

HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE
Representative Russ Jennings, Chairman

KANSAS SENTENCING COMMISSION
Scott M. Schultz, Executive Director
February 5, 2019

Proponent Testimony – HB 2050

Thank you for the opportunity to present testimony in favor of this legislation on behalf of the Kansas Sentencing Commission. This bill was introduced by the Commission to roll back the 2013 provisions of the Justice Reinvestment Initiative (JRI) insofar as the 120 and 180-day prison sanctions are concerned.

K.S.A. 22-3716 was amended in 2013 as part of the JRI, substantially changing the way post-sentencing procedures were accomplished in the state. At that time, focus was placed on graduated sanctions for offenders on probation that commit technical violations of the terms and conditions of their probation. Evidence at that time was clear that revocations from probation constituted a large percentage (33.7%) of admissions to prison. Institution of the JRI prison sanctions of 120 or 180-days was intended to slow the full revocations to KDOC. The KSSC studied this issue for five years. Unfortunately, approximately three out of four offenders receiving JRI prison sanctions are later revoked, requiring them to serve their original sentence.

The KSSC proposes to repeal this part of the JRI sanctions but maintain the valuable two to three day jail sanctions, commonly known as quick dips, currently available to the court and probation officers. The Commission believes that an additional jail component should be required prior to the offender being eligible to have their probation revoked. This would allow the district court more local control to keep the offender in the local jail. Probation, in some cases, is able to provide services to offenders who are incarcerated in the local jails.

In addition, the bill amends K.S.A. 2018 Supp. 21-6604 in Section 1 and K.S.A. 2018 Supp. 22-3716 in Section 2 to remove language allowing the court to specifically withhold authority from court services or community corrections to impose quick dips pursuant to K.S.A. 22-3716(c)(1)(B). The findings of the Commission revealed that some jurisdictions were withholding authority in every case, thereby working against the original intent of the legislation, which was to provide “swift and certain” short-term jail sanctions to have an immediate effect on offender behavior. Withholding this authority in every case undermines this philosophy because offenders may spend days in jail before their hearing with the court. Language is also added in Section 2 of the bill allowing the court after a two to three-day jail sanction to impose confinement in a county jail not to exceed 60 days prior to revoking probation.

Finally, the bill adds a provision that, “if the court continues or modifies the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction, pursuant to subsection (b) or (c), the court shall authorize an additional 18 days of sanction time in a county jail to be reserved for

sanctions as set forth in subsection (b)(3), (b)(4) or (c)(1).” Current law provides 18 days total of two to three-day quick dips for the entire probation period. The proposed provision allows the court to “reset” the 18-day clock so that after a sanction, an offender may be ordered to serve another 18 days of quick dips, if warranted.

Bed savings is estimated at **148** next fiscal year and **158** in FY 2029, based upon the Commission’s FY 2019 prison population projections. This represents substantial savings due to significant KDOC admission reductions of 1,215 in FY 2020 and 1,389 in FY 2029.

I appreciate your time and attention to the Kansas Sentencing Commission testimony, ask for your support, and would be happy to answer questions. Thank you.