

MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairperson Pat Colloton at 1:30 p.m. on January 29, 2009, in Room 535-N of the Capitol.

All members were present.

Committee staff present:

Jason Thompson, Office of the Revisor of Statutes
Athena Andaya, Kansas Legislative Research Department
Jerry Donaldson, Kansas Legislative Research Department
Jackie Lunn, Committee Assistant

Conferees appearing before the Committee:

Tom Drees, Chairman, Kansas Sentencing Commission's Subcommittee on Proportionality & Ellis County Attorney

Others attending:

See attached list.

Helen Pedigo, Executive Director, Kansas Sentencing Commission

Tom Drees, Chairman, Kansas Sentencing Commission

Chairperson Colloton announced to the Committee would be briefed on the report of the Proportionality Sub-Committee and the first bill regarding recodification and proportionality would be next week.

Chairperson Colloton called for bill introductions and recognized Representative McCray-Miller. Representative McCray-Miller stated she had a bill introduction for a bill regarding sexual abuse. She referred the Committee to a written copy (Attachment 1) and turned the explanation of the bill introduction over to Jason Thompson, Revisor's Office. Mr. Thompson stated the bill was requested by Representative Davis and explained the intent.

Representative Brookens made a motion to move the bill for introduction. Representative Spalding seconded. Motion carried.

Next, Chairperson Colloton recognized Dan Gibb, Attorney General's Office, to request a bill introduction. Mr. Gibb stated he would like to request a bill be introduced regarding the Speedy Trial Act. Mr. Gibb explained the intent of the bill regarding the tolling of the Speedy Trial Act when an appeal by the prosecution is taken.

Representative Dillmore made a motion to move the bill for introduction. Representative Frownfelter seconded. Motion carried.

Chairperson Colloton announced to the Committee that January 30, 2009 is the last day to introduce an individual bill and gave a quick review of the agenda for next week. She then introduced Tom Drees, Ellis County Attorney to give a briefing on the propornality subcommittee report. Mr. Drees provided a written copy entitled *Kansas Sentencing Proportionality Recommendations* (Attachment 2) Mr. Drees stated he is the chairperson of the Kansas Proportionality Subcommittee which was formed in 2007 and began his briefing of their recommendations. He stated the report was initially adopted by the Kansas Sentencing Commission in January 2008. The Kansas Criminal Code Recodification Commission (KCCRC) worked with the Kansas Sentencing Commission to formulate a joint set of recommendations on proportionality issues. This revised report contains the Proportionality Subcommittee's recommendations along with the revisions and additions of the KCCRC. The KCCRC approved these recommendations except for those that are outside the scope of its legislative mandate. As the KCCRC is directed by statute to recodify the criminal code, it decided not to make any recommendations outside of Chapter 21 or the criminal drug provisions of Chapter 65.

CONTINUATION SHEET

Minutes of the House Corrections And Juvenile Justice Committee at 1:30 p.m. on January 29, 2009, in Room 535-N of the Capitol.

Mr. Drees highlighted the following:

- Recommendations concerning the sentencing grid
- Recommendations concerning drug laws
- Recommendations concerning property offenses
- Recommendations concerning repeat domestic battery offenses

Mr. Drees stated the report presents the findings of an analysis which include, but are not limited to, the following suggestions for modification and improvement.

- Merge drug and nondrug grids into one, single sentencing grid.
- Amend the severity levels of some property, drug, domestic violence, and sex offences in order to reemphasize presumptive imprisonment for violent person felonies as well as for repeat and habitual offenders.
- Adopt quantity and actual financial loss thresholds for drug and property offenses to minimize sentence disparity and ensure proportionality.
- Adopt general policy changes which reflect actual practice and appropriate proportional sentences.

Mr. Drees reviewed the proposed merged sentencing grid while addressing questions of the Committee. In closing, he stated the effective date of the bill would be 2010.

Upon the conclusion of the briefing there was a short question and answer session.

Chairperson Colloton stated that the Committee would have a hearing on the remodification of the drug laws bill next week and recognized Jason Thompson, Revisor's Office. Mr. Thompson stated that the Committee needed to withdraw a motion made earlier in the House Corrections and Juvenile Justice Committee meeting on January 16, 2009 to introduce the proportionality bill.

Representative Patton and Representative Kinzer jointly moved to withdraw the motion to introduce the proportionality bill that was made in the Committee meeting of January 16, 2009. Representative Roth seconded. Motion carried.

Chairperson Colloton adjourned the meeting at 2:58 p.m. with the next meeting scheduled February 2, 2009 at 1:30 p.m. in room 535N.