



September 2012

Hon. Richard M. Smith, Chair
Hon. Evelyn Z. Wilson, Vice Chair
Scott M. Schultz, Executive Director



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SB 123 Billing Changes!

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Commission Projects Increase in Prison Population

K.S.A. 2011 Supp. 74-9101(b)(15) specifically requires the Kansas Sentencing Commission to annually produce official inmate population projections for the Department of Corrections. The Commission recently approved its annual ten-year prison projections for DOC. As of the end of August, the inmate population was 101.8% of capacity. This represents 103.7% of capacity for males and 90.6% for females. Based upon the current numbers, the Commission has projected that through FY 2022, an increase of 22.6% will be seen in the total inmate population.

Kansas experienced a significant increase in the prison population in FY 2012. This was the third year that prison admissions exceeded prison releases after five consecutive years in which releases exceeded admissions. The prison population in FY 2012 demonstrated the highest level since FY 1996. Compared with that of FY 2011, FY 2012 prison population indicated an increase of 2.1% or 190 inmates. Analyses of FY 2012 prison admissions and releases revealed that the largest admissions in number over releases were found in the group of nondrug severity level 5 followed by offgrid felonies and nondrug severity levels 1, 3, 7 and drug severity level 1.

In reviewing the FY 2013 projection model, the largest increase of over 200 inmates during the ten-year forecast period will fall in the group of offgrid, nondrug severity levels 1, 3, and 5. Nondrug severity levels 4, 7 and drug severity level 3 indicate an increase of inmate population larger than 100 but less than 150 during the ten-year forecast period. The increases in prison population in this model are primarily due to the continuous impact of the policies of 2006 Senate Substitute for House Bill 2576 (Jessica's Law), 2007 House Substitute for Senate Bill 14, 2008 House Bill 2707, 2009 House Bill 2060, 2010 Senate Bill 434 and 2010 House Bill 2435.

As with previous forecasting models, the prison population projections primarily involve the use of two major data variables: the number of offenders admitted to prison and the corresponding length of the sentence imposed. Various secondary data elements, such as good time earnings, revocation rates, and jail time credits are also utilized in projections because they directly impact either admission rates or length of



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stay. Anytime a new policy change is legislated or a court's decision becomes precedent that either targets the admission rates or sentence lengths, there will be a corresponding increase or decrease in prison population levels. Identifying the specific impact of policy change involves the simultaneous incorporation of valid data, accurate assumptions and a realistic implementation.

Overall, the FY 2013 projections indicate that the state's FY 2022 prison population will increase by 2,114 inmates or 22.6% over the current prison population. The total prison population is expected to reach 11,484 inmates by the end of FY 2022. Offgrid and nondrug severity levels 1, 2 and 3 will account for 40.9% of the projected prison population in FY 2022. Nondrug severity levels 4, 5 and 6 will make up 20.5% and nonviolent inmates will consist of 13.8% of the projected prison population in FY 2022. The projected drug inmate prison population will represent 19.4% while parole/post-release supervision condition violators will make up 5.1% of the forecasted prison population in FY 2022. Old law population, not including old law offgrid offenders, will reduce to 40 inmates by FY 2022. The prison population of male and female will increase to 10,544 and 940 inmates respectively by FY 2022. Male inmates will account for 92% while female inmates will consist of 8% of the prison population in FY 2022.

A link to the full report, *FY 2013 Adult Inmate Prison Population Projections* can be found [here](#).

FY 2013 KDOC Inmate Custody Classification Projection Report

The custody classification projection addresses the types of beds that the state needs for the total number of beds projected in the baseline projection. This includes the number of maximum, medium high, medium low, minimum, special management and unclassified beds needed to accommodate the inmate population.

A copy of the full report just released can be found [here](#).

Have you ordered yours?

2011 Kansas Sentencing Guidelines Desk Reference Manual (DRM)

This popular tool is available in a manual or CD. It is also on our [web site](#). [Fill out this order form](#) and send your payment (including tax if applicable) with the form to us. Thank you.



2003 Senate Bill 123
K.S.A. 2011 Supp. 21-6824
(formerly K.S.A. 21-4729)

Provides for community supervision (in lieu of incarceration) and mandatory substance abuse treatment for a defined target population on non-violent adult drug offenders who have been convicted of a drug offense under K.S.A. 2011 Supp 21-5706. (formerly K.S.A. 21-36a06)

GOAL: To provide community intervention and the opportunity for treatment to certain offenders with substance abuse problems in order to address more effectively the revolving door of drug addicts through the state prisons, which should be reserved for serious, violent offenders.

SB123 questions—

Please email Jennifer Dalton,
jenniferd@sentencing.ks.gov
 or call with any questions.

