MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Dwayne Umbarger at 10:30 A.M. on January 16, 2007, in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Norman Furse, Revisor Emeritus
Jill Wolters, Senior Assistant, Revisor of Statutes
J. G. Scott, Kansas Legislative Research Department
Reagan Cussimanio, Kansas Legislative Research Department
Michael Steiner, Kansas Legislative Research Department
Melinda Gaul, Chief of Staff, Senate Ways & Means
Mary Shaw, Committee Assistant

Conferees appearing before the committee:

Helen Pedigo, Executive Director, Kansas Sentencing Commission Roger Werholtz, Secretary, Kansas Department of Corrections

Others attending:

See attached list.

Chairman Umbarger welcomed Helen Pedigo, Executive Director, Kansas Sentencing Commission, who presented an update on Fiscal Year 2007 Adult Inmate Prison Population Projections (<u>Attachment 1</u>). Ms. Pedigo addressed the present prison population, the admission trends and projections for the next ten years. She noted that the current bed capacity in the Kansas Department of Corrections (KDOC) as of January 1, 2007, is 9,397 beds. Of that number, there are 9,159 beds that are KDOC facility beds and 238 beds are other placements, or beds, available to KDOC. Ms. Pedigo noted that currently KDOC is at 8,933 beds which is below capacity at this point.

In reference to page 16 of her testimony that shows actual and projected in terms of total admissions, Ms. Pedigo noted that KDOC should be at capacity during Fiscal Year 2009. Page 17 of the testimony breaks this information down into Male Prison Beds where KDOC has an 8,649 bed capacity and Ms. Pedigo mentioned that in Fiscal Year 2009 these projections meet capacity. Page 18 breaks this information down into Female Prison Beds where KDOC has a 748 bed capacity and Ms. Pedigo mentioned that these projections should meet capacity during Fiscal Year 2010.

Chairman Umbarger asked that the following handouts be distributed regarding what would have happened if <u>SB 123</u> or <u>SB 323</u> had or had not been passed, which was a question he had asked in the Senate Judiciary Committee:

- Kansas Prison Population Trends, Actual and Projected Prison Population, With or Without Senate Bill 123 (Attachment 2)
- Kansas Prison Population Trends, Actual and Projected Prison Population, With or Without Senate Bill 323 (Attachment 3)

The Chairman noted that it will take commitment and study to provide bed space and there is no way of predicting the reality of the future predictions and emphasized the importance of making good public policy. Senator McGinn requested a definition sheet of the levels listed in Ms. Pedigo's testimony. Chairman Umbarger noted that a joint meeting of the Senate Ways and Means and Senate Judiciary Committees on February 5, 2007, for a presentation by the National Council of State Governments on Corrections, inmate populations, and other programs. The Chairman noted that both committees will meet at their regular times and the joint meeting will follow around 11:45 a.m. that day.

CONTINUATION SHEET

MINUTES OF THE Senate Ways and Means Committee at 10:30 A.M. on January 16, 2007, in Room 123-S of the Capitol.

Chairman Umbarger welcomed Roger Werholtz, Secretary, Kansas Department of Corrections, who also presented an update on Inmate Populations and Projections (<u>Attachment 4</u>) and (<u>Attachment 5</u>). Secretary Werholtz explained that the Kansas Department of Corrections is projected to run out of prison bed capacity before they can actually bring additional beds on-line. He noted that the discussion regarding KDOC bed capacity needs to be this legislative session.

Secretary Werholtz mentioned that what is seen in the Governor's budget is a proposal for bonding authority for the Department up to roughly \$39 million dollars. In reference to the sheet in his written testimony titled, "Housing Expansions Options" Secretary Werholtz explained that the information will correspond with the second proposed project on the chart under General Population - Maximum Security which will be four housing units at El Dorado Correctional Facility that would create 512 maximum security beds. KDOC is proposing to add approximately 500 beds at El Dorado Correctional Facility and move the bulk of the maximum security male inmates at Lansing Correctional Facility and Hutchinson Correctional Facility into those new cell houses. KDOC would not move all of the maximum security prisoners. He noted that plans are to double cell medium security inmates and single cell maximum security inmates. He noted that the old cell houses at Lansing Correctional Facility and Hutchinson Correctional Facility would be too small to double-cell individuals safely.

Secretary Werholtz suggested that some needs will need to be considered, such as expectations from the legislature and KDOC, providing adequate resources and bring in judiciary. Chairman Umbarger and Secretary Werholtz considered bringing together the community corrections directors, local courts, community mental health centers, drug treatment centers, and additional interested parties, come together to address needs such as the revocations, probation violations and other situations.

The meeting adjourned at 11:55 a.m. The next meeting is scheduled for January 17, 2007.

SENATE WAYS AND MEANS COMMITTEE GUEST LIST

Date <u>January</u> 16, 2007

Name	Representing
Dan Murrey	Federico Consulting
ALLAN FOSTER	Post Andit
Son See by	Lumbace Fire
Julio Manual	200
Tall the	DOB
Tara osen	334
Hearl Morgan	55A
Rund Sonnya	Luday And Assac.
Mantall	LGR
A Dunn	CSG
MARK ROPANYOK	CAPITOL SPATERIES
Stuar Little	Little Govt. Relations
Charles Simmons	KDOC
Dennis Williams	KDOC
MIKE GAITO	KDOU
THILIP A. HURLEY	FATRICK I HORLEY \$60
Helen Pedigo	K. Satercing Commission
Natalie Gibson	KS Sutencing Commission
	/

KATHLEEN SEBELIUS, GOVERNORS

KANSAS SENTENCING COMMISSION

Honorable Ernest L. Johnson, Chairman Attorney General Paul Morrison, Vice Chairman Helen Pedigo, Executive Director

