

Approved January 24, 1991
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Senator Wint Winter, Jr. at
Chairperson

10:00 a.m./~~pm~~ on January 15, 1991 in room 313-S of the Capitol.

All members were present except: Senators Feleciano, Gaines and Yost who were excused.
Representative O'Neal who was excused.

Committee staff present:

Mike Heim, Legislative Research Department
Jerry Donaldson, Legislative Research Department
Gordon Self, Office of Revisor of Statutes
Jill Wolters, Office of Revisor or Statutes
Judy Crapser, Secretary to the Committee

Conferees appearing before the committee:

Attorney General Robert T. Stephan
Judge James M. Macnish, Jr., Third Judicial District
Judge Richard B. Walker, Ninth Judicial District
John Burchill, Community Corrections Program Director, Salina
Judge Gary W. Rulon, Kansas Court of Appeals
Paul Morrison, Johnson County District Attorney
Jillian Waesche, Public Defender in Wichita
Shelley Bloomer, Private Defense Counsel, Osborne
Steven J. Davies, Secretary of Corrections
Allen Flowers, Coffeyville Chief of Police
Gary L. Marsh, Chief Court Services Officer, Emporia
Dave Meneley, Topeka Police Department Detective
Carla Stovall, Kansas Parole Board Chairperson

The Committee met jointly with the House Judiciary Committee. Senator Winter, Chairman, opened the meeting by welcoming the Kansas Sentencing Commission (KSC) members and invited them to address the Joint Committee to present their viewpoint on the Commission's recommendation.

Attorney General Robert T. Stephan, KSC Chairman, stated it is important to consider the guidelines as a complete product. The guidelines were designed to address, with greater emphasis, crimes against persons and to aid in the control of prison populations. He concluded that he felt the recommendations offer a good working product and should be adopted.

Judge James M. Macnish, Jr., Third Judicial District, expressed his satisfaction with the recommendations. He stated that they solve the existing problems of sentencing disparity and will make the job of judges less difficult.

Judge Richard B. Walker, Ninth Judicial District, supported the recommendations as a rational, comprehensive and valuable product. He added that the primary purpose of sentencing is for incarceration and punishment and the guidelines offer a more rational overview of the sentencing process that is just and workable.

John Burchill, Community Corrections Program Director, supported the end product as a far better system for rehabilitation than currently in place.

Judge Gary W. Rulon, Kansas Court of Appeals and KSC Vice Chairman, endorsed the final product as an improvement on the appellate process and the best system combining all of the best that is available.

Paul Morrison, Johnson County District Attorney, supported the guidelines as offering some degree of uniformity that is now lacking, and as a management tool for both the Department of Corrections and the Legislature.

Jillian Waesche, Public Defender in Wichita, supported the guidelines as an aid in eliminating the existing system's racial and geographic disparity. She also recognized it as as improving the ability for predicting inmate populations.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
room 313-S, Statehouse, at 10:00 a.m. ~~pm~~ on January 15, 1991.

Shelley Bloomer, Private Defense Counsel in Osborne, gave her full support to the guidelines. She stated her reasons as improved truth in sentencing and incarcerating the violent criminals while releasing the rehabilitative individuals back to the community level where those programs have proven most effective.

Steven J. Davies, Secretary of Corrections, expressed his full support for the recommended guidelines. He added that he supports continuing the Kansas Sentencing Commission as a device for review of the system and examination of proposed changes. He stated his concerns with how 'good time' is dealt with, the anticipated increase in female populations under the guidelines, and dealings in general with the prison population.

Allen Flowers, Coffeyville Chief of Police, supported the recommendations as helping the law enforcement community by determinate sentencing. He also stated his support of continuing the KSC for ongoing review and evaluations.

Gary L. Marsh, Chief Court Services Officer in Emporia, supported the guidelines. He stated that although this is a radical concept, the inmates already view prison as punishment instead of an opportunity for rehabilitation so it makes sense.

Dave Meneley, Topeka Police Department Detective, supported the guidelines as an advocate for increased child abuse sentencing. He also supported the change of emphasis to 'bad time' versus 'good time', and emphasized penalties for crimes against persons.

Carla Stovall, Kansas Parole Board Chairperson, expressed her dissenting opinion of the proposed sentencing guidelines. She stated the Parole Board believes the current system is working well and they will offer specific arguments supporting their position to the members of the committee at a later date.

Responding to questioning from Committee members, several possible amendments were suggested:

1. to allow victim input to the parole board's required conditions for community supervision on release of inmates;
2. providing an implementation manual for use by judges and court services officers;
3. to continue the Kansas Sentencing Commission for on-going review of guidelines and study of proposed changes; and
4. to improve consolidation of criminal justice record keeping, combining court service officers, Department of corrections, office of judicial administration and parole officers.

Chairman Winter expressed the Committee's appreciation to the KSC members for their hard work and dedication to their task. He announced that the KSC staff would meet with the Committee's Revisor staff to determine the time required for drafting of the implementing legislation. Announcements will be forthcoming when hearings are to be scheduled.

The meeting was adjourned at 12:15 p.m.

