

Approved: May 08, 2012

(Date)

**MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE  
COMMITTEE**

The meeting was called to order by Chairperson Pat Colloton at 4:00 PM on Tuesday, March 27, 2012 in 144-S of the Capitol.

All members were present except:

Lance Kinzer  
Kay Wolf

Committee staff present:

Jackie Lunn, Committee Assistant  
Lauren Douglass, Legislative Research  
Robert Allison-Gallimore, Legislative Research  
Sean Ostrow, Office of the Revisor of Statutes  
Jason Thompson, Office of the Revisor of Statutes

Conferees appearing before the Committee:

Scott Schultz, Executive Director, Kansas Sentencing Commission

Others in attendance:

See attached list.

Chairperson Colloton opened the hearing on **SB 305–Amending provisions regarding supervision of drug offenders**, and called on Sean Ostrow, Office of the Revisor of Statutes, to explain the bill. Mr. Ostrow stated under current law, offenders who are convicted of certain severity level three and four crimes may receive sentences of presumptive imprisonment. **SB 305** would amend the sentencing drug grid so that offenders who are convicted of certain severity level three crimes could receive optional non-prison sentences, as specified by law. Offenders convicted of certain severity level four crimes would be eligible for sentences of presumptive probation. The bill would also alter the custody placement of offenders based on drug abuse and criminal risk-need assessments. If an offender receives a high-risk drug abuse assessment and a moderate or high-risk criminal risk-need assessment, courts must commit the offender to a drug abuse treatment program. In this case, the offender would be supervised by community corrections. Offenders who receive low-risk drug abuse assessments would be placed on probation, where they would be supervised by community corrections or court services based on criminal risk assessment result.

Chairperson Colloton introduced Scott Schultz to give his testimony as a proponent of the bill. Director Schultz provided written copies of his testimony for the committee and staff,

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Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

## CONTINUATION SHEET

Minutes of the HOUSE CORRECTIONS AND JUVENILE JUSTICE Committee at 4:00 PM on Tuesday, March 27, in 144-S of the Capitol.

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(Attachment 1). Director Schultz stated the Kansas Sentencing Commission (KSCC) is all about accuracy. The recidivism is down due to the success of SB 123 program. They are proposing a modification of the SB 123 program and the KCSCC thinks they can improve on the program. They feel that over supervision can actually increase recidivism and they should move their attentions to the high risk offenders. By doing this the lower risk would not be eligible for treatment unless they seek it out themselves. If they do this it will free up the money so it can be applied to the treatment program for the high risk offenders. He went on to say they would also like to expand the sentencing drug grid so that offenders who are convicted of certain severity level three crimes could receive optional non-prison sentences. Offenders convicted of certain severity level four crimes would be eligible for sentences of presumptive probation.

A lengthy discussion and question and answer session followed.

Chairperson Colloton called on Stuart Little, representing the Kansas Association of Addition Professionals, and ask for his comments on the bill. He stated they have concerns with the bill. They feel that low risk offenders that have been put out to reduce the prison population may need the treatment and supervision or they may reoffend. He went on to say they needed a mechanism to reevaluate at some point if circumstances change while on probation. He advised the Chair he would have an amendment to reevaluate if the probation officer thinks if the offender is abusing again.

The discussion moved to the changes to expand the sentencing drug grid, The Chair called on Ed Klumpp who represents, Kansas Association of Chiefs of Police, the Kansas Sheriffs Association and the Kansas Peace Officers Association, to give their thoughts on the bill. He stated they have concerns with the level 4 to a level 5 and the border boxes. The discussion continued with Kyle Smith, Assistant Attorney General/Deputy Director of the KBI entering saying they save concerns.

Chairperson Colloton called for any others to speak or testify to the bill. There were none, so she closed the hearing and adjourned the meeting at 5:00 PM.