

**Research, Statistical Analysis, and Administration**

**Consequences of Not Funding this Program**

The Sentencing Commission is statutorily mandated to maintain the Kansas Sentencing Guidelines. Monthly, the Commission meets to determine ways to reform efforts in sentencing to be equitable and just. This requires a data-driven approach rather than an anecdotal one. The KSSC serves as the state statistical analysis center for Kansas. State agencies such as KBI, KDOC, OJA provide their data to the KSSC for analysis. The KSSC also collects sentencing data for all felonies committed in the state. This enables stakeholders (governor, legislature, KDOC, and others) to make informed policy decisions based on data and not emotions. Sentencing disparities and disproportional sentencing will occur if not funded.

<b>Statutory Basis</b>		<b>Mandatory vs. Discretionary</b>	<b>MOE/Match Rqt.</b>	<b>Priority Level</b>
Specific	K.S.A. 74-9101 et seq	Mandatory	No	1

**Program Goals**

- A. To develop and maintain a monitoring system that allows for comprehensive evaluation of the sentencing guidelines.
- B. To forecast the state's adult and juvenile offender populations incarcerated in state institutions, and to determine the impact of proposed legislation on the prison population.
- C. To assist in the process of educating and training judges, attorneys, court services officers, state parole officers, correctional officers, law enforcement officials and other criminal justice groups in the understanding and application of sentencing guidelines. To serve as an information resource for the legislature and various state criminal justice agencies.

### Program History

Senate Bill 50, which became law in 1989, established the Kansas Sentencing Commission, and directed the Commission to: "Develop a sentencing guidelines model or grid based on fairness and equity and...provide a mechanism for linking justice and corrections policies. The sentencing guideline model or grid shall establish rational and consistent sentencing standards which reduce sentence disparity, to include, but not be limited to, racial and regional biases which may exist under current sentencing practices." (See L. 1989, Ch. 225, Sec. 1)

After it was fully formed and staffed by November, 1989, the Commission met semi-monthly in Topeka. The Commission decided early on to confine their activities to adult felony sentences. Further, the Commission identified a set of goals to be attained in developing a uniform sentencing guidelines system:

1. To develop a set of guidelines that promote public safety by incarcerating violent offenders;
2. To reduce sentence disparity to ensure the elimination of any racial, geographical or other bias that may exist;
3. To establish sentences that are proportional to the seriousness of the offense and the degree of injury to the victim;
4. To establish a range of easy to understand presumptive sentences that will promote "truth in sentencing";
5. To provide state and local correctional authorities with information to assist with population management options and program coordination;
6. To provide policy makers information that will enhance decisions regarding resource allocations.

The Sentencing Commission considered a wide range of topics relevant to sentencing guidelines, reviewed information from other states' guidelines (primarily Minnesota, Washington, Oregon and California), heard testimony from local and national criminal justice professionals, and visited several correctional facilities. In addition, the Commission conducted a comprehensive study of existing sentencing practices. The study documented a history of racial and geographical bias in sentencing, attributable to a system which, because it directed decision makers to consider socio-economic factors in sentencing, reflected general societal inequities.

The Sentencing Commission submitted its recommendations at the commencement of the 1991 legislative session, as was required under L. 1989, Ch. 225, Sec. 4. The Commission recommended a presumptive sentencing system, represented by sentencing grids for both non-drug and drug offenses, that provides an appropriate sentence for a crime based upon the crime of conviction and the individual's past criminal history. It further recommended that the sentencing court be allowed to depart from the presumptive sentence provided that the court explain on the record the reasons for a departure, and that a decision to depart be subject to appeal. The Commission recommended that statutory enactments and amendments to implement a sentencing guidelines system become effective on July 1, 1992.

Sentencing Commission

**Performance Measures**

<i>Outcome Measures</i>	<i>Goal</i>	<i>FY 2019 Actuals</i>	<i>FY 2020 Actuals</i>	<i>FY 2021 Actuals</i>	<i>FY 2022 Previous Est.</i>	<i>FY 2022 Actuals</i>	<i>FY 2023 Est.</i>	<i>FY 2024 Est.</i>	<i>3- yr. Avg.</i>
1. Maintain an error rate of +/- 5% in the adult prison population projection.	A	1.25%	10.70%	3.80%	1.50%	1.00%	1.50%	1.50%	5.17%
2. Collect and input source data in an accurate, timely, and complete fashion - number of journal entries processed.	A	18,148	14,424	12,998	13,130	14,791	15,086	15,388	14,071
3. Cost to process each journal entry	A	\$18	\$19	\$19	\$19	\$19	\$20	\$20	\$19
<i>Output Measures</i>									
4. Actual prison population - Male	A	9,123	8,404	7,828	7,782	7,729	7,933	8,043	7,987
5. Actual prison population - Female	A	921	783	728	756	720	764	740	744
<i>Additional Measures as Necessary</i>									
6. Number of Bed Space Impact	B	178	142	190		120	150	135	151
7. Educational trainings provided - # of attendees	C	no data	no data	534	534	833	850	850	684