SENATE WAY AND MEANS COMMITTEE

TESTIMONY

FISCAL YEAR 2007

ADULT INMATE PRISON POPULATION PROJECTIONS

by

Helen Pedigo, Executive Director

700 SW Jackson Street, Suite 501, Topeka, KS 66603 -3714

Voice: 785-296-0923

Fax: 785-296-0927

Email: helenp@sentencing.ks.gov

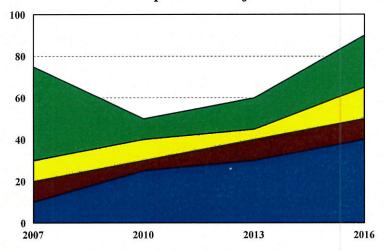
Tuesday, January 16, 2007

http://www.kansas.gov/ksc/SiteMap.htm

KANSAS SENTENCING COMMISSION

Fiscal Year 2007 Adult Inmate Prison Population Projections

Prison Population Projections



August 24, 2006

GUIDELINE NEW COMMITMENT ADMISSION CHARACTERISTICS - FISCAL YEAR 2006

ID GROUP	NUMBER ADMITTED	PERCENT ADMITTED	AVERAGE SENTENCE (MONTHS)	JAIL CREDIT (DAYS)	CONDITION PROBATION VIOLATORS (%)	PROBATION VIOLATORS W/NEW SENT (%)
D1	145	3.8%	69.0	182.2	36.6	2.1
D2	50	1.3%	61.8	154.0	34.0	2.0
D3	310	8.2%	29.3	152.7	46.1	4.2
D4	657	17.3%	19.8	135.0	71.5	2.7
N1	76	2.0%	245.6	328.8	5.3	3.9
N2	36	1.0%	186.5	187.4	2.8	2.8
N3	227	6.0%	90.1	229.1	9.7	4.0
N4	64	1.7%	65.4	173.0	9.4	N/A
N5	309	8.2%	50.6	198.5	29.4	2.9
N6	77	2.0%	36.5	197.4	35.1	3.9
N7	611	16.1%	26.2	189.8	63.2	7.7
N8	345	9.1%	17.0	156.1	71.3	4.9
N9	650	17.2%	11.6	131.1	67.1	2.6
N10	184	4.9%	8.3	106.7	70.1	N/A
OFF GRID	29	0.8%			N/A	N/A
TOTAL NEW LAW	3770	99.5%	68.1	164.2	54.1	3.8
TOTAL OLD LAW	7	0.2%				
MISSING/ NONGRID	13	0.3%				
TOTAL ADMITS	3790	100.0%				

PRISON POPULATION CHARACTERISTICS JUNE 30, 2006

ID GROUP	PRE-GU	IDELINE	GUIDI	ELINE	TOTAL		
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	
D1	0	0.0%	572	6.4%	572	6.4%	
D2	1	0.0%	239	2.7%	240	2.7%	
D3	0	0.0%	475	5.3%	475	5.3%	
D4	0	0.0%	638	7.1%	638	7.1%	
N1	166	1.9%	596	6.7%	762	8.5%	
N2	109	1.2%	317	3.5%	426	4.8%	
N3	86	1.0%	1202	13.5%	1288	14.4%	
N4	8	0.1%	252	2.8%	260	2.9%	
N5	18	0.2%	996	11.2%	1014	11.4%	
N6	0	0.0%	148	1.7%	148	1.7%	
N7	2	0.0%	840	9.4%	842	9.4%	
N8	0	0.0%	233	2.6%	233	2.6%	
N9	0	0.0%	267	3.0%	267	3.0%	
N10	0	0.0%	43	0.5%	43	0.5%	
OFFGRID	276	3.1%	238	2.7%	514	5.8%	
PAROLE CONDITIONAL VIOLATORS	420	4.7%	317	3.5%	737	8.3%	
AGGREGATE SENTENCE	456	5.1%	0	0.0%	456	5.1%	
SUBTOTAL	1542	17.3%	7373	82.5%	8915	99.8%	
MISSING/NONGRID					18	0.2%	
TOTAL					8933	100.0%	

Source: DOC prison population file.

COMPARISON OF GUIDELINE NEW COMMITMENTS BY SEVERITY LEVEL ADMISSIONS AND AVERAGE LENGTH OF SENTENCE (LOS) FY 2002 THROUGH FY 2006

	FY 2	002	FY 2	003	FY2	004	FY2	005	FY2006		
Severity Level	Admission Number	LOS in Month									
D1	209	91.1	176	92.2	196	67.5	140	53.4	145	69.0	
D2	110	53.1	106	51.5	80	51.9	41	53.8	50	61.8	
D3	265	26.8	252	28.1	276	28.8	263	28.5	310	29.3	
D4	451	20.0	576	22.8	505	19.6	579	21.1	657	19.8	
N1	61	245.7	77	247.9	81	250.1	58	226.7	76	245.6	
N2	37	178.8	33	142.4	20	152.4	27	170.7	36	186.5	
N3	239	91.2	202	84.7	208	89.3	210	99.5	227	90.1	
N4	74	66.5	59	68.8	61	59.7	58	68.7	64	65.4	
N5	287	51.6	308	51.4	243	54.5	256	54.4	306	50.6	
N6	69	35.0	69	34.5	71	29.8	62	33.7	77	36.5	
N7	550	24.0	519	24.5	517	26.3	584	27.3	611	26.2	
N8	261	16.0	281	17.4	336	16.9	332	16.1	345	17.0	
N9	547	11.1	472	11.5	508	11.3	548	11.7	650	11.6	
N10	166	7.4	158	7.3	215	8.3	190	7.9	184	8.3	
Total	3326		3288	10 2 10 4	3317		3348		3741		

Source: DOC admission file.

Note: Guideline new commitment admissions include new court commitments, probation violators and probation violators with new sentence.

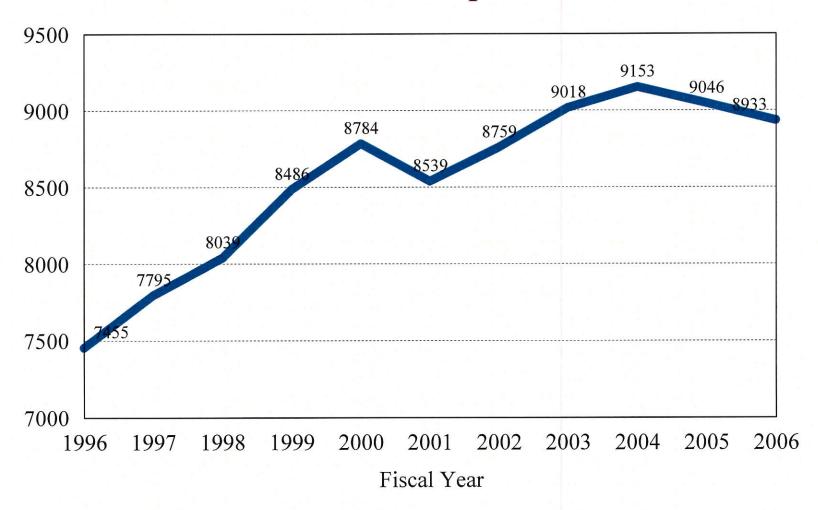
COMPARATIVE ANALYSIS OF CONDITION PAROLE/POST RELEASE SUPERVISION VIOLATORS BETWEEN FY 2005 AND FY 2006

Law		Admission	Number		Average Length of Stay in Month						
	FY 2005	FY 2006	# Change	% Change	FY 2005	FY 2006	LOS Change	% Change			
Both/Agg	55	33	-23	-41.1%	20.8	25.2	4.4	21.2%			
Guideline	1748	1360	-388	-22.2%	3.5	4.0	0.5	14.3%			
Pre-guideline	334	248	-86	-25.7%	19.0	19.8	0.8	4.2%			
Total	2137	1641	-497	-23.2%							

Source: DOC admission and release files.

