The Evolution of the Kansas Sentencing Commission

August 3, 2009

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Kansas Sentencing Commission
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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

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	83 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 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

LEGEND
Presumptive Probation
Border Box
Presumptive Imprisonment

SENTENCING RANGE - DRUG 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 + Misd.	1 Misd. 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	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
III	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
IV	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

LEGEND
Presumptive Probation
Border Box
Presumptive Imprisonment

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 except for some K.S.A. 65-4160 and 65-4162 offenses on and after 11/01/03.

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

Figure 53: Incarceration Sentences

FY 2004 through FY 2008

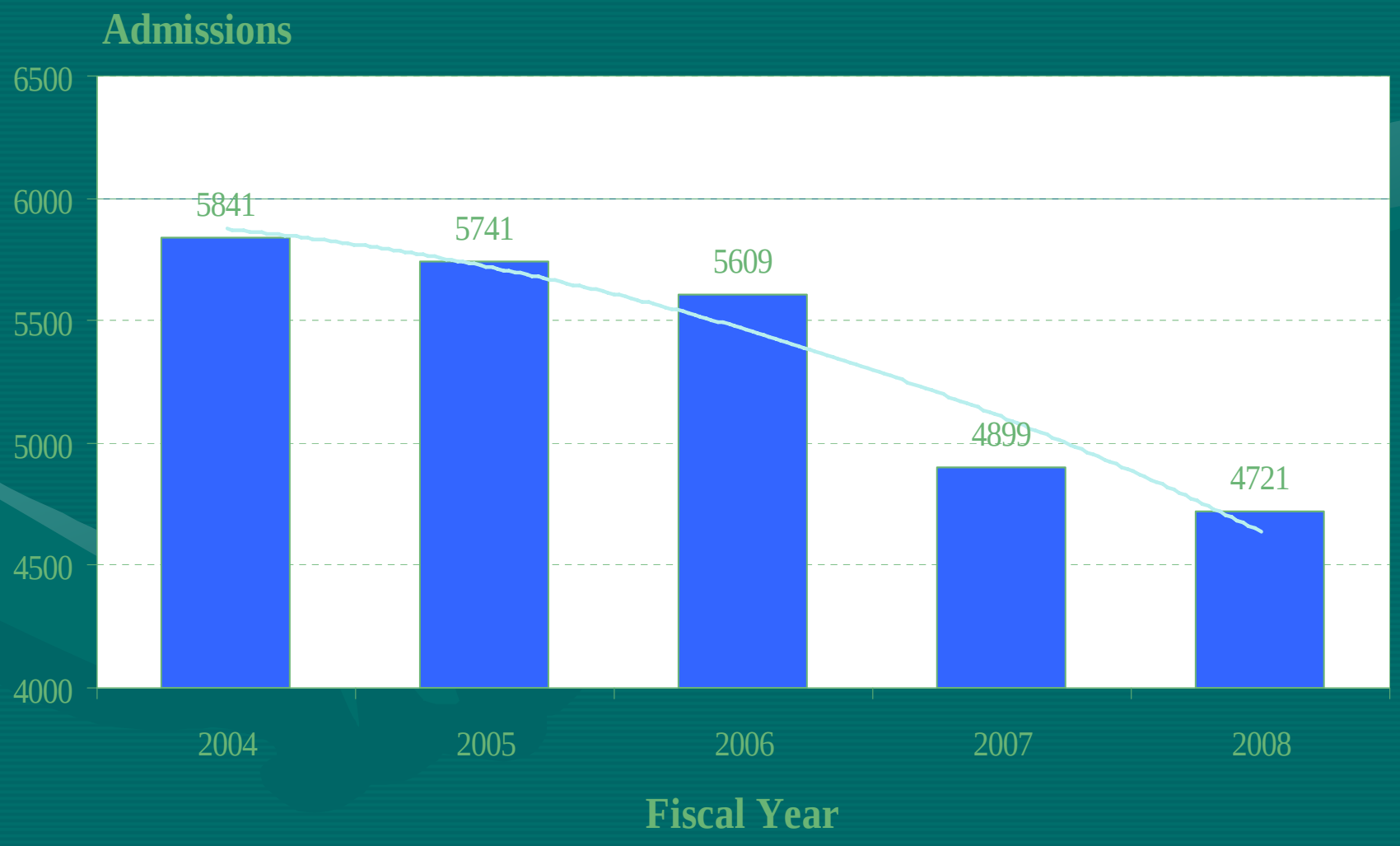


Figure 54: Probation Sentences

FY 2004 through FY 2008

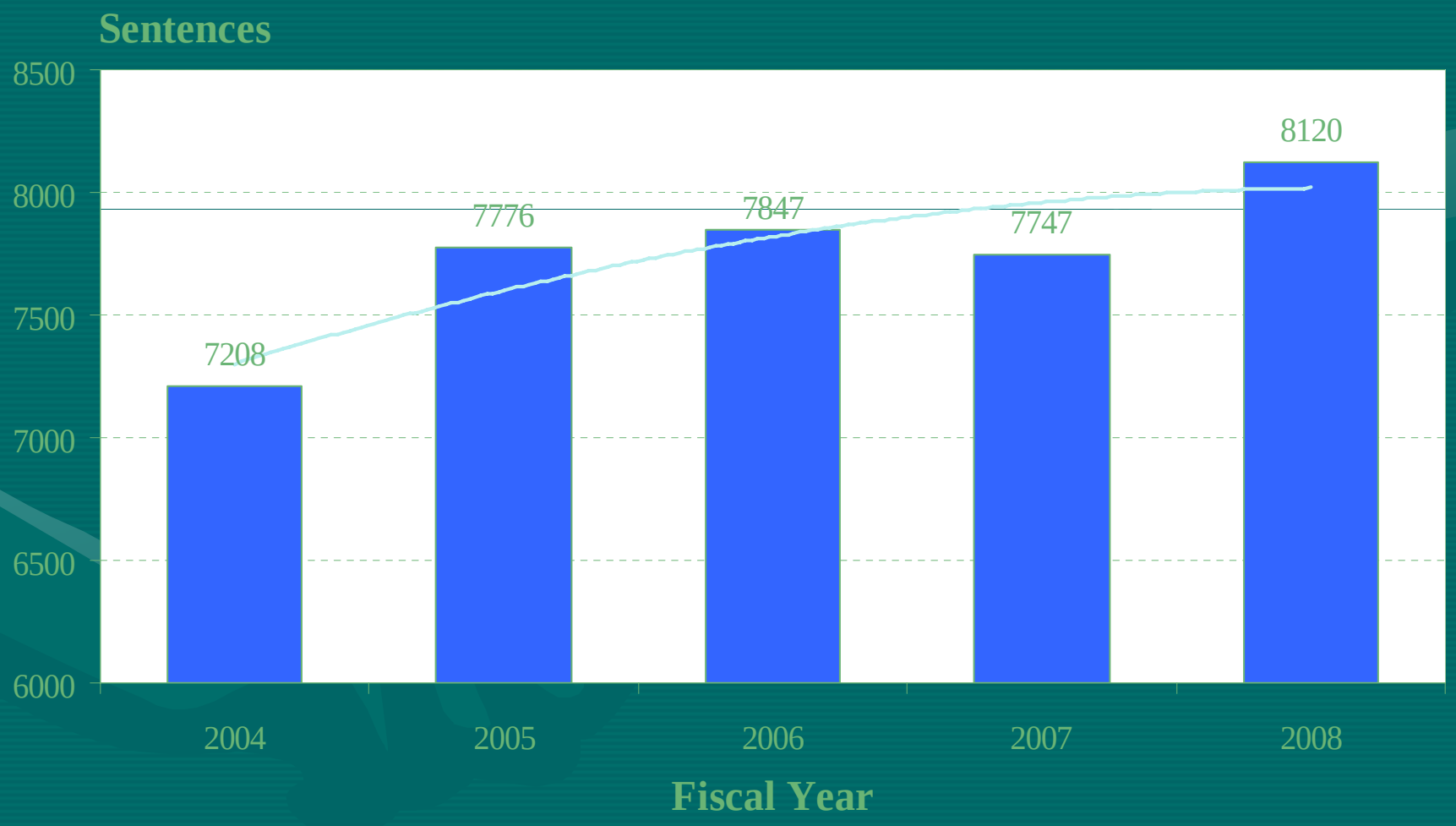


Figure 55: County Jail Sentences

FY 2004 through FY 2008

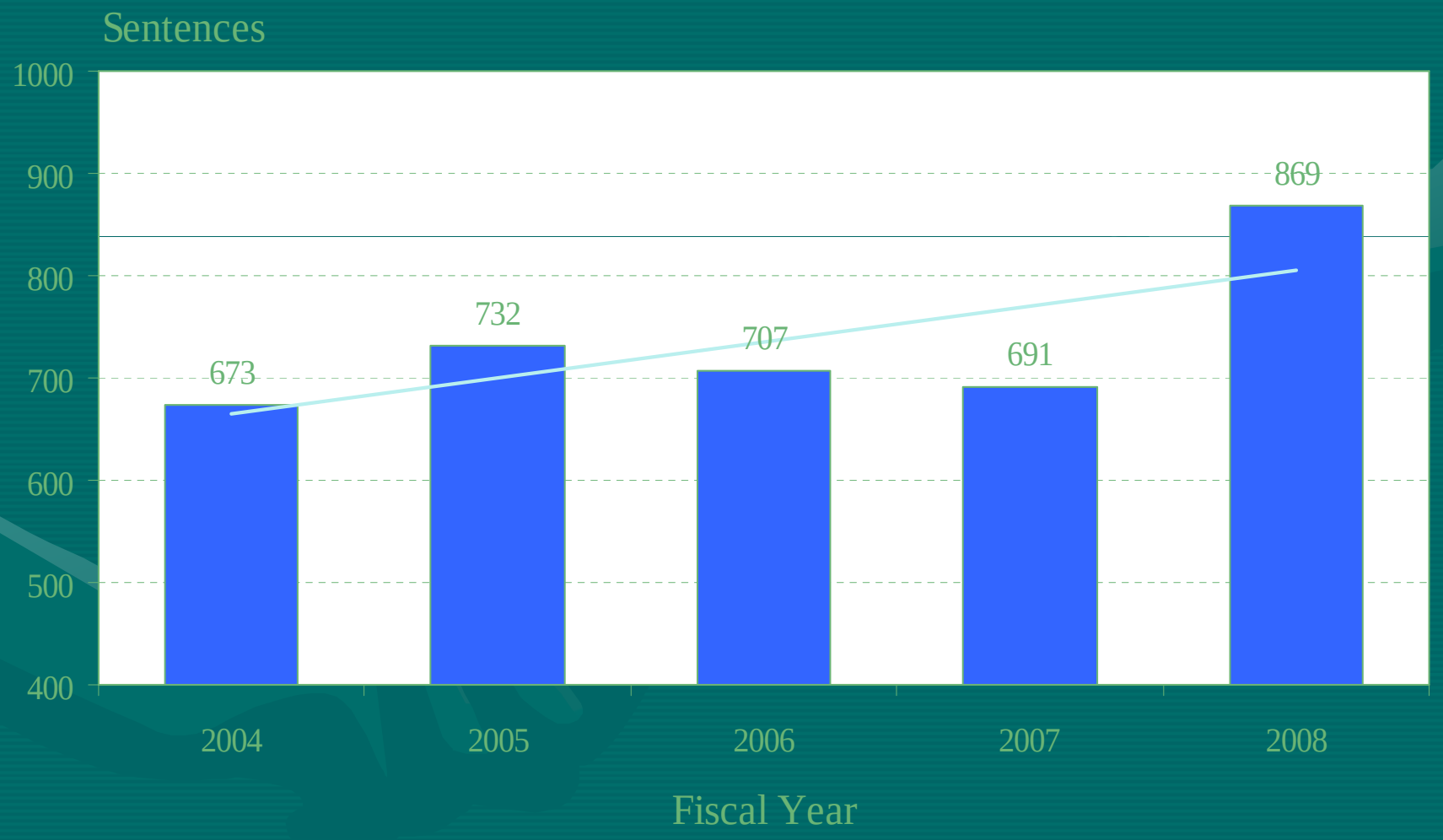
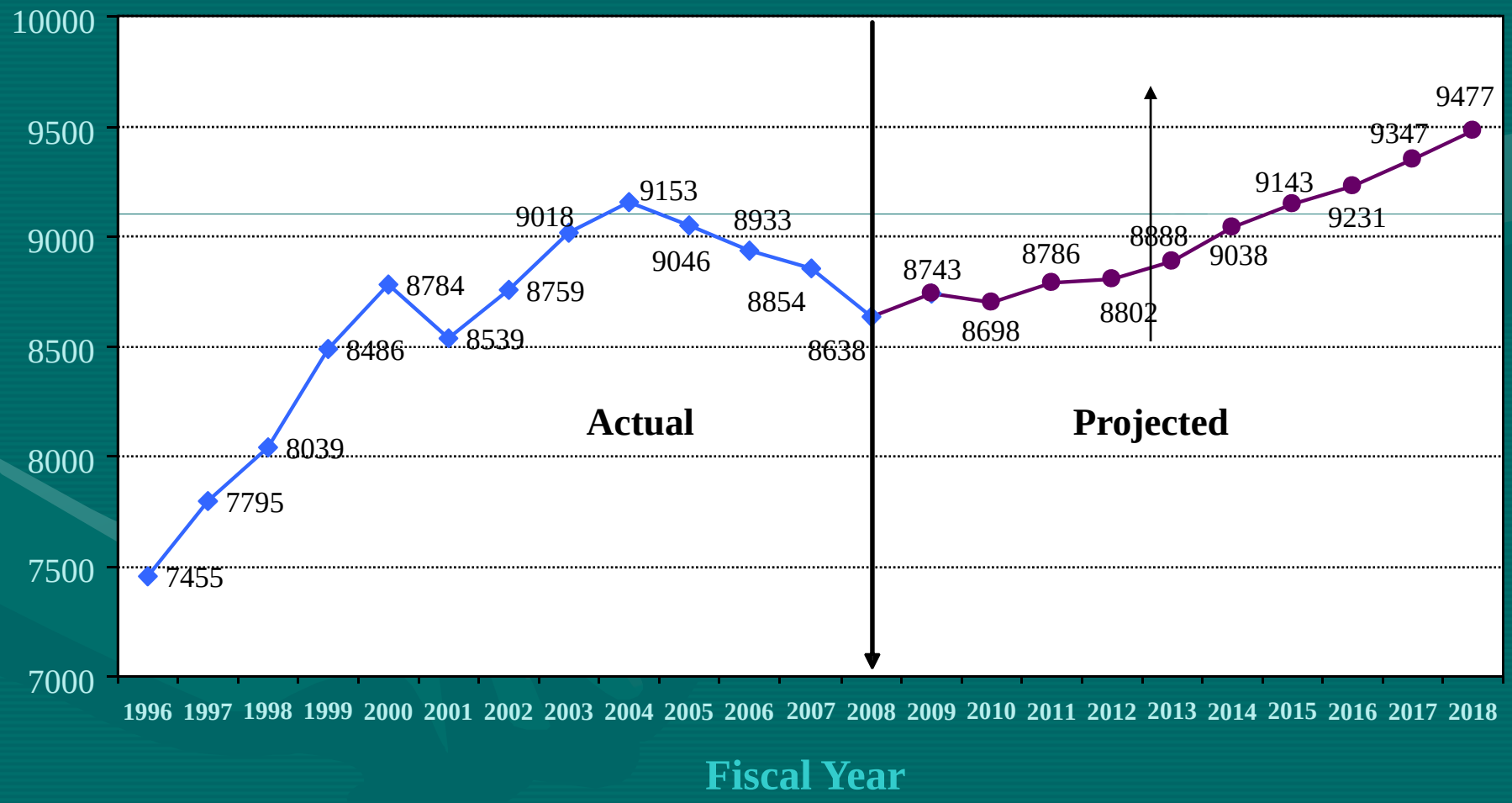