**Funding**

<i>Funding Source</i>	<i>FY 2019 Actuals</i>	<i>FY 2020 Actuals</i>	<i>FY 2021 Actuals</i>	<i>FY 2022 Approved</i>	<i>FY 2022 Actuals</i>	<i>FY 2023 Est.</i>	<i>FY 2024 Est.</i>	<i>3-yr. Avg.</i>
State General Fund	\$ 1,119,874	\$ 1,210,145	\$ 1,108,825	1,464,643	\$ 1,332,441	\$ 1,221,478	\$ 1,284,037	\$ 1,217,137
Non-SGF State Funds	9,005	65,270	70,839	21,195	26,043	147,129	18,100	54,051
Federal Funds	9,969	81,726	39,549	-	13,103	-	-	44,793
<b>Total</b>	<b>\$ 1,138,848</b>	<b>\$ 1,357,141</b>	<b>\$ 1,219,213</b>	<b>\$ 1,485,838</b>	<b>\$ 1,371,587</b>	<b>\$ 1,368,607</b>	<b>\$ 1,302,137</b>	<b>\$ 1,315,980</b>
<b>FTE</b>	<b>14.5</b>	<b>13.8</b>	<b>11.8</b>	<b>14.0</b>	<b>14.0</b>	<b>15.0</b>	<b>15.0</b>	<b>13.2</b>

## SB 123 Substance Abuse Treatment Program

### Consequences of Not Funding this Program

Since 2003, the Kansas Sentencing Commission has administered the SB 123 substance abuse treatment program. This community-based program keeps certain controlled substance offenders in the community for treatment, where it is most effective. The program funds a continuum of care from inpatient to family outpatient treatment. One of the highest costs to taxpayers in the criminal justice system is incarcerating its citizens. SB 123 provides up to 18 months of state-paid treatment to keep offenders in the community and out of prison. Increased incarceration of nonviolent offenders with substance abuse disorders will result in higher costs to the state. According to KDOC's FY 2020 Annual Report, the average annual cost to incarcerate one offender is \$35,040. The SB 123 program provides community-based treatment at substantial cost savings to taxpayers of \$2,943/year/offender.

Statutory Basis	Mandatory vs. Discretionary	MOE/Match Rqt.	Priority Level
Specific K.S.A. 21-6824 (2003 SB 123)	Mandatory	No	1
Specific K.S.A 21-5706 (drug severity level 5 possession)	Mandatory	No	1
Specific K.S.A. 21-5705 (drug severity level 4 distribution)	Mandatory	No	1
Specific K.S.A. 21-6825 (RAFT diversion)	Mandatory	No	1

### Program Goals

- A. Provide substance abuse treatment and supervision within Kansas communities for offenders with substance abuse addictions and improve local communities by reducing recidivism.
- B. Provide a responsive centralized system that brings cohesion to the management of the program and efficient payment policies.
- C. Track financial records of payments through the system and provide analysis and estimates of funding needs.

Sentencing Commission

**Program History**

K.S.A. 21-6824 (commonly referred to as the SB 123 substance abuse treatment program) was created during the 2003 legislative session. Under community corrections supervision, SB 123 provides certified substance abuse treatment for offenders convicted of K.S.A 21-5706 (drug possession) and a limited number of those convicted of K.S.A. 21-5705 (drug severity level 4, small distribution). Those receiving state-paid substance abuse treatment are nonviolent adult offenders with no prior convictions of drug trafficking, drug manufacturing or drug possession with intent to distribute. In 2021, the Recovery from Addiction For Treatment (RAFT) diversion program was passed to allow for drug possession divertees to received state-paid treatment. The Kansas Sentencing Commission administers this and the SB 123 program by providing administration, monitoring, evaluation, payment services, publications, and informational trainings. The KSSC pays a network of 140 certified substance abuse treatment providers to adminster inpatient and outpatient treatment to the offenders after they have been ordered into treatment by district courts.

**Performance Measures**

<i>Outcome Measures</i>	<i>Goal</i>	<i>FY 2019 Actuals</i>	<i>FY 2020 Actuals</i>	<i>FY 2021 Actuals</i>	<i>FY 2022 Previous Est.</i>	<i>FY 2022 Actuals</i>	<i>FY 2023 Est.</i>	<i>FY 2024 Est.</i>	<i>3- yr. Avg.</i>
1. Determine the number of offenders that have been reached by the program.	A	3,314	2,680	2,124	2,947	2,240	3,404	3,575	2,348
2. Process invoices for substance abuse treatment services.	B	23,237	36,055	37,408		38,725	41,052	46,638	37,396
3. Tracking the payments made to certified treatment providers.	C	\$6,456,751	\$6,743,362	\$5,904,953	\$8,434,307	\$6,593,145	\$11,039,172	\$9,200,899	\$6,413,820
<i>Output Measures</i>									
4. Tracking the amount of offender reimbursement the program receives.	C	\$104,228	\$126,146	\$134,203		\$118,344	\$116,463	\$116,463	\$126,231

**Funding**

<i>Funding Source</i>	<i>FY 2019 Actuals</i>	<i>FY 2020 Actuals</i>	<i>FY 2021 Actuals</i>	<i>FY 2022 Approved</i>	<i>FY 2022 Actuals</i>	<i>FY 2023 Est.</i>	<i>FY 2024 Est.</i>	<i>3-yr. Avg.</i>
State General Fund	\$ 6,456,751	\$ 6,743,362	\$5,904,953	\$ 12,575,135	\$ 5,787,015	\$ 11,039,172	\$ 9,200,899	\$ 6,145,110
Non-SGF State Funds	-	-	-					-
Federal Funds	-	-	-					-
<b>Total</b>	<b>\$ 6,456,751</b>	<b>\$ 6,743,362</b>	<b>\$5,904,953</b>	<b>\$ 12,575,135</b>	<b>\$ 5,787,015</b>	<b>\$ 11,039,172</b>	<b>\$ -</b>	<b>\$ 6,145,110</b>
<b>FTE</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>