

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on February 1, 2007 in Room 313-S of the Capitol.

All members were present.

Committee staff present:

Jerry Ann Donaldson, Kansas Legislative Research
Athena Andaya, Kansas Legislative Research
Jill Wolters, Office of Revisor of Statutes
Duston Slinkard, Office of Revisor of Statutes
Cindy O'Neal, Committee Assistant

Conferees appearing before the committee:

Helen Pedigo, Executive Director, Kansas Sentencing Commission
Tim Madden, Kansas Department of Corrections
Representative Pat Colloton
Secretary Roger Werholtz, Kansas Department of Corrections
John Trembly & Annie Grevas, Community Corrections in Kansas
Marshall Clement, Council of State Governments
Kyle Smith, Kansas Bureau of Investigation

Helen Pedigo gave a short explanation on how to read the sentencing guideline grids. She then covered adult inmate prison population projections estimating that by 2016 Kansas will have 11,231 male and females in prison. ([Attachment 1](#))

The hearing on **HB 2087 - Kansas sentencing commission assumes the function of the state statistical analysis center**, was opened.

Helen Pedigo appeared in support of the proposed bill which would authorize the Kansas Sentencing Commission to become the state statistical analysis center. This designation is recognized by the Federal Bureau of Justice Statistics and comes with a renewable \$50,000 yearly grant to fund statistical research and reporting.

She opposed any amendment that would require the data be in the form and manner established by the Criminal Justice Coordinating Council. ([Attachment 2](#))

Secretary Roger Werholtz appeared as a proponent of the bill. Explained that the Kansas Sentencing Commission has been responsible for data collection and that the bill is simply technical in nature. The Department of Corrections currently transfers data to the Sentencing Commission so they can do their projections and hopes that the format to do the data transfer would not change. ([Attachment 3](#))

Kyle Smith requested a clarifying amendment as to which authority, the Criminal Justice Coordinating Council (CJCC) or the Kansas Sentencing Commission, determines the "form and manner" in which the data will be collected and shared. He proposed striking "commission" so that the CJCC would have sole authority. ([Attachment 4](#))

The hearing on **HB 2087** was closed.

The hearing on **HB 2230 - program agreements between the secretary of corrections and inmates**, was opened.

Tim Madden appeared as a proponent of the bill. He explained that the bill would repeal the requirement that agreements, regarding what programs that must be completed in order for the inmate to be prepared for release, be entered into between the department and the offender upon the beginning of the service of the sentence in the department's custody. This would apply for only those inmates who are serving an indeterminate or off-grid sentence. ([Attachment 5](#))

The hearing on **HB 2230** was closed.

The hearing on **HB 2232- eliminating department of corrections reimbursement for jury fees**, was opened.

CONTINUATION SHEET

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Tim Madden appeared in support of the proposed bill. He explained that it would repeal the requirement of the department to pay jury fees incurred in a criminal prosecution for a crime that was committed in a correctional facility. ([Attachment 6](#))

The hearing on **HB 2232** was closed.

The hearing on **HB 2233 - authorizing the sale of prison made goods**, was opened.

Tim Madden voiced his support for allowing state employees to purchase prison-made goods. Currently the statute allows for governmental entities and charitable organization to purchase these goods. ([Attachment 7](#))

The hearing on **HB 2233** was closed.

The hearings on **HB 2141 - community corrections revocation reductions grant program & HB 2142 - program credits, for offenders who complete vocational or technical training or substance abuse programs**, was opened.

Representative Colloton appeared before the committee as the sponsor of the proposed bills. The goals of the bills are to reduce the number of revocations of parole and probation, and to avoid or reduce the dollar amount to be spent on future prison construction costs.

HB 2142 provides for a county grant program for training corrections officers on how to tailor programs to fit each parolees needs. While **HB 2142** provides incentives for those who are in prison who are near the completion of their sentence to complete substance abuse treatment, job training, and GED. The competition would result in a reduction of their sentence during their post release supervision. ([Attachment 8](#))

Secretary Roger Werholtz spoke in support of **HB 2141** but expressed that the language needs to be made clear that reduction in revocation rates use evidence based practices and risk reduction techniques as the intended outcome of this enhanced funding and conditions continuation of that funding on the attainment and maintenance of that goal. ([Attachment 9](#))

Secretary Werholtz commented that of all the possible procedures that might reduce incarceration time of an offender's sentence, **HB 2142** directly addresses the offenders' crime producing characteristics. Therefore having program credits being in direct correlation to rewarding actions that address public safety issues. ([Attachment 10](#))

Marshall Clement commented that one out of every five offenders are in the system due to probation revocation. **HB 2141** was modeled after a similar program in Texas. One year after its enactment, revocations are down 15% in the counties which received the grant. He estimated that Kansas would be able to reduce revocations by 20% and therefore would not have to build new prison beds. ([Attachment 11](#))

Mr. Clement commented that many states are increasing "good time credit" and using the savings to provide more programs for inmates, as proposed in **HB 2142**. The amount of total good time credits one can receive are usually capped. He suggested that only programs that can be proven to reduce recidivism, such as vocational and educational programs, should be offered and could reduce recidivism by 12%.

John Trembly & Annie Grevas both spoke in support of **HB 2141** because it will provide the necessary resources to reduce the number of conditional violators by enhancing services, training staff and incorporating evidence based practices that will increase public safety and reduce revocation rates. ([Attachments 12 & 13](#))

The hearings on **HB 2141 & HB 2142** was closed.

Committee minutes from January 9 & 27 were distributed by e-mail. They will stand approved if no changes are requested by February 7, 2007.

The committee meeting adjourned at 5:20 p.m. The next meeting was scheduled for February 5, 2007.