become felonies.

On section 5, regarding the proposal to reduce the sentences in the D1 range, Mr. Opat said that no action could be taken on this issue at this point because the Commission did not know what sentencing grid would be used. He also indicated that he was opposed to reducing the length of the D1 sentences.

On section 6, regarding the proposal to treat possession of paraphernalia as an attempted violation of the other drug laws, Judge Marquardt asked if this issue should be a statement of policy as well. Professor Stacy responded that it could be recommended to the Legislature now, as the merger of the two sentencing grids would not affect the proposal.

Ms. Parker stated that it is often difficult to determine what a defendant's intent was when possessing certain items of paraphernalia. She proposed adopting the recommendation but making

no distinction between manufacturing and distribution. Professor Stacy asked what severity level would be used to determine the sentence since the punishment for the crime of attempt was based on the underlying offense.

Ms. Wilson pointed out that, under the recommended change, possession of paraphernalia would be charged as an attempted possession, manufacture, or distribution of a controlled substance.

Professor Stacy said that from the prosecutor's point of view, when it is established that the defendant possessed the paraphernalia with an intent to manufacture, it would be better to charge the defendant with attempted violation of the manufacture statute because the punishment would be greater.

Ms. Parker asked as a practical matter how would you prove the intent. She stated that she saw a problem of defendants arguing that the paraphernalia was possessed for manufacture if the charge was attempted distribution. Mr. Opat said that charges can be filed in the alternative. Mr. Watson said that under current law, possession of paraphernalia can be circumstantial evidence of an intent to commit another crime; for example, possession of scales may indicate intent to distribute, or possession of anhydrous ammonia could indicate intent to manufacture. The only difference under the proposal is that the possession of the paraphernalia itself would not be a crime; it would just be a sufficient act to convict the defendant of attempt.

Mr. Opat moved to adopt the recommendation. The motion was seconded and passed over Ms. Parker's objection. Judge Marquardt abstained.

Judge White opened a discussion on the format of the code. He noted that two different formats had been distributed to the Commission and he asked if there was any preference between them.

Representative Pauls said that it is customary and helpful to have the penalty at the bottom of the statute. She also said that format is better for those who do not have much experience with criminal practice.

Senator Vratil said that it was better to have as concise a code as possible.

Mr. Klumpp said that he liked format B and it was clearer to a layperson.

Senator Vratil moved to give discretion to the reporter to determine the format with clarity as the guiding principle. The motion was seconded and passed.

Judge White stated that there were some changes to the drug code that needed to be approved by the Commission. On section 502, he noted that a new subsection (b) was added to avoid unnecessary repetition of the phrase "unless otherwise authorized by law." *Mr. Klumpp moved to adopt the revision. The motion was seconded and passed unanimously.*

On section 505, Judge White noted that the subsection on analogs was combined into subsection (a). *Judge Marquardt moved to adopt the revision. The motion was seconded and passed unanimously.*

On section 519, Judge White noted that subsection (a)(3) had been revised. *Judge Marquardt moved to adopt the revision. The motion was seconded and passed unanimously.*

On section 520, Judge White noted that it had been revised to refer specifically to the provisions in the relevant bill. *Mr. Klumpp moved to adopt the revision. The motion was seconded and passed unanimously.*

Judge White stated that the next meeting would be in the Court of Appeals courtroom. Senator Vratil said that Friday is a good day for meetings when the Legislature is in session. He also stated that it would be wise to try to have a vote on the report during the lunch hour on January 30 so that the Legislators could be present to vote.

The meeting was adjourned at 3:30.

Prepared by Brett Watson

Approved by Commission on:

January 30, 2008