

## MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairperson Pat Colloton at 1:35 p.m. on January 14, 2009, in Room 535-N of the Capitol.

All members were present except:

Representative Lance Kinzer- excused

Committee staff present:

Jackie Lunn, Administrative Assistant

Athena Andaya, Kansas Legislative Research Department

Jerry Donaldson, Kansas Legislative Research Department

Christina Butler, Kansas Legislative Research Department

Jarod Waltner, Kansas Legislative Research Department

Jason Thompson, Office of the Revisor of Statutes

Sean Ostrow, Legislative Fellow, Office of the Revisor of Statutes

Jill Wolters, Office of the Revisor of Statutes

Conferees appearing before the committee:

Ed Klump, Vice Chair, Kansas Criminal Code Codification Commission

Helen Pedigo, Executive Director, Kansas Sentencing Commission

Others attending:

See attached list.

Chairperson Colloton introduced Ed Klump, Vice Chair, Kansas Criminal Code Codification Commission to request a bill. Mr. Klump stated he was requesting bills for the following:

- Moving drug crimes from Chapter 65 (pharmaceutical laws) to Chapter 21 (criminal code).
- Revising sentencing for crimes except for sex crimes involving children.
- Revising sentencing for sex crimes with children

**Representative Patton moved introduction of the bills. Senator Bethel seconded. Motion carried.**

Chairperson Colloton turned the Committee's attention to a handout entitled *Kansas Sentencing Commission Proportionality Subcommittee Report on Proposed Improvements and Modifications To Kansas Sentencing laws*. ([Attachment 1](#)) She stated it is a great overview of the proportionality changes relating to the sex crimes as well as the others.

Chairperson Colloton introduced Helen Pedigo, Executive Director, Kansas Sentencing Commission to give an overview of drug diversion law and how it works (2003 SB 123). Director Pedigo presented written copy of her power point presentation. ([Attachment 2](#)) She opened with a review of the 2003 SB 123 program with the drug program being a community punishment and drug treatment program for offenders to get treatment up front. The desired impact is to stop the cycle of addiction and the cycle of incarceration. One of the things the SB 123 treatment program does is to restructure the whole felony drug possession and provide a sentence at severity level 4. To qualify for this program the offender must meet the following:

- Felony drug possession
- No prior manufacturing or sale convictions
- Nonperson criminal history or
- Persons criminal history with low level felonies and court finding that public safety will not be jeopardized.

It was noted there is offender reimbursement for this program and also if the offender has insurance reimbursement is collected also. The local community corrections agency collects the offender reimbursement and sends it to the Kansas Sentencing Commission. The amount of payment is determined and set by the local community corrections officer.

The Committee asked that Director Pedigo furnish a list of the local community corrections agencies and the

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amount of offender reimbursement they are collecting for this program because of concerns that the offender reimbursement money is not being collected.

Director Pedigo perceives this to be a successful program and has the data to back it up. They do face challenges in the less populated areas because there are fewer resources including:

- Residential services
- Transportation
- Child care
- Job issues

Some offenders choose to violate conditions because 18 months of treatment with this program is more difficult than serving the underlying prison sentence; but few treatment slots exist in prison.

There are also challenges with the case-management data base because information is ever changing and is being entered by officers, which is not actually their main job and it doesn't always match with journal entry data.

Team concept is important to the program; with case loads and relationships affecting program success.

In closing, Director Pedigo stated successful offenders remain in the community, working, providing stability for their families resulting in fewer social service needs and are paying taxes at a cost per year of \$4,000 versus \$25,000 per prison bed. Probation revocations have been reduced and there have been fewer convictions.

Director Pedigo addressed questions and concerns during her presentation. Due to time restraints, Chairperson Colloton asked the Committee to compile a list of questions for Director Pedigo and she could address those at another time.

The meeting was adjourned at 3:10 p.m. with the next meeting scheduled for January 20, 2009 at 1:30 p.m. in room 535 N.