

**Minutes of the Kansas Sentencing Commission Zoom Meeting
May 19, 2022**

The Honorable W. Lee Fowler, Chair, called the Kansas Sentencing Commission (KSSC) Meeting to order on May 19, 2022, at 1:39 pm.

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:

Lorretta Sackey, Council for State Governments Justice Center
Murl Riedel, Kansas Legislative Research Department
Gwyn Harvey, Kansas Department of Corrections
Randal Bowman, Kansas Department of Corrections
Jeff Wagaman, Kearney and Associates
Ed Klumpp, KS Association of Chiefs of Police, KS Sheriff's Association, KS Peace Officers Association

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
- Christopher Lyon, Staff Attorney
- Francis Givens, Special Projects Manager

Approval of Proposed Agenda

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

Approval of March 25, 2022, KSSC Minutes

Chair Fowler referred to the March 25, 2022, KSSC meeting minutes. Jessica Domme moved to approve the minutes. The Honorable Benjamin J. Sexton seconded the motion. The motion carried.

KSSC FY 2021 Annual Report

Jason Lamprecht, Research Analyst, and John Grube, Director of Research, presented the *Kansas Sentencing Commission FY 2021 Annual Report*. An electronic copy of the report may be found at

<https://sentencing.ks.gov/document-center/annual-reports/docs/sentencinglibraries/annual-reports/FY2021Annual-Report>.

2022 Legislative Update

Executive Director Scott Schultz presented the *DUIs to PSIs: A 2022 Legislative Update* reporting the status of the following bills of interest:

- **SB 408** - amends the definition of the crimes of theft and burglary, and provides guidance for the consolidation of supervision into one supervision entity or agency for an offender under the supervision of two or more supervision entities or agencies. It also amends law concerning criminal history calculation and correction of an illegal sentence or clerical error, and transfers provider certification duties for certified drug abuse treatment programs (SB 123 programs) for drug offenders or divertees from the Kansas Department of Corrections to the Kansas Sentencing Commission.
- **HB 2377** - creates and amends law related to operating an aircraft under the influence, driving under the influence (DUI), diversions, and commercial driver's licenses.
- **Senate Sub. for HB 2361** creates law requiring the Kansas Supreme Court to adopt rules for the establishment and operation of specialty court programs within the state. The bill allows the chief judge of a judicial district to establish a specialty court program in accordance with the rules adopted by the Court.
- **SB 483** –increases criminal penalties for theft and criminal damage to property involving remote service units such as automated cash dispensing machines and automated teller machines.
- **Sub for SB 300** –amends definitions in the Kansas Racketeer Influenced and Corrupt Organization Act (Kansas RICO Act). The bill adds to the definition of a "covered person," a person who has engaged in identity theft or

identity fraud. The bill also adds identity theft or identity fraud to the list of crimes for which committing, attempting, or conspiring to commit or soliciting, coercing, or intimidating another person to commit a misdemeanor or felony violation constitutes "racketeering activity" under the Kansas RICO Act.

- **SB 366** – creates a mechanism to seek relief from the Kansas Offender Registration Act (KORA) for certain drug offenders. It also requires KORA registration for certain convictions of breach of privacy and for convictions of internet trading in child pornography.

Electronic Journal Entry Project Update

Executive Director Scott Schultz reported on the progress of the KSSC Electronic Journal Entry Project to add the sentencing journal entries into the Office of Judicial Administration's eFiling system. KSSC is frequently meeting with the vender, Domo Inc., and other stakeholders to complete the project by the December 31, 2022, deadline.

KSSC 2021 HB 2026 Diversion Drug Treatment Program Update

Kira Johnson, SB 123 Program Director, presented an update on the KSSC 2021 HB 2026 Diversion Drug Treatment Program, reporting it has been renamed the Recovery from Addiction Funded Treatment (RAFT) Diversion Program. Ms. Johnson stated a new form was created to obtain offender eligibility information and establish billing eligibility for diversion and presentence assessment for SB 123 offenders. Information relating to the utilization of the new form will be emailed and posted on KSSC's website.

KSSC SB 123 Program Update

Kira Johnson, SB 123 Program Director, provided an update on the SB 123 Drug Treatment Program:

- The program is on track to meet this year's projected budget.
- While there was lower than average utilization at the beginning of the fiscal year, there has been a steady uptick in utilization since February.
- The program continues to see a slight but steady increase in opioid use disorders among offenders in the program (almost 11%, up from 7.5% three years ago).
- With the recent passage of new legislation, the KDOC SB 123 Program Consultant position and responsibilities for the certification of treatment providers will be transferred to KSSC. Gwyn Harvey will be joining the SB 123 team, bringing substantial practical experience and knowledge.

Agency Report

Executive Director Scott Schultz provided an update and summarized recent activities of the agency:

- The KDOC May 2022 Prison Population Letter and the KSSC May 2022 Prison Population Monthly Monitoring Report were reviewed and discussed.
- KSSC anticipates the installation of a new firewall system in the coming months.
- Review of upcoming KSSC educational training projects and webinars provided by Francis Givens, Special Projects Manager.
- Jessica Domme recognized Francis Givens, Special Projects Manager, for providing excellent training.
- KSSC Sentencing Forms Committee Meeting will be held on June 9, 2022.
- John Grube, Director of Research, is developing a survey of plea bargaining to assist with the FY 2023 prison population projections. KSSC FY 2023 Prison Population Consensus Group meetings will soon be scheduled.

- Chris Lyon, KSSC Attorney, will complete the 2022 KSSC Legislative Summary shortly for distribution and will begin working on the 2022 Desk Reference Manual.
- KSSC legislative members were recognized and thanked for their support during the 2022 Legislative Session.

Adjournment

Pat Colloton moved to adjourn. Representative Dennis Highberger seconded the motion. The motion carried. The meeting adjourned at 3:45 pm.

The next Sentencing Commission meeting will be Thursday, June 23, 2022, at 1:30 pm.