August/September Case Law Updates

- [*State v. Belone*](#) – September 21, 2012 – Douglas – Remanded for new trial, No. 99,176 (Constitutionality)
- [*State v. Williams*](#) – September 21, 2012 – Labette – Affirmed, No. 102,615 (Appeals, Jury Instructions)
- [*State v. Rojas-Marceleno*](#) – September 21, 2012 – Lyon – Affirmed, No. 102,702 (Restitution)
- [*State v. Lundquist*](#) – September 21, 2012 – Johnson – Affirmed, No. 106,480 (Constitutionality)
- [*State v. Breedlove*](#) – September 14, 2012 – Sedgwick – Affirmed, No. 103,350 (Jury Instructions)
- [*State v. Jenkins*](#) – September 7, 2012 – Sedgwick – Affirmed, No. 100,396 (Constitutionality)
- [*State v. Garza*](#) – August 31, 2012 – Grant – Reversed and remanded, No. 102,953 (Appeals)
- [*State v. Astorga*](#) – August 31, 2012 – Leavenworth – Affirmed in part and dismissed, No. 103,083 (Constitutionality, Mandatory Minimums/Hard 40 or 50 Sentencing)
- [*State v. Ross*](#) – August 31, 2012 – Saline – Affirmed, No. 104,581 (Postrelease, Constitutionality)

Senate Bill 123 News

☀ SB123 Billing Changes ☀

Starting January I, 2013 all treatments given to offenders with applicable insurance, private insurance or Medicaid, will have to be billed through the applicable insurance first. If the treatment is not covered by the offender's insurance then the treatment voucher should be forwarded to the Sentencing Commission for payment.

For more information [click here](#).

Treatment Providers: Please remember:

- Send All ASI's to us (KSC).
- In addition to monthly invoicing, the KSC accepts weekly or bi-weekly invoices for faster processing.

Community Corrections:

- If you receive an ASI – please forward it to us (KSC).
- Our office gladly prefers invoices emailed to jenniferd@sentencing.ks.gov, or faxed to **785-296-0927** in care of Jennifer.

A Friendly Reminder- SB 123 Offender Reimbursement- \$300

As it is noted on the PSI, and the JE, (where costs are proposed and ordered)
Please try to collect at least \$300. Thank you for your efforts.





Kansas Sentencing Commission

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Fax: 785-296-0927
E-mail:

office@sentencing.ks.gov



Did you know...

You can E-mail your Journal Entry (JE), Probation Revocation, or PSI forms to us as an alternative to mailing them?

Just like everyone these days, we are always looking for ways to cut costs. Save paper and postage!

E-mail to:
chrisc@sentencing.ks.gov

Journal Entry of Judgment (JE) and PSI News

[Click here](#) to view the

2012 Forms (effective 7/1/2012)

- Journal Entry of Judgment (JE)
- Probation Revocation
- Presentence Investigation (PSI)
- Drug & Nondrug Sentencing Grids

Due to the many **NEW** changes made in the forms– there are **highlighted versions** to show what, where and how things changed.

Offender Registration Requirement K.S.A. 2012 Supp. 22-4902

Under the new Act the court sentencing an offender subject to the Act must not only inform the offender of the registration requirements but also, when that offender is granted some form of probation, see that the initial registration forms are completed.

To get forms - [click here](#)

Attention

When completing JE and PSI's please include the **ENTIRE statute number - including subsections**

Similar offenses are separated by these subsections

Example:

21-5705(a)(1)(c)(1) - [formerly 21-36a05(a)(1)] Drugs; Cultivate, distribute, or possess w/ intent to distribute opiates, cocaine, meth, narcotics and the like.



REGISTRATION REQUIRED!

21-5705(a)(2)(c)(1) - [formerly 21-36a05(a)(2)] Drugs; Cultivate, distribute, or possess w/ intent to distribute marijuana, depressant, stimulants and the like.



NO REGISTRATION required!

Please contact
Carrie Krusor or Chris Chavez
if you have **ANY** questions
(785) 296-0923.

Thank You!

Take a look!

Journal Entry (JE) Friendly Reminders



These will answer many questions...

If you email JEs–
please include the following:



- ▶ JE
- ▶ PSI
- ▶ Date of Birth
- ▶ Criminal History worksheet

We provide
KBI Offender
Registration Forms

Remember...
There are a few misdemeanor offenses that require registration!



Kansas Criminal Justice System Resource Directory

A Message to Entities Referenced in the Kansas Criminal Justice System Resource Directory-

The staff of the Kansas Sentencing Commission hopes the Resource Directory will be a valuable aid to you and your staff. Every effort has been made to ensure complete and accurate information. In order to maintain maximum efficiency of this directory, please keep us apprised of updates by emailing changes to: office@sentencing.ks.gov.

If **your** information in this **Resource Directory** has changed, please use this **revision form** to let us know.

Thank you to those who help us keep your information accurate!

- Please feel free to print your own copy. *

Last revised 9/20/12



Kansas Sentencing Guidelines Desk Reference Manual (DRM)



The Kansas Sentencing Commission Desk Reference Manual ...

provides general instructions for application of the provisions of the Kansas Sentencing Guidelines Act (KSGA) K.S.A. 21-4701 *et seq.* The Manual contains features that we hope will not only inform users of the latest developments in sentencing law 2010, but also help to facilitate more efficient understanding and application of the law.

2011 DRM

Please check to see the **current** rate for **your** city or county - (we have to keep our books balanced too.)

2012 Sales Tax Rates

Thank you!

Mail completed form with your payment.

2010 Desk Reference Manual (DRM) are still available.

To order yours!

(Please send payment with the order form.)

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To remove your name from our mailing list, please [click here](#).
 Questions or comments? E-mail us at sentencing@sentencing.ks.gov
 We welcome your questions – call us at 785-296-0923