KANSAS PRISON POPULATION TRENDS

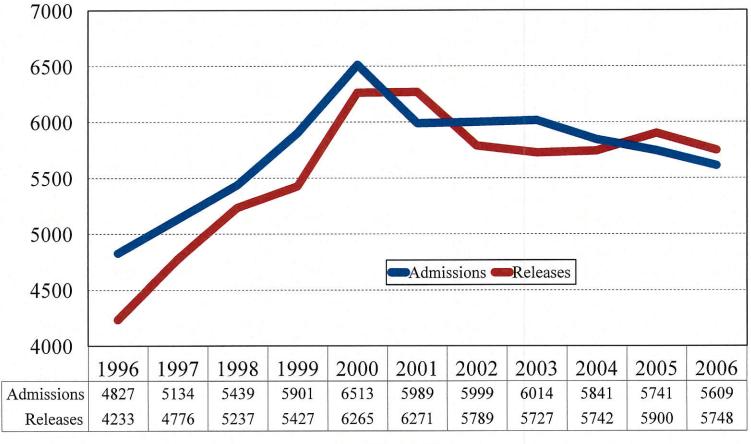
Total Prison Population



Source: KDOC prison population files

KANSAS PRISON POPULATION TRENDS

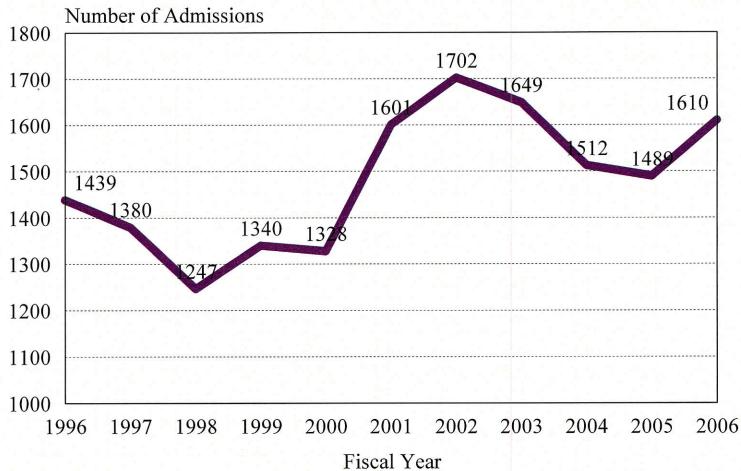
Admissions and Releases



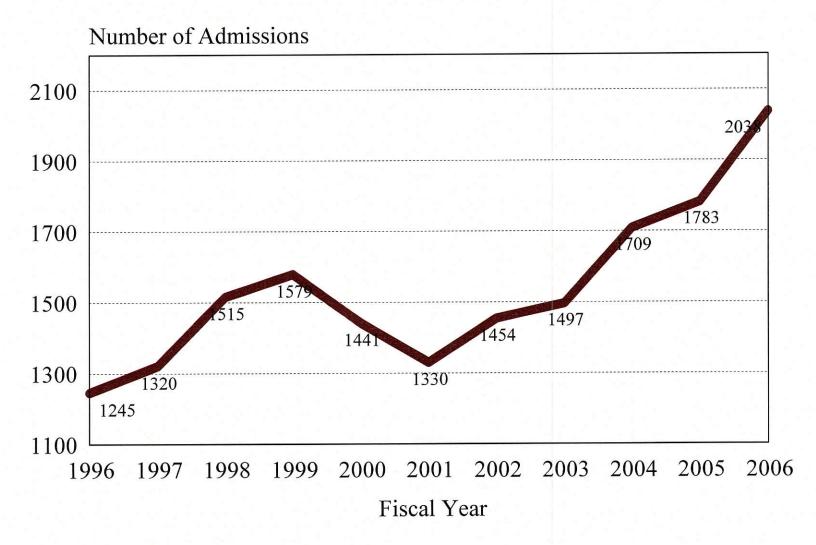
Fiscal Year

Source: KDOC admission and release files

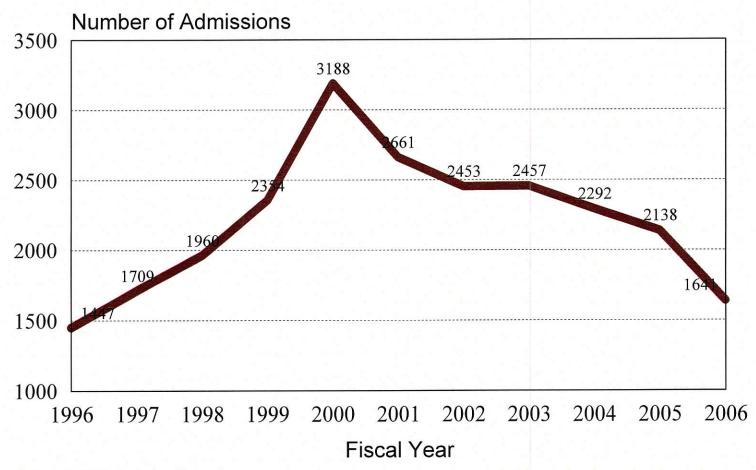
New Court Commitments



Probation Condition Violators



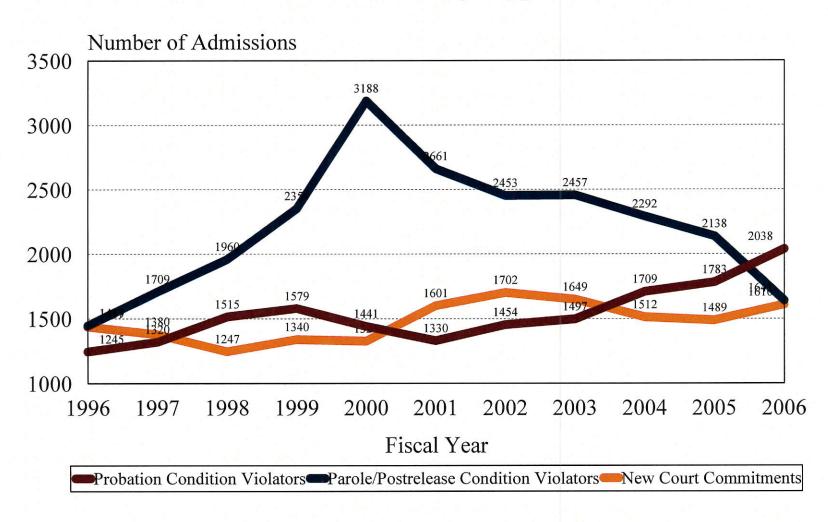
Parole/Postrelease Condition Violators



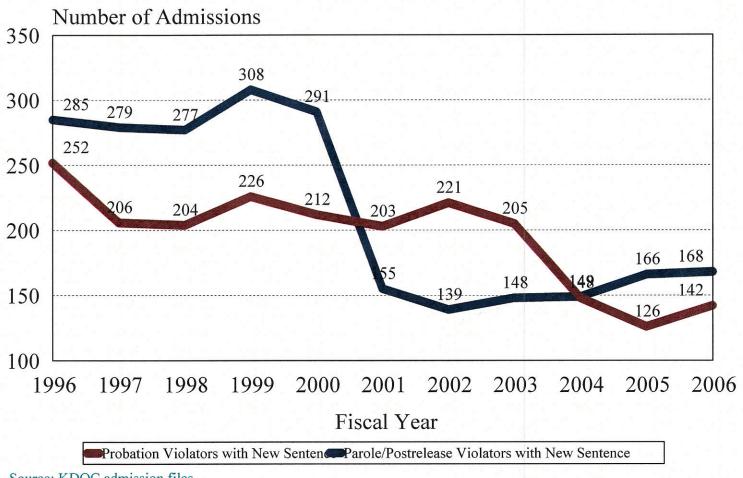
Source: KDOC admission file

Note: Including condition conditional-release violators

Admissions by Type

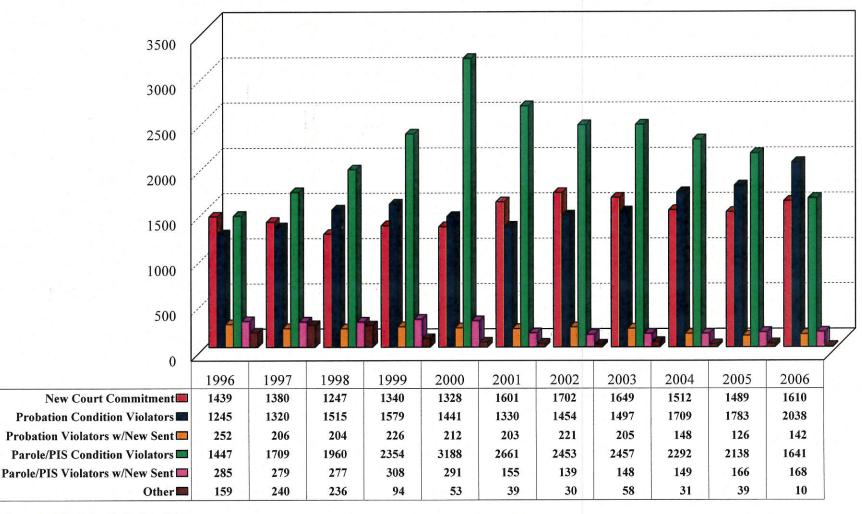


Comparison between Probation and Parole/Postrelease Violators with New Sentence



