The Evolution of the Kansas Sentencing Commission

August 3, 2009

Helen Pedigo, Executive Director
Kansas Sentencing Commission
www.kansas.gov/ksc (newsletter)
sentencing@sentencing.ks.gov
785/296-0923
Kansas Sentencing Commission
Duties

• K. S. A. 74-9101 (b)(15) produce official inmate population projections annually on or before six weeks following the date of receipt of the data from the department of corrections.
Brief History

- 1990 KSC Established
- 1992 Sentencing Guidelines Introduced
- 1993 - 1994 Passage, Implementation
- 1994 - Present Monitoring
- 2002 Alternative Sentencing SA Tx Rec
- 2003-2004 Passage, Implementation
- 2006 Reentry Initiatives (KDOC)
- 2007 PV Reduction, GT increase, Prog. Credit Passage, Implementation
- 2009 Recod Recs and Proportionality Recs
## SENTENCING RANGE - NONDRUG OFFENSES

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<tr>
<th>Category →</th>
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**Probation Terms are:**
- 56 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:**
- 24 months for felonies classified in Severity Levels 1-4
- 24 months for felonies classified in Severity Level 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

KSG Desk Reference Manual 2008
Appendix G Page 2
**SENTENCING RANGE - DRUG OFFENSES**

<table>
<thead>
<tr>
<th>Category →</th>
<th>A</th>
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<td>18 17 16</td>
<td>16 15 14</td>
<td>14 13 12</td>
<td>12 11 10</td>
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</table>

**Legend**
- Probation Terms are:
  - 36 months recommended for felonies classified in Severity Levels 1-2
  - 18 months (up to) for felonies classified in Severity Level 3
  - 12 months (up to) for felonies classified in Severity Level 4
- Postrelease Supervision Terms are:
  - 36 months for felonies classified in Severity Levels 1-2
  - 24 months for felonies classified in Severity Level 3
  - 12 months for felonies classified in Severity Level 4
  - 24 months for felonies classified in Severity Levels 1-3
- Postrelease for felonies committed before 4/20/95 are:
  - 24 months for felonies classified in Severity Levels 1-3
  - 12 months for felonies classified in Severity Level 4
- Postrelease for K.S.A. 65-4-180 and 65-4-182 offenses on or after 11/01/03.
Figure 53: Incarceration Sentences
FY 2004 through FY 2008

Admissions

Fiscal Year

- 2004: 5841
- 2005: 5741
- 2006: 5609
- 2007: 4899
- 2008: 4721
Figure 54: Probation Sentences
FY 2004 through FY 2008

Fiscal Year

Sentence Counts:
- 2004: 7208
- 2005: 7776
- 2006: 7847
- 2007: 7747
- 2008: 8120
Figure 55: County Jail Sentences
FY 2004 through FY 2008
Figure 56: Prison Population
Actual and Projected
Kansas Sentencing Commission Duties

- When the commission's projections indicate that the inmate population will exceed available prison capacity within two years of the date of the projection, the commission shall identify and analyze the impact of specific options for (A) reducing the number of prison admissions; or (B) adjusting sentence lengths for specific groups of offenders.
Kansas Sentencing Commission

Duties

• Options for reducing the number of prison admissions shall include, but not be limited to, possible modification of both sentencing grids to include presumptive intermediate dispositions for certain categories of offenders.
Kansas Sentencing Commission

Duties

• Intermediate sanction dispositions shall include, but not be limited to: intensive supervision; short-term jail sentences; halfway houses; community-based work release; electronic monitoring and house arrest; substance abuse treatment; and pre-revocation incarceration.
Kansas Sentencing Commission
Duties

• Intermediate sanction options shall include, but not be limited to, mechanisms to explicitly target offenders that would otherwise be placed in prison.
Kansas Sentencing Commission

Duties

- Analysis of each option shall include an assessment of such options impact on the overall size of the prison population, the effect on public safety and costs.
Kansas Sentencing Commission
Duties

• In preparing the assessment, the commission shall review the experience of other states and shall review available research regarding the effectiveness of such option.
Kansas Sentencing Commission
Duties

• The commission's findings relative to each sentencing policy option shall be presented to the governor and the joint committee on corrections and juvenile justice oversight no later than November 1;
MEMORANDUM

To: Duane Goossen, Secretary, Department of Administration

Attn: Brendan Yorkey

From: Helen Pedigo, Executive Director

Date: January 26, 2009

Re: Fiscal Note on HB 2060, Battery Against A Law Enforcement Officer

CONCLUSION

Impact on prison admissions: The impact of this bill would result in 7 additional prison admissions by the end of FY 2010 and 8 additional prison admissions by the end of FY 2019.

