

**Minutes of the Kansas Sentencing Commission Meeting  
December 15, 2022**

The Honorable W. Lee Fowler, Chair, called the Kansas Sentencing Commission (KSSC) Zoom Meeting to order on December 15, 2022, at 1:30 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 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:**

Randall Bowman, Department of Corrections  
Jennifer Kisela, Council of State Governments Justice Center  
Marie McNeal, Kansas Department of Corrections  
Jason Thompson, Kansas Office of Revisor of Statutes  
Natalie Scott, Kansas Office of Revisor of Statutes  
Raylene Mattocks, Kansas Court Services  
Stuart Little, Little Government Relations  
Robert Mealy, Kearney & Associates, Inc

**Staff:**

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

- Kim Sage, Finance Manager
- Chris Lyon, Staff Attorney

**Approval of Proposed Agenda**

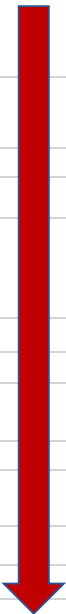
Chair Fowler asked if there were objections or additions to the agenda. The agenda was approved with no modifications.

**Approval of November 17, 2022, KSSC Minutes**

Chair Fowler referred to the November 17, 2022, KSSC minutes. The Honorable Stephen Hill moved to approve the minutes. Jessica Glendening seconded the motion. The motion carried, and the minutes were approved.

**Review and Approve Recommendations of the KSSC Assessment Selection Committee**

Assessment Selection Committee chair, Jessica Domme, discussed the assessment scoring tools and the KSSC Assessment Selection Committee’s recommendations for setting assessment thresholds for the 23rs0122 bill draft. The bill to be introduced by the KSSC would expand SB 123 substance abuse treatment to severity level 7-10 nondrug offenders. The table below was submitted, with thresholds recommended under the heading SB 123+. The Honorable Stephen Hill moved to approve the proposed recommendations. Representative Dennis Highberger seconded the motion. The motion carried.

<b>Probation Placement Criteria DRAFT</b>				
<b>State-Funded Substance Abuse Treatment (RAFT/SB123/SB123+)</b>				
<b>Assessment Scoring Tools</b>	<b>Diversion KSA 21-6825</b>	<b>SB 123 KSA 21-6824</b>	<b>SB 123+ 21-6824</b>	<b>KSA</b>
<b>WRNA</b>	<u>Composite Score</u> mid-range of moderate to high risk (15 and above)	<u>Composite Score</u> medium to high risk (22 and above)	<u>Composite Score</u> medium to high risk (22 and above) <b>and</b> <u>Substance Abuse Scales</u> History - 6 and above <b>or</b> Recent - 4 and above	 <b>Order of Evaluation</b>
<b>LS/CMI</b>	<u>Composite Score</u> mid-range of medium to very high risk (15 and above)	<u>Composite Score</u> high to very high (20 and above)	<u>Composite Score</u> high to very high (20 and above) <b>and</b> <u>Alcohol/drug Problems Sub-scale</u> medium (4 and above)	
<b>SASSI-4</b>	<b>and</b> high	<b>and</b> high	<b>and</b> high	

**Review and Approval of 2023 KSSC Legislative Proposals**

Executive Director Scott Schultz reviewed the 2023 KSSC Legislative Proposals.

- *23rs0122 Bill Draft – Expanding SB 123 Substance Abuse Treatment to Severity Level 7-10 Nondrug Offenders*

Vice Chair Sexton moved to approve 23rs0122 as written. Mark Dupree seconded the motion. The motion carried.

- 23rs0093 Bill Draft - Allowing Earned Discharge and Limiting the Maximum Term for Probation

Jessica Glendening moved to approve 23rs0093 as written. Representative Dennis Highberger seconded the motion. The motion carried. Spence Koehn abstained from voting.

- 2021 HB 2031 - Increasing Good Time and Program Credit for Certain Offenders

At the November 17, 2022, KSSC meeting, the Commission discussed 2021 HB 2031 and requested data on days of good time earned by offenders before taking action. Randall Bowman, Kansas Department of Corrections Executive Director of Public Affairs, presented the average days of good time earned per resident of all releases for FY 2018-FY2022.

Representative Dennis Highberger moved to approve and continue supporting language in 2021 HB 2031 with the following amendments:

- Increase good time credit to 20% from those crimes currently receiving 15% and increase to 25% from those crimes currently receiving 20%;
- delete section 1(b)(2)(D) of the bill referencing person and nonperson good time credit; and
- clarify the bill is to be prospective and not retroactive.

Vice Chair Sexton seconded the motion. The motion carried. Jessica Domme voted no.

- 2018 HB 2603 – Specifying the service of postrelease supervision time shall not toll, except as provided in the Statute governing violations of conditions of release.

Jefferey Zmuda moved to approve proposing new legislation presenting 2018 HB 2603 again for the 2023 session. Jessica Domme seconded the motion. The motion carried.

### Agency Report

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

- December 2022 KDOC Prison Population Letter.
- KSSC's Monthly Prison Population Monitoring Report.
- Joint Committee on Corrections Juvenile Justice Oversight meeting took place November 28-30, 2022. Executive Director Scott Schultz was asked to present information on SB 123 Substance Abuse Treatment Program and identified on a map of Kansas where services are located. Several speakers included KSSC members.
- 2022 DRM and laminates are available.
- Budget items were appealed by the agency and discussed with the Director of the Division of Budget. This included FY 2024 maintenance fees paid to vendor Beacon Health Options for the RAFT Program and vendor Domo, Inc for the eJE project.
- A new legislative member will be appointed to KSSC to replace Representative John Barker.
- The 2023 legislative session will begin January 09, 2023.
- Thanked KSSC members for their work in the past year.
- Vice-Chair Sexton recognized Executive Director Scott Schultz and Kira Johnson, SB 123 Program Director, for the excellent RAFT program article published in the *Kansas Prosecutor* magazine.
- Chair Fowler referred to an article, *Medical Marijuana and Treatment Courts*, published by the National Association of Drug Court Professionals, and requested that it be emailed to KSSC members.

### Adjournment

Representative Dennis Highberger moved to adjourn. Senator David Haley seconded the motion. The motion carried. The meeting adjourned at 2:37 p.m.

The next Sentencing Commission meeting will be Friday, January 20, 2023.