Figure 56: Prison Population Actual and Projected



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;

KANSAS

KANSAS SENTENCING COMMISSION
Honorable Ernest L. Johnson, Chairman
Helen Pedigo, Executive Director

KATHLEEN SEBELIUS, GOVERNOR

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

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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 2010 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.

Prison Admission Impact Assessment

Fiscal Year	Current Policy Prison Admission	If Special Rule Applied Prison Admission	Additional Prison Admission
2010	3	10	7
2011	3	10	7
2012	3	10	7
2013	3	10	7
2014	3	10	7
2015	3	10	7
2016	3	10	7
2017	3	10	7
2018	3	10	7
2019	3	11	8

Prison Bed Space Impact Assessment

Fiscal Year	Current Policy Prison Beds Needed	If Special Rule Applied Prison Beds Needed	Additional Prison Beds
2010	3	10	7
2011	5	15	10
2012	5	15	10
2013	5	16	11
2014	5	15	10
2015	5	15	10
2016	5	16	11
2017	5	16	11
2018	5	15	10
2019	5	16	11

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.

Kansas Sentencing Commission

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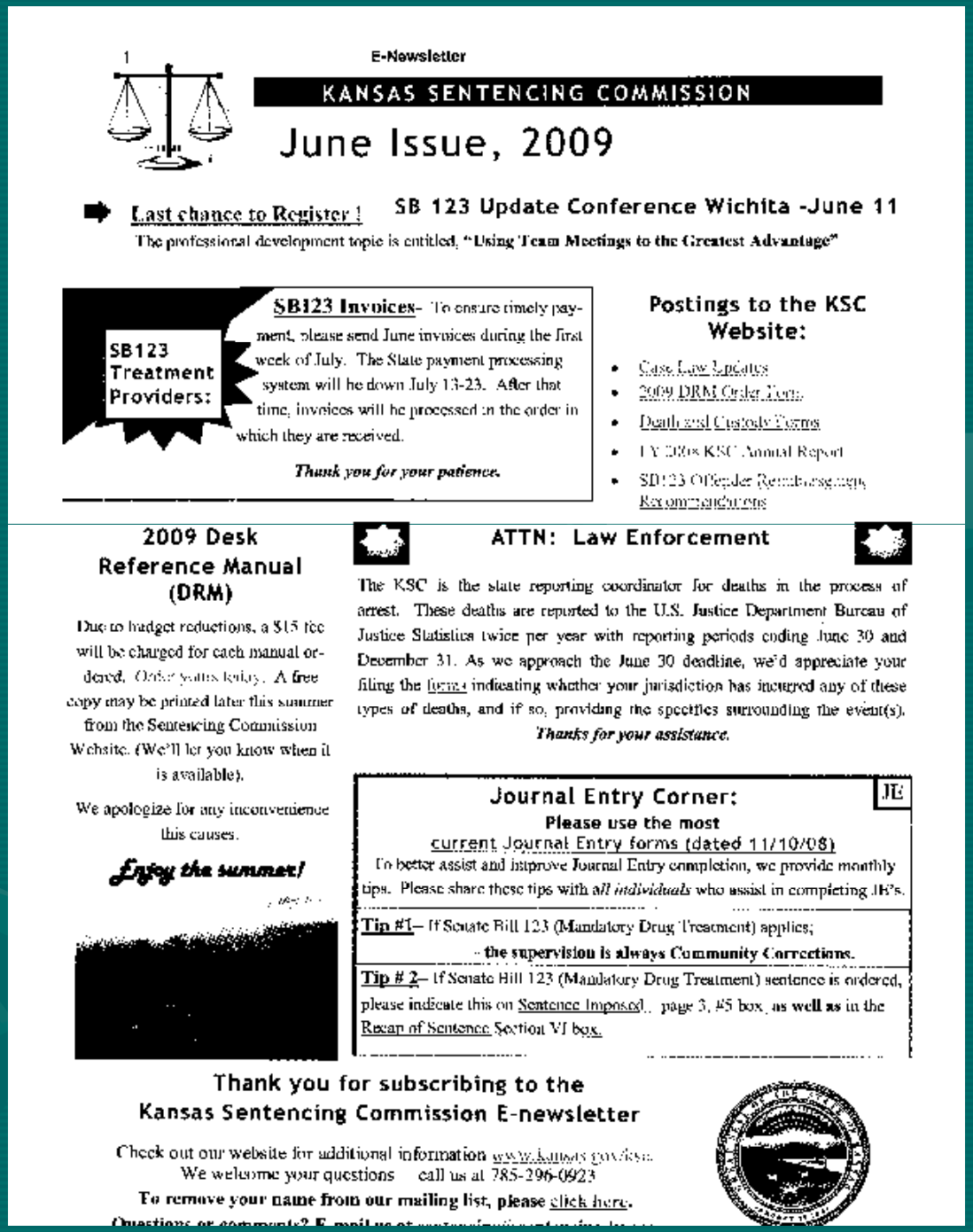

E-Newsletter

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"

SB123 Treatment Providers:

SB123 Invoices– To ensure timely payment, please send June invoices during the first week of July. The State payment processing system will be down July 13-23. After that time, invoices will be processed in the order in which they are received.

Thank you for your patience.

Postings to the KSC Website:

- Case Law Updates
- 2009 DRM Order Form
- Death and Custody Forms
- FY 2008 KSC Annual Report
- SB123 Offender Reimbursement Recommendations

2009 Desk Reference Manual (DRM)

Due to budget reductions, a $15 fee will be charged for each manual ordered. Order yours today. A free copy 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.

Enjoy the summer!

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 with reporting periods ending June 30 and December 31. As we approach the June 30 deadline, we'd appreciate your filing the forms indicating whether your jurisdiction has incurred any of these types of deaths, and if so, providing the specifics surrounding the event(s).

Thanks for your assistance.

Journal Entry Corner: JE

Please use the most current Journal Entry forms (dated 11/10/08)

To better assist and improve Journal Entry completion, we provide monthly tips. Please share these tips with *all individuals* who assist in completing JE's.

Tip #1– If Senate Bill 123 (Mandatory Drug Treatment) applies; – **the supervision is always Community Corrections.**

Tip # 2– If Senate Bill 123 (Mandatory Drug Treatment) sentence is ordered, please indicate this on Sentence Imposed, page 3, #5 box, **as well as** in the Recap of Sentence Section VI box.

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Check out our website for additional information www.kansas.gov/ksc
We welcome your questions call us at 785-296-0923

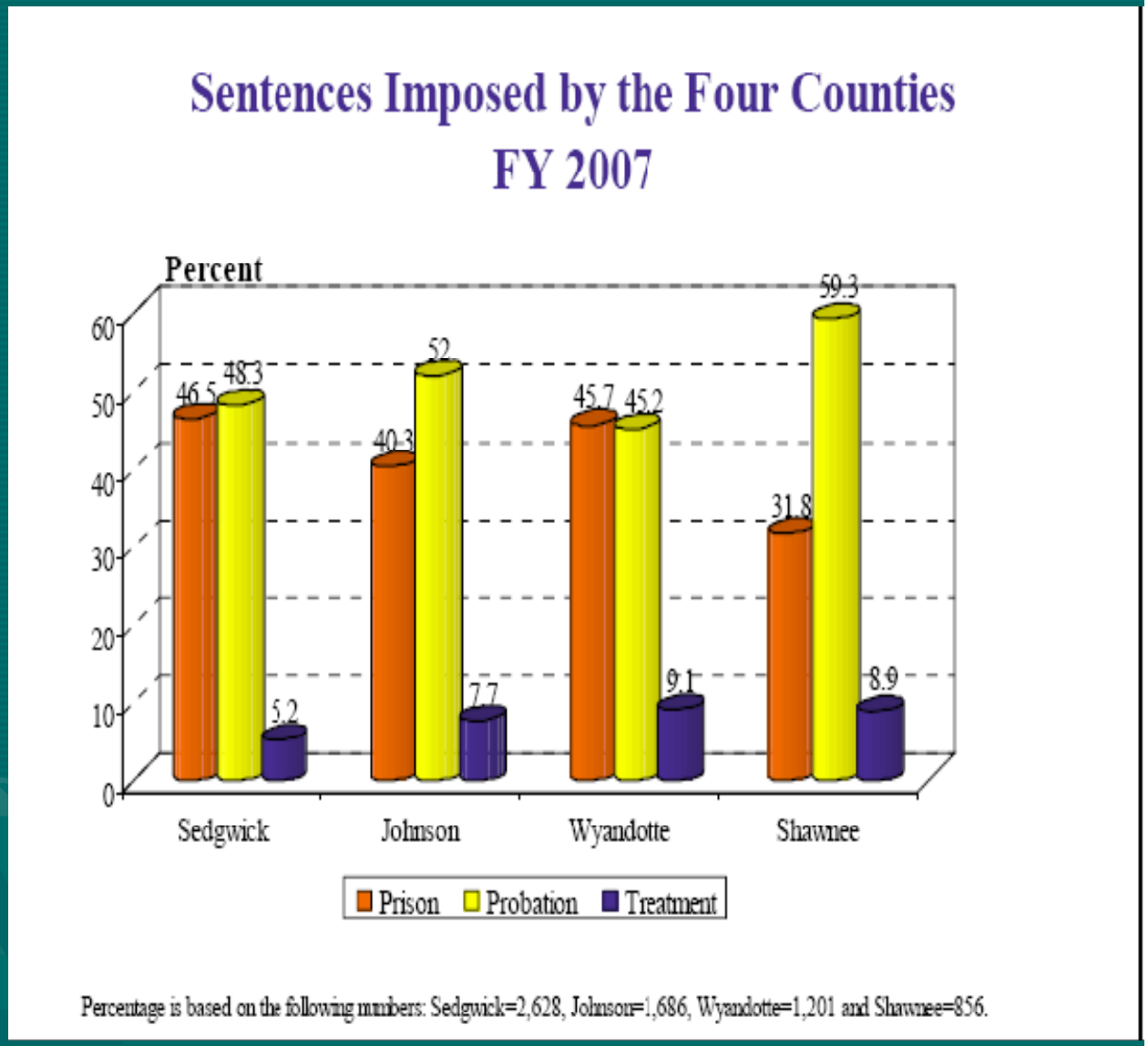
To remove your name from our mailing list, please click here.

KANSAS SENTENCING COMMISSION

FY 2008 ANNUAL REPORT

MARCH 2009

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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