

## MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairman Pat Colloton at 1:30 p.m. on January 11, 2011, in Room 144-S of the Capitol.

All members were present.

Committee staff present:

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

Conferees appearing before the Committee:

None

Others attending:

See attached.

Chairperson Colloton called the meeting to order and welcomed the Committee back for the 2011 session. After giving a brief review of the weeks meetings, she asked the Committee members to please introduce themselves and tell why they wanted to be on this Committee. The Committee had seven Committee members returning and five new members.

The returning members are listed below:

Representative Pat Colloton, Chairperson  
Representative Lance Kinzer, Vice-Chair  
Representative Melody McCray-Miller, Ranking Democrat  
Representative Tom Moxley  
Representative Bob Brookens  
Representative Jan Pauls  
Representative Charlie Roth

The new members are listed below:

Representative Ward Cassidy  
Representative Jana Taylor Goodman  
Representative Melanie Meier  
Representative Greg Smith  
Representative Kay Wolf  
Representative Jim Kelley

Upon the conclusion of the Committee members introducing themselves, Chairperson Colloton introduced the Staff members: Sean Ostrow and Jason Thompson, Office of the Revisor of Statutes, Lauren Douglass, Legislative Research, and Jackie Lunn, Committee Assistant.

Chairperson Colloton called the Committee's attention to the *House Corrections and Juvenile Justice Committee Rules* ([Attachment 1](#)) and the *Report of the Joint Committee on Parole Board Oversight to the 2010 Legislature*, ([Attachment 2](#)) stating there would be someone from the Kansas Parole Board in the meeting for tomorrow to give a report and someone from the KBI to give a report.

Chairperson Colloton adjourned the meeting at 2:00 p.m. with the next meeting scheduled for Wednesday, January 12, 2011 at 1:30 p.m. in room 144S.

DATE: 01-11-11

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## House Corrections & Juvenile Justice Committee Rules

1. In any case where committee rules do not apply, House Rules shall govern. All powers, duties and responsibilities not addressed herein are reserved to the chair.
2. Cellular phones and other electrical devices with audible tones are prohibited in the Corrections & Juvenile Justice Committee Room, unless audible tones or ringers are disabled.
3. The Chair will determine the committee agenda, including scheduling and the order of business.
4. The chair reserves the right to limit testimony that is cumulative in nature and may limit testimony, when necessary, to a specific number of minutes.
5. Committee members shall not address conferees until and unless permission is granted by the chair.
6. The chair reserves the right to limit questioning of conferees by committee members in the interest of time and in the interest of fairness to conferees and other committee members.
7. No conferee shall be interrupted during the presentation of their testimony, except with the permission of the chair.
8. Questioning of conferees shall be limited to the subject matter on the agenda for the day, except as may otherwise be allowed by the chair.
9. Committee members shall not be approached during a committee hearing or deliberations by anyone other than fellow legislative members or legislative staff.
10. No bill or resolution shall be taken up for a committee vote unless announced by the chair.
11. A motion requires a second to be in order.
12. A substitute motion is in order, but no additional substitute motion shall be in order until the prior substitute motion is disposed of.
13. Amendments to motions are not in order except upon consent of the member making the motion and his or her second.
14. A motion to table or take from the table shall be in order only when such item is on the agenda or is taken up by the chair. The motion requires a simple majority of those present and is, unless otherwise determined by the chair, non-debatable.
15. There shall be no recording, audibly, photographically or otherwise, of committee voting except by the committee secretary.
16. A request from any member that their vote be recorded shall be granted.
17. Granting excused absences is reserved to the chair.
18. The chair reserves the right to take such action as may be necessary to prevent disruptive behavior in the committee room during hearings and deliberations.
19. Adjournment is reserved to the chair.

## **Report of the Joint Committee on Parole Board Oversight to the 2010 Kansas Legislature**

**CHAIRPERSON:** Representative Pat Colloton

**VICE-CHAIRPERSON:** Senator Tim Owens

**RANKING MINORITY MEMBER:** Representative Melody McCray-Miller

**OTHER MEMBERS:** Senators John Vratil and David Haley and Representative Mike O'Neal

### **STUDY TOPIC**

The Committee is to review certain documents, records, and reports concerning factors and rationale used to determine the granting or denial of parole.

*December 2009*

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# Joint Committee on Parole Board Oversight

## REPORT

### CONCLUSIONS AND RECOMMENDATIONS

It was the conclusion of the Parole Board Oversight Committee to do the following:

- Discuss increased funding for the Board of Indigents' Defense Services (BIDS) regarding legal counsel for mentally ill parole violators who are determined to be in need;
- Include a social history in pre-sentence investigations for an off-grid sentence. At sentencing, the social history would not be available to the judge because of a statutory prohibition;
- Combine an indeterminate sentence with a determinate sentence which then should be calculated to establish eligibility for parole consideration;
- Implement a multidisciplinary Team (MDT) review process 180 days prior to a work release placement for offenders under parole suitability determination;
- Limit maximum deferral by the Parole Board for Class A and B felonies and off-grid felonies to a five year pass instead of the current ten year pass. Review would be required within 24 months of previous cases that are on a pass greater than five years subject to applicable rules and regulations;
- Clarify statutorily that the sentencing guideline to be used in computed proportionality duty sentencