

**Minutes of the Kansas Sentencing Commission Zoom Workshop  
September 15, 2021**

The Honorable W. Lee Fowler, Chair, called the Kansas Sentencing Commission (KSSC) Zoom Workshop to order on September 15 at 9:01 a.m.

**Participants:**

**Members:**

- Honorable W. Lee Fowler, Chair
- Honorable Benjamin J. Sexton, Vice Chair
- Honorable Stephen D. Hill, Kansas Court of Appeals
- Senator David B. Haley
- Representative Dennis “Boog” Highberger
- Representative John Barker
- Senator Carolyn McGinn
- Jonathan Ogletree, Kansas Prisoner Review Board
- Jessica Domme, Kansas Attorney General’s Office
- Spence Koehn, Office of Judicial Administration
- Jefferey Zmuda, Secretary of Corrections
- Mark Dupree, Wyandotte County District Attorney
- Jessica A. Glendening, Third Judicial District Public Defender’s Office
- Pat Colloton, Public Member
- Jermaine Wilson, Public Member
- Shelly Williams, Community Corrections Director

**Guests:**

Honorable Nancy Parrish, Third Judicial District  
Frank Russo, National District Attorneys Association  
Allysa Gambarella, National District Attorneys Association  
Scott Brunner, Kansas Department for Aging & Disability Services  
Patrick Armstrong, Council for State Governments Justice Center  
Chianna Hemken, Kansas Department for Aging and Disability Services  
Lesia Dipman, Larned State Hospital  
Carl Reynolds, Council for State Governments Justice Center  
Jason Thompson, Revisor of Statutes  
Ed Klumpp, KS Association of Chiefs of Police, KS Sheriff’s Association, KS Peace Officers Association  
Marie McNeal, Kansas Department of Corrections  
Natalie Scott, Revisor of Statutes  
Jeff Wagaman, Kearney, and Associates  
Stephanie Duriez, Council for State Governments Justice Center  
Stuart Little, Little Government Relations  
Sherriff Jeff Easter, Sedgwick County

**Staff:**

- Scott M. Schultz, Executive Director
- Brenda Harmon, Administrative Services Manager
- John Grube, Director of Research
- Jason Lamprecht, Research Analyst
- Kira Johnson, SB 123 Program Director
- Trish Beck, Program Auditor
- Grazi Gifford, Administrative Specialist
- Francis Givens, Special Projects Manager
- Melissa Zoesch, Finance Manager

**Approval of Proposed Agenda**

Chair Fowler asked if there were objections or additions to the agenda. The agenda was approved with no modifications.

**Approval of August 26, 2021, KSSC Meeting Minutes**

Chair Fowler referred to the August 26, 2021, minutes. The Honorable Stephen Hill moved to approve the minutes. Jonathan Ogletree seconded the motion. The motion carried and the minutes were approved.

**Deferred Adjudication – A Survey of Existing State Law & Best Practices**

Executive Director Scott Schultz introduced Frank Russo, Director of Government & Legislative Affairs, National District Attorneys Association, and Allyssa Gambarella, Program Director, National District Attorneys Association.

Frank Russo and Allysa Gambarella presented *Deferred Adjudication – A Survey of Existing State Law & Best Practices* and discussed a review of differing statutory approaches to deferred sentences and best practices.

**Overview of the State Hospital Role in Competency**

Executive Director Scott Schultz introduced Scott Brunner, Deputy Secretary of Hospital & Facilities, Kansas Department for Aging & Disability Services; Lesia Dipman, Superintendent, Larned State Hospital; and Chianna Hemken, Administrative Program Director of SSP, Kansas Department for Aging and Disability Services.

Scott Brunner presented *Overview of the State Hospital Role in Competency* and discussed hospital programs, competency evaluations, treatment, the state security program, district court admissions, and obstacles in the process.

**KSSC Educational Outreach Update**

Francis Givens, Special Projects Manager, provided an update on the Educational Outreach training provided since February 26, 2021, and discussed upcoming webinar training.

**SB 123 Update**

Kira Johnson, SB 123 Program Director, provided an update on the SB 123 program and discussed changes, developments, effects of COVID-19, and program expenditures.

## **KSSC Legislative Committee Recommendations & Discussion**

Chair Fowler updated the Commission on the KSSC Legislative Committee's recommendations of the 2022 KSSC legislative proposals. Chair Fowler presented the Committee's recommendation to continue supporting the passage of KSSC's 2021 legislation. The Committee did not recommend new legislative proposals.

Executive Director Scott Schultz referred to the handout *Review & Discussion of Proposed Legislation* and reviewed the status and prison bed space assessments for KSSC's 2021 legislation recommended by the Legislative Committee.

<b>Bill #</b>	<b>Description</b>	<b>Status</b>
<a href="#"><u>HB 2030</u></a>	Extending terminal medical release to inmates in the custody of KDOC with a condition likely to cause death within 120 days	Passed by HCOW and referred to Senate Judiciary.
<a href="#"><u>HB 2031</u></a>	Increasing good time and program credit for certain offenders	Hearing was held by House Corrections & Juvenile Justice Committee.
<a href="#"><u>HB 2147</u></a>	Allowing for early discharge from prison for certain offenders	Hearing was held by House Corrections & Juvenile Justice Committee.
<a href="#"><u>HB 2084</u></a>	Allowing earned discharge and limiting maximum term for probation	No hearing was held by House Corrections & Juvenile Justice Committee.
<a href="#"><u>HB 2092</u></a>	Removing drug offenders from registry and reducing penalty	No hearing was held by House Corrections & Juvenile Justice Committee.
<a href="#"><u>HB 2081</u></a>	Counting prior convictions and concurrent vs. consecutive sentencing	Amended by House Corrections & Juvenile Justice Committee. Passed HCOW & referred to Senate Judiciary.
<a href="#"><u>HB 2139</u></a>	Changing penalties for SL 5 drug crimes	Hearing was held by House Corrections & Juvenile Justice Committee.
<a href="#"><u>HB 2146</u></a>	Increasing presumptive probation boxes on drug grid	Proposing to Reintroduce - Amended by House Corrections & Juvenile Justice Committee & stricken from Calendar by HCOW.
<a href="#"><u>HB 2350</u></a>	Increasing presumptive probation and border boxes on nondrug grid	No hearing was held by House Corrections & Juvenile Justice Committee.
<a href="#"><u>SB 5</u></a>	Aligning felony loss thresholds with theft	Hearing was held by Senate Judiciary.

## **Review & Discussion of Proposed Legislation**

The Commission agreed with no objections to continue supporting the passage of legislation listed above.

Vice-Chair Sexton proposed 2022 legislation be introduced, including the House Committee's amended provisions of HB 2139 and HB 2146. The House Committee amended the bills by redesignating certain presumptive prison grid boxes to probation and amending the sentencing range in drug severity level 5A-5I. There were no objections to the proposal of legislation.

## **Consideration of Future Legislative Proposals**

Commission members expressed interest in deferred adjudication and the offender competency evaluation process as possible 2023 legislative proposals.

Chair Fowler assigned the KSSC Legislative Committee to study the topics and make recommendations to the Commission.

**Adjournment**

Vice-Chair Sexton moved to adjourn. Pat Colloton seconded the motion. The motion carried.

The meeting adjourned at 2:20 p.m.

The next Sentencing Commission meeting will be Thursday, October 21, 2021.