KANSAS PRISON ADMISSION TRENDS BY TYPE

FY 1996 Through FY 2006



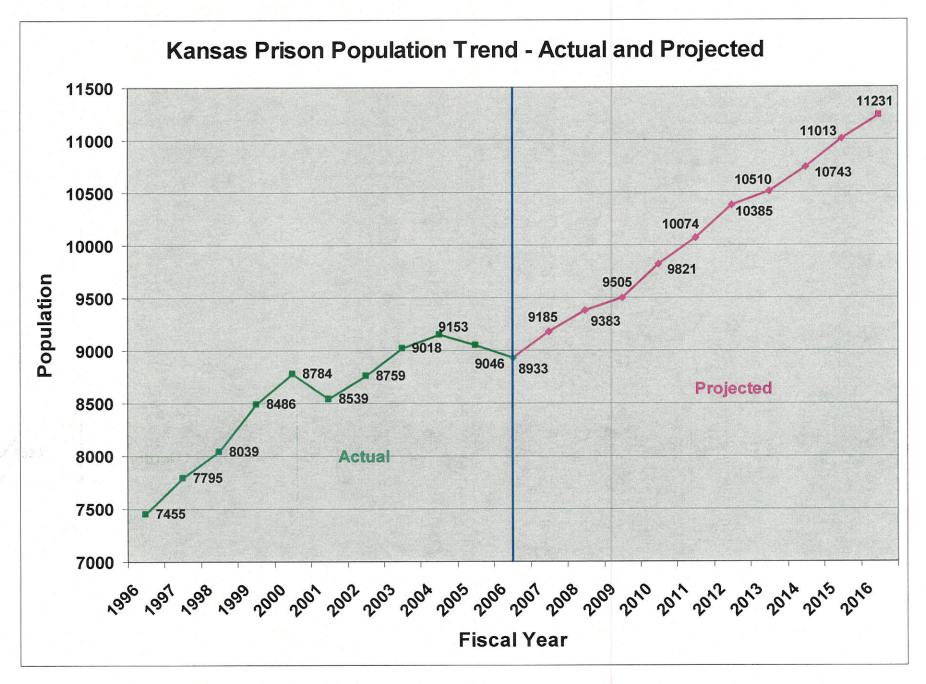
PRISON POPULATION MONTHLY MONITORING REPORT FY 2006 MODEL

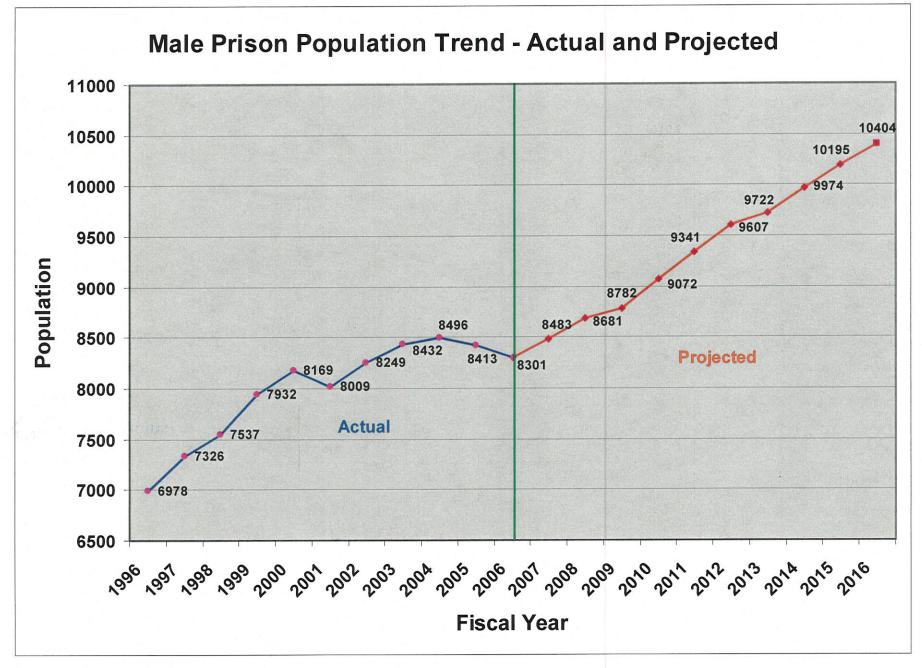
Month/Year	Projected	Actual	Difference	Percent Error
July 2005	8991	8943	48	0.54%
August 2005	9042	9049	-7	-0.08%
September 2005	9052	9101	-49	-0.54%
October 2005	9045	9113	-68	-0.75%
November 2005	9053	9073	-20	-0.22%
December 2005	9066	9069	-3	-0.03%
January 2006	9014	9074	-60	-0.66%
February 2006	9036	9080	-44	-0.48%
March 2006	9065	9032	33	0.37%
April 2006	9128	9005	123	1.37%
May 2006	9150	9052	98	1.08%
June 2006	9166	8933	233	2.61%
Month-End Average	9067	9044	23	0.25%
Month-End High	9166	9113	53	0.58%
Month-End Low	8991	8933	58	0.65%

