

**Minutes of the Kansas Sentencing Commission Meeting
May 25, 2023**

The Honorable W. Lee Fowler, Chair, called the Kansas Sentencing Commission (KSSC) Meeting to order on May 25, 2023, at 1:38 p.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 Stephen Owens
- Senator Carolyn McGinn
- Jonathan Ogletree, Kansas Prisoner Review Board
- Jessica Domme, Kansas Attorney General's Office
- Spence Koehn, Office of Judicial Administration
- Randall Bowman, Department of Corrections Designee
- 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:

Jeff Wagaman, Kearney and Associates
Heather Schochtermeier, Chief Court Services Officer, 20th Judicial District
Christie Koehn, Chief Court Services Officer, 6th Judicial District
Brian Weiser, McPherson County Court Services, 9th Judicial District
Tom Weishaar, Chief Court Services Officer, Leavenworth County
Sandra Flander, Chief Court Services Officer, 18th Judicial District
Gail Antenen, Chief Court Services Officer, 24th Judicial District
Misty Whiteside, Court Services Officer II, 18th Judicial District
Kevin Waring, Chief Court Services Officer, 10th Judicial District
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, Senior Research Analyst
- Kira Johnson, SB 123 Program Director
- Trish Beck, Program Auditor
- Gwyn Harvey, SB 123 Program Consultant
- Grazi Gifford, Administrative Specialist
- Francis Givens, Special Projects Manager
- Kim Sage, Finance Manager
- Chris Lyon, Staff Attorney

Approval of Proposed Agenda

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

Introduction & Welcome New KSSC Member

Chair Fowler introduced and welcomed Representative Stephen Owens as the newest member of the Sentencing Commission, replacing Representative John Barker.

Approval of January 20, 2023, KSSC Minutes

Chair Fowler referred to the January 20, 2023, KSSC Minutes. The Honorable Stephen Hill moved to approve the minutes. Senator David B. Haley seconded the motion. The motion carried, and the minutes were approved.

KSSC FY 2022 Annual Report

Jason Lamprecht, Senior Research Analyst, and John Grube, Director of Research, presented the *Kansas Sentencing Commission FY 2022 Annual Report*. An electronic copy of the report may be found at https://cdn.oits.ks.gov/media/docs/sentencinglibraries/annual-reports/fy2022-annual-report.pdf?sfvrsn=c187d080_3.

2022 Legislative Update

Executive Director Scott Schultz presented the *2023 Legislative Update* reporting the status of the following bills of interest:

- **SB 174** Increasing the criminal penalties for battery of a healthcare provider, adding the placing of controlled substances into pills into the definition of manufacture, increasing the criminal penalties for manufacturing fentanyl and for manufacturing or distributing any controlled substances that are likely to be attractive to minors because of their appearance or packaging, creating a special sentencing rule to make sentences for distributing fentanyl presumptive imprisonment, excluding materials used to detect the presence of fentanyl, ketamine or gamma hydroxybutyric acid from the definition of drug paraphernalia, adding domestic battery and violation of a protection order to the crimes that a person can have the intent to commit when committing burglary or aggravated burglary, increasing criminal penalties for the crime of interference with law enforcement when the violation involves fleeing from a law enforcement officer and authorizing the attorney general to prosecute certain crimes that are part of an alleged course of criminal conduct that occurred in two or more counties.
- **SB 217** Including the conduct of utilizing any electronic tracking system or acquiring tracking information to determine the targeted persons location, movement, or travel patterns in the crime of stalking when done as part of an unlawful course of conduct and authorizing orders to prohibit such conduct under the Kansas family law code, the revised Kansas code for care of children, the protection from abuse act and the protection from stalking, sexual assault or human trafficking act and increasing the time of an initial restraining order and possible extensions issued in a protection from abuse order or protection from stalking, sexual assault or human trafficking order.

- **S Sub for HB 2010** Updating a statutory cross-reference to provide proper jury instruction in cases when a defendant lacks the required mental state to commit a crime; increasing the penalty for certain violations of criminal discharge of a firearm when a person was present in the dwelling, building, structure or motor vehicle at which the offender discharged a firearm; enacting the reduce armed violence act to increase the criminal penalties for certain violations of criminal possession of a weapon by a convicted felon that involve firearms; providing that the service of postrelease supervision period shall not toll except as otherwise provided by law; and allowing certain nondrug offenders to participate in a certified drug abuse treatment program.
- **S Sub for HB 2121** Extending the suspension of statutory speedy trial time limitations and providing that time during the COVID-19 public health emergency shall not be assessed against the state.
- **S Sub for HB 2127** Permitting a prosecution for childhood sexual abuse to be commenced at any time, extending the time to file civil actions against an individual perpetrator or an entity for recovery of damages caused by childhood sexual abuse and providing exceptions in the Kansas Tort Claims Act for claims arising from such abuse.
- **HB 2216** Removing the mandatory term of imprisonment as a penalty for driving with a license that is canceled, suspended, or revoked for failure to pay fines.
- **HB 2269** Amending the Kansas Cigarette and Tobacco Products Act to raise the minimum age to 21 for the sale, purchase, or possession of cigarettes, electronic cigarettes, or tobacco products.
- **HB 2350** Creating the crimes of human smuggling and aggravated human smuggling and providing penalties.

KSSC Educational Outreach Update

Francis Givens, Special Projects Manager, provided an update on the educational outreach training since January 2023 and discussed the upcoming plans to offer two electronic journal entry trainings to the pilot groups in Lyon and Dickinson Counties. Ms. Givens also reviewed the new FAQ feature on the KSSC website that contains common sentencing questions and answers frequently received by KSSC.

Agency Report

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

- May 2023 KDOC Prison Population Letter and KSSC's Monthly Prison Population Monitoring Report.
- During the 2023 Legislative Session, KSSC staff tracked 103 criminal-related bills and completed 132 prison bed space assessments.
- The 2023 Legislative Summary will be available on July 1, 2023.
- Executive Director Scott Schultz reported that the Electronic Journal Entry project is nearly finalized. KSSC has had a great experience working with Domo, Inc. Next month John Grube, Director of Research, and Jason Lamprecht, Senior Research Analyst, will provide Electronic Journal Entry training to Lyon & Dickinson counties, the first pilot jurisdictions.
- The KSSC Forms Committee will meet on June 8, 2023.
- The fiscal year closeout will take place in June. Executive Director Scott Schultz and Kim Sage, Finance Manager, will begin working on the budget to meet the September 15, 2023, deadline.
- The Adult Prison Population Projections Consensus Meetings will be held in July and August.

Adjournment

The meeting adjourned at 3:30 p.m.

The next Sentencing Commission meeting will be Thursday, June 22, 2023.