Impact on prison bed needs: The impact of this bill would result in 7 additional prison beds needed by the end of FY 2019 and 11 additional prison beds needed by the end of FY 2019.

Impact on Commission workload: None.

Summary: HB 2060 creates a special rule to change the presumption from probation to prison for the crime of intentional or reckless battery against a law enforcement officer, K.S.A. 21-3413(a)(2), which includes uniformed or properly identified university or campus police, or uniformed or properly identified state, county or city law enforcement officers.

KEY ASSUMPTIONS

- The target population of this bill includes any offender who is convicted of the battery against a law enforcement officer under K.S.A. 21-3413 (a)(2).
- Battery against a law enforcement officer as defined in subsection (a)(2) is a severity level 7, person felony.
- Projected admission to prison for the target offender is assumed to increase by an annual average of 0.5%, which is the same percentage used in relation to the
baseline prison population forecast produced in August 2008 by the Kansas Sentencing Commission.
- The percentage of sentence served in prison for severity level 7 is assumed to be 80%, less jail credit and good time, which is consistent with the projections released in August 2008.
- It is assumed that the effective date is on July 1, 2009.

FINDINGS

- In FY 2008, 10 offenders were convicted of the crime of battery against a law enforcement officer under K.S.A. 21-3413 (a)(2). Of this number,
  - 3 (30%) were sentenced to prison and
  - 7 (70%) were sentenced to probation.
  - The average length of sentence was 23 months.

IMPACT ASSESSMENT

- Current Policy: If the current policy remains unchanged,
  - by FY 2010: there would be 3 prison beds needed and
  - by FY 2019: there would be 5 prison beds needed.

- Impact: If the crime of battery against a law enforcement officer under K.S.A. 21-3413 (a)(2) is a presumptive prison sentence,
  - by FY 2010: there would be 10 prison beds needed and
  - by FY 2019: there would be 16 prison beds needed.

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### Prison Bed Space Impact Assessment

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### SUMMARY

- **Impact on Prison Admissions:** The impact of this bill would result in 7 additional prison admissions by the end of FY 2010 and 8 additional prison admissions by the end of FY 2019.

- **Impact on Prison Beds:** The impact of this bill would result in 7 additional prison beds needed by the end of FY 2010 and 11 additional prison beds needed by the end of FY 2019.

- **Impact on the Workload of the Commission:** This bill would result in no additional workload of the Commission.
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E-Newsletter

KANSAS SENTENCING COMMISSION

June Issue, 2009

Last chance to Register!

SB 123 Update Conference Wichita - June 11

The professional development topic is entitled "Using Team Meetings to the Greatest Advantage".

SB 123 Invoices - To ensure timely payment, all invoices are due by the end of May.

SB 123 Treatment Providers:

Postings to the KSC Website:
- Statute Amendments
- 2009 DRN Order Forms
- Handbooks and Reports
- FY 2009 KSC Annual Report
- SB 123 Other Publications
- Other Publications

2009 Desk Reference Manual (DRM)

Due to budget reductions, a $15 fee will be charged for each manual ordered. Order yours today. A creeper may be printed later this summer from the Sentencing Commission Website. We’ll let you know when it is available.

We apologize for any inconvenience this causes.

ATTN: Law Enforcement

The KSC is the state reporting coordinator for deaths in the process of arrest. These deaths are reported to the U.S. Justice Department Bureau of Justice Statistics twice per year, on reporting periods ending June 30 and December 31. At the end of the June 30 deadline, we’d appreciate your filing the death indicating whether your jurisdiction has incurred any of these types of deaths, and if so, providing the specific sentencing data (in an email).

Thanks for your assistance.

Journal Entry Corner:

Check out our website for additional information www.kansas.gov/ksc.
We welcome your questions. Call us at 785-296-6623.

To remove your name from our mailing list, please click here.

Thank you for subscribing to the Kansas Sentencing Commission E-newsletter.
Sedgwick County imposed the higher percentage of prison sentences (46.5%) than the other three counties, while the highest rate of probation sentences was identified in Shawnee County (59.3%). Wyandotte County imposed the highest rate of Senate Bill 123 drug treatment sentences (9.1%) among the four counties.
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August 4, 2009

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