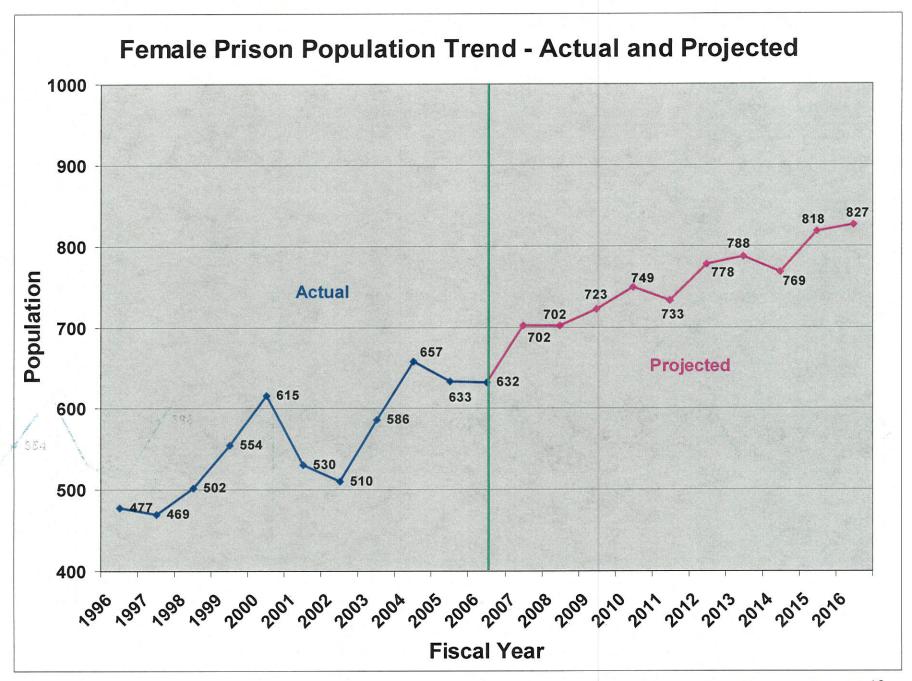
KANSAS SENTENCING COMMISSION FY 2007 ADULT INMATE PRISON POPULATION PROJECTIONS

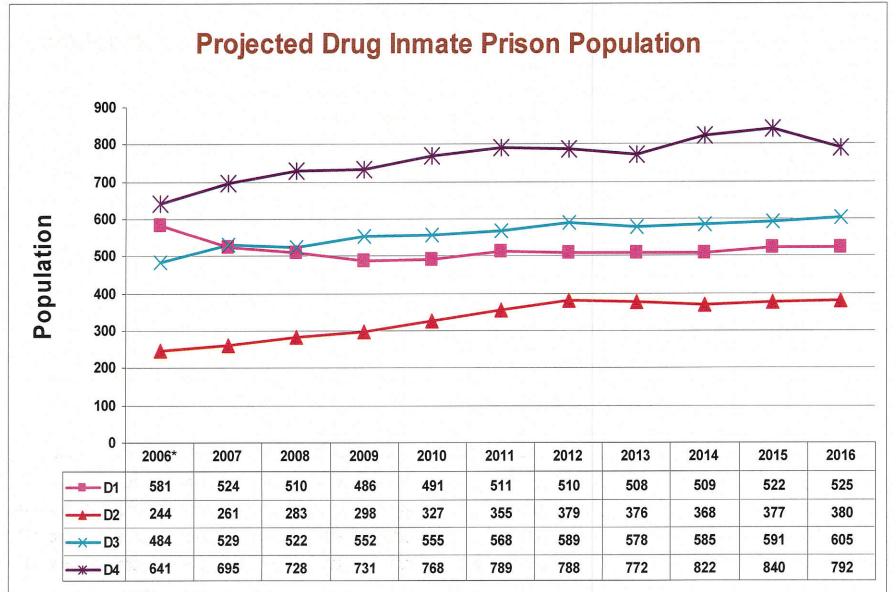
Severity Level	June 30 2006*	June 30 2007	June 30 2008	June 30 2009	June 30 2010	June 30 2011	June 30 2012	June 30 2013	June 30 2014	June 30 2015	June 30 2016	Total # Increase	% Increase
D1	581	524	510	486	491	511	510	508	509	522	525	-56	-9.6%
D2	244	261	283	298	327	355	379	376	368	377	380	136	55.7%
D3	484	529	522	552	555	568	589	578	585	591	605	121	25.0%
D4	641	695	728	731	768	789	788	772	822	840	792	151	23.6%
N1	806	843	869	890	917	929	939	960	960	982	992	186	23.1%
N2	449	457	442	434	440	430	428	434	434	423	413	-36	-8.0%
N3	1352	1349	1338	1310	1307	1289	1285	1258	1233	1233	1255	-97	-7.2%
N4	269	263	271	264	269	276	284	293	303	304	306	37	13.8%
N5	1050	1036	1046	1030	1014	1034	1053	1037	1031	1039	1062	12	1.1%
N6	156	167	172	192	212	203	200	193	202	214	222	66	42.3%
N7	854	887	902	888	876	877	890	891	890	906	881	27	3.2%
N8	239	279	257	253	256	266	273	280	262	298	290	51	21.3%
N9	268	348	348	357	371	376	379	387	404	386	419	151	56.3%
N10	43	62	63	56	63	71	69	67	76	63	68	25	58.1%
OFF GRID	711	729	900	1080	1269	1444	1621	1800	1980	2156	2340	1629	229.1%
Condition Parole/PIS Violators	786	756	732	684	686	656	698	676	684	679	681	-105	-13.4%
Total	8933	9185	9383	9505	9821	10074	10385	10510	10743	11013	11231	2298	25.7%

Based on the actual prison population on that date (for the purpose of forecasting, non-grid and missing are analyzed and assigned to each level).









Fiscal Year

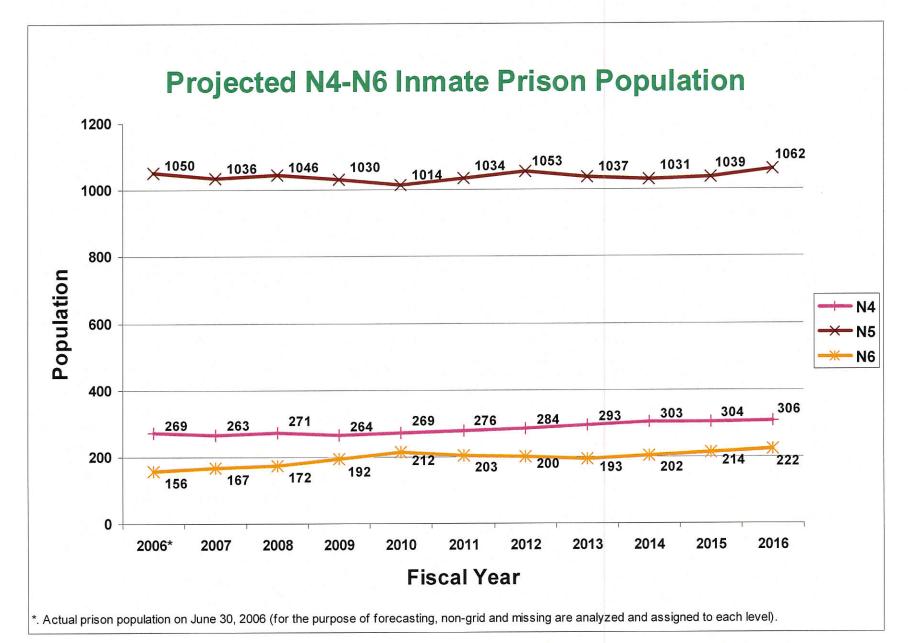
^{*.} Actual prison population on June 30, 2006 (for the purpose of forecasting, non-grid and missing are analyzed and assigned to each level).



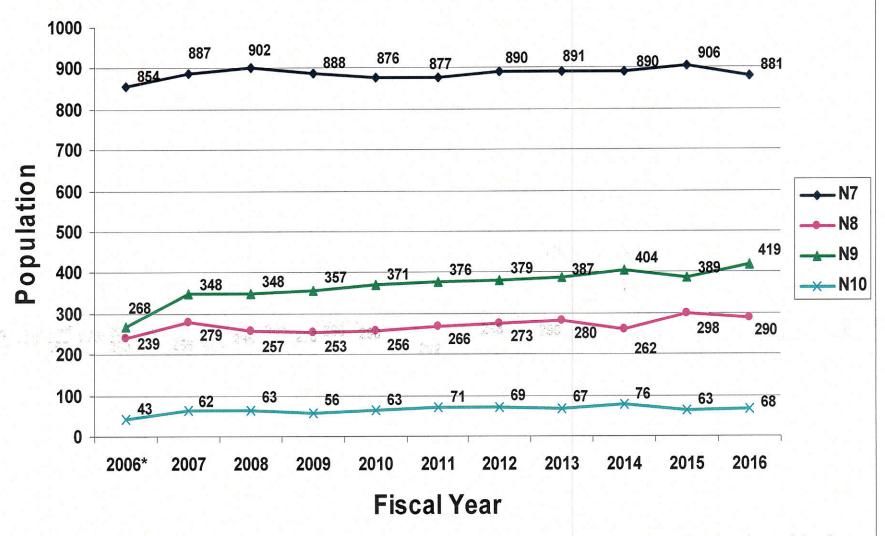


Fiscal Year

^{*.} Actual prison population on June 30, 2006 (for the purpose of forecasting, non-grid and missing are analyzed and assigned to each level). This group will account for 44.5% of the total projected prison population in FY 2016.

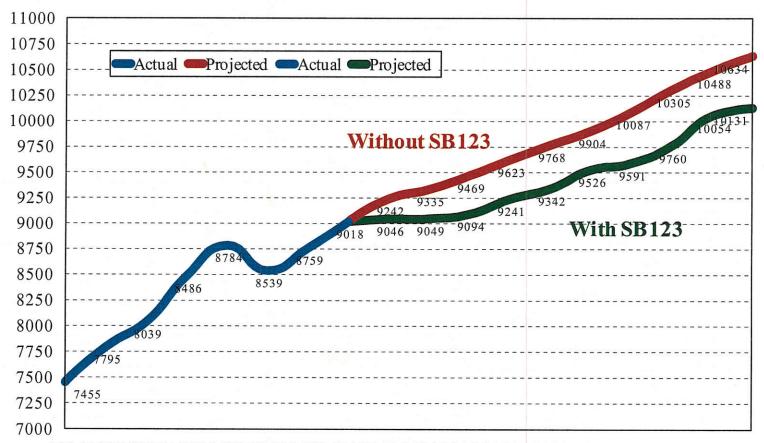


Projected Nonviolent Inmate Prison Population



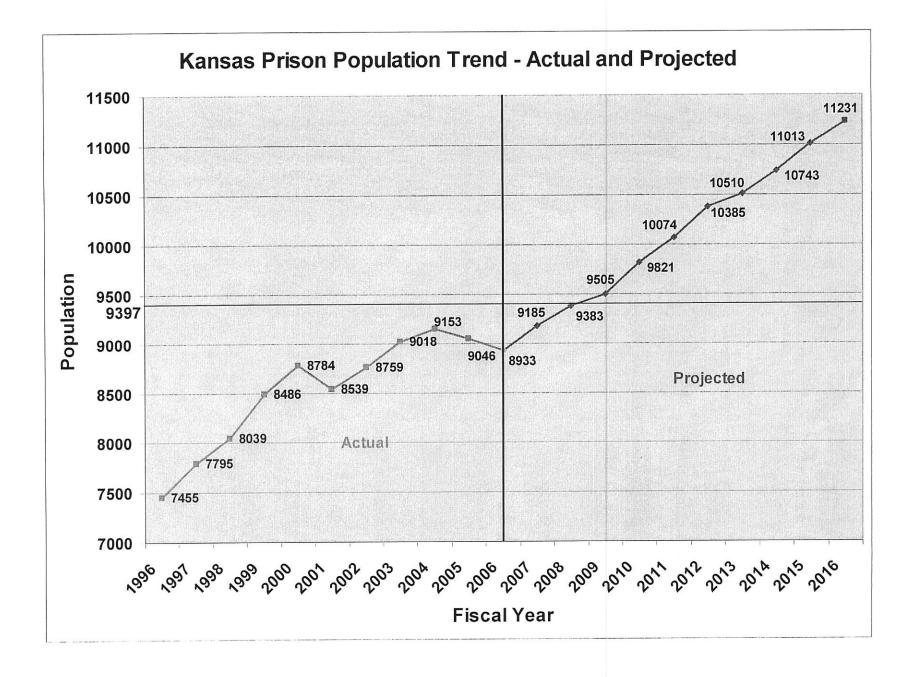
KANSAS PRISON POPULATION TRENDS

Actual and Projected Prison Population With or Without Senate Bill 123

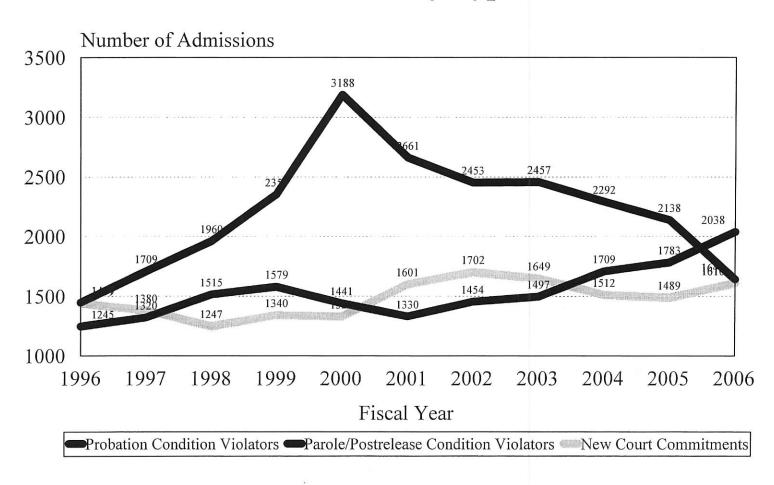


1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013

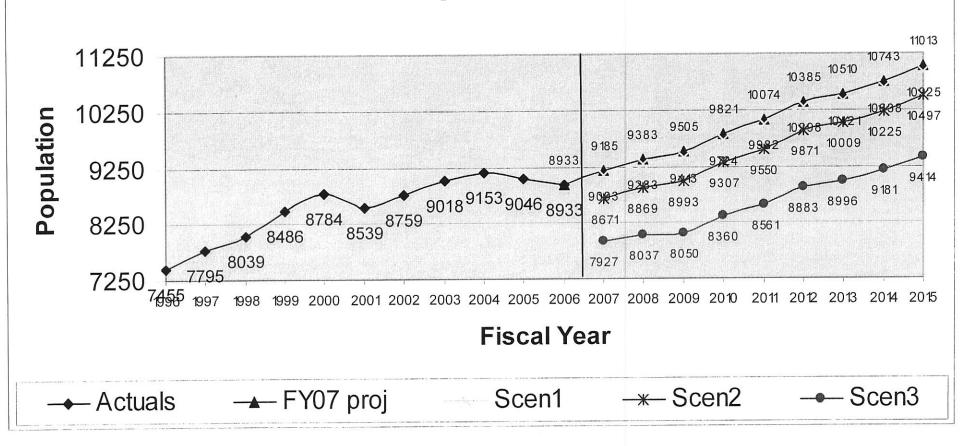
Fiscal Year



Admissions by Type



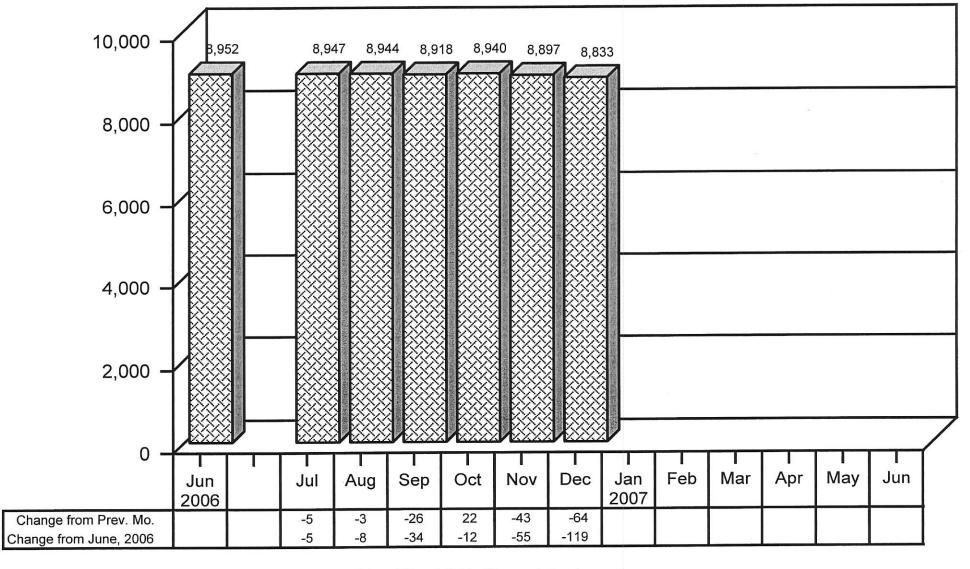
FY 2007 Actual and Projected Total Prison Population



Sec. WERHOLTZ

Kansas Department of Corrections Graphic Highlights -- Monthly Offender Population Report (December 2006)

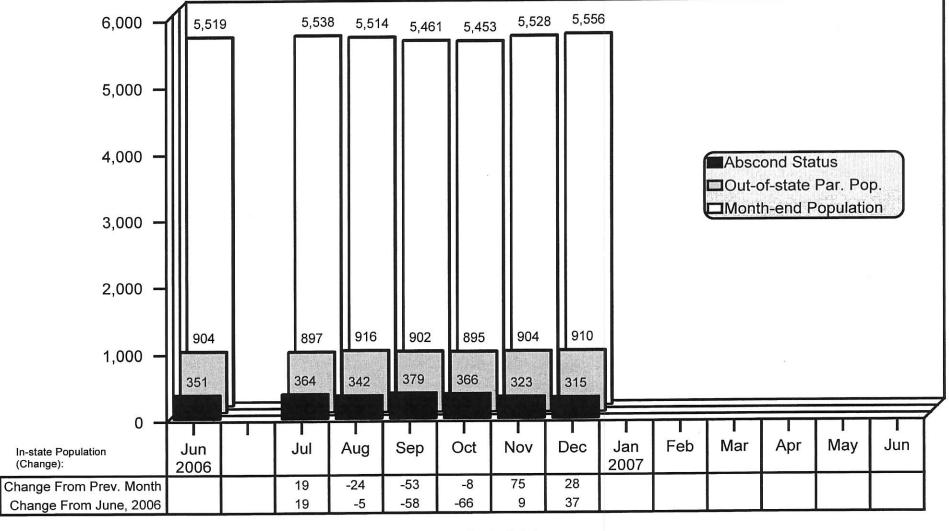
End-of-month Inmate Population: FY 2007 to Date*



^{*}Figures reflect the total inmate population (combined DOC and Non-DOC facility populations) HG98 Pres. eomgrph-fy2007.pr4.

Kansas Department of Corrections Graphic Highlights -- Monthly Offender Population Report (December 2006)

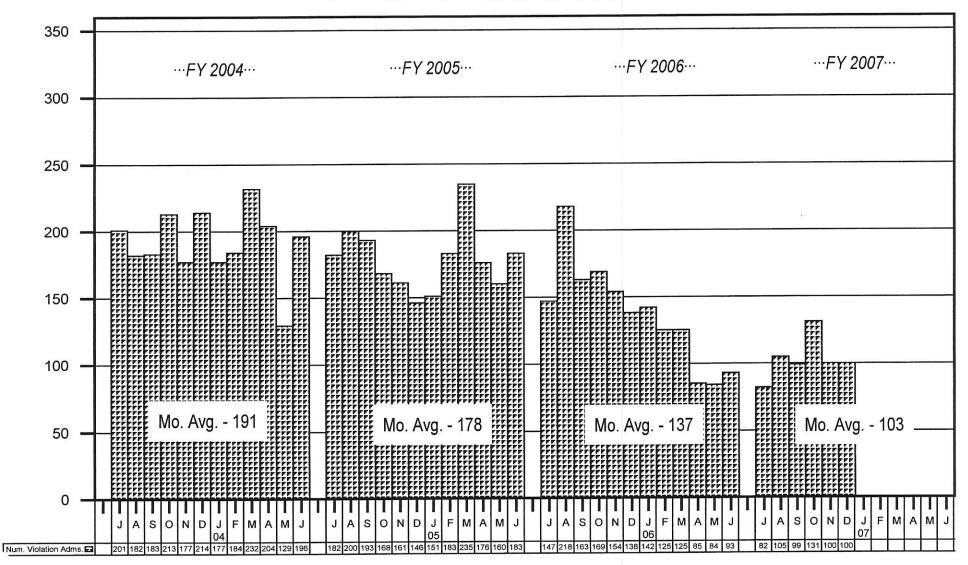
Components of the End-of-month Population Under Post-incarceration Management: FY 2007 to Date*



^{*}In-state population is comprised of Kansas offenders supervised in Kansas and out-of-state offenders supervised in Kansas. Out-of-state population is comprised of Kansas offenders supervised out-of-state. Those on abscond status have active warrants (whereabouts unknown).

Kansas Department of Corrections Graphic Highlights -- Monthly Offender Population Report (December 2006)

Number of Return Admissions for Condition Violations by Month: FY 2004 - FY 2007 to Date*



^{*}Total number of admissions for violation of the conditions of release (no new sentence).

Housing Expansions Options

	Estimated Construction Cost	Estimated Const. Cost Per Bed	Estimated Operating Cost	Estimated Cost Per Inmate/Yr	Estimated Cost Per Inmate/Day	Estimated One Time Start up Cost
General Population – Maximum Security EDCF – 2 Housing Units 256 Max Beds EDCF – 4 Housing Units 512 Max Beds	\$20,883,300 ¹ 38,500,000 ²		\$6,864,000 11,315,000	\$26,813 22,100	\$73.46 60.55	\$850,000 1,025,000
General Population – Medium Security EDCF -2 Housing Units 512 Med. Beds EDCF-1 Housing Unit 256 Med Beds EDCF-Yates Center Unit 500 Med Beds NCF-Stockton Unit 500 Med Beds	20,883,300 ¹ 13,633,300 ¹ 53,500,000 55,500,900	40,788 53,255 107,000 ³ 111,002 ⁴	8,324,000 4,644,000 10,692,000 10,816,000	16,258 18,141 21,384 21,632	44.54 49.70 58.59 59.27	933,000 520,000 2,560,000 2,560,000
General Population – Minimum Security EDCF- Housing Unit 100 Bed ECF- Housing Unit 100 Bed NCF-Stockton Expansion 72 Beds EDCF-Toronto Expansion 75 Beds EDCF 240 Bed Treatment Unit ⁵	3,645,000 4,023,000 4,364,800 3,047,000 11,375,400	36,450 40,023 60,622 40,627 47,398	1,491,000 1,637,000 840,000 1,031,000 5,376,000	14,910 16,370 11,667 13,747 22,400	40.85 44.85 31.96 37.66 61.37	327,000 319,000 338,000 333,000 949,200
Multi-custody Facility New 1,380 Max/Med/Min Facility	114,504,000	82,974	31,632,000 ⁶	22,922	62.80	4,500,000
<u>Special Needs – Medical</u> HCF-East Unit 258 Med Beds	6,825,100	26,454	3,240,000	12,558	34.41	410,000
Central Training Academy Osawatomie State Hospital-Rush Building	2,183,000	N/A	\$1,060,000	N/A	N/A	\$405,000

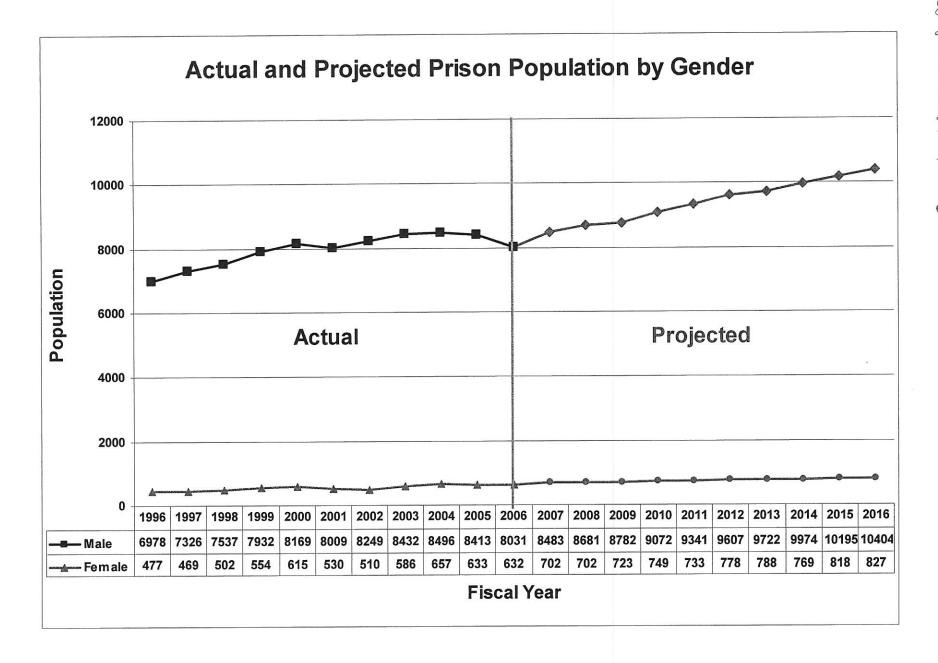
¹ This cost also includes a 23 bed infirmary expansion.

² This cost also includes a 23 bed infirmary expansion.

³ Land survey not completed, estimated cost may vary once land survey and subsoil investigation is completed. Project estimated with no work being performed by inmate crews.

⁴ Land survey not completed, estimated cost may vary once land survey and subsoil investigation is completed. Project estimated with no work being performed by inmate crews. stimates are based on the unit being a satellite of an existing facility.

Cost is estimated based on EDCF operating cost.



FACILITY CAPACITIES

Capacity by Facility, Security Designation of Bedspace, and Gender* July 1, 2006

	Security Designation by Gender											
Location of Beds	Maximum		Medium High		Medium Low		Minimum		All Levels			
KDOC Facilities	Males	Females	Males	Females	Male	Female	Male	Female	Male	Female	Total	
- Corr Eggility	838		943				708		2489		2489	
_ansing Corr. Facility	548		452		480		288		1768		1768	
Hutchinson Corr. Facility	691		487				172		1350		1350	
El Dorado Corr. Facility	001				539		296		835		835	
Norton Corr. Facility			794				38		832		832	
Ellsworth Corr. Facility		49		250		412				711	711	
Topeka Corr. Facility		49		250		11.	556		556		556	
Winfield Corr. Facility							250		250		250	
Wichita Work Release Facility				_			218		368		368	
Larned Corr. Mental Health Facility	150	800000000000000000000000000000000000000			4046	412	www.neenooooooooooo	000000000000000000000000000000000000000	8448	100000000000000000000000000000000000000	9159	
Subtotal: KDOC Facilities/Placements	2227	49	2676	250	1019	412	2020		-			
Non-KDOC Facilities/Placements									95	20	115	
Larned State Security Hospital	95	20										
Labette Correctional Conservation Camp							50	17	50	-	6	
Contract Jail Placements			6	3					6		50	
Out of State Contract Beds			50				***************************************		50			
Subtotal: Non-KDOC Facilities Placements	95	20	1		0)	50	17	201	37	238	
Totals: All Facilities/Placements	2322		2732	2 250	1019	412	2576	17	8649	748	9397	

^{*} Includes all beds counted in the capacity as of the specified date. Does not include the system-wide total of 261 "special use beds," which are primarily for infirmary and certain types of segregation use. Includes 500 out of state contract beds beginning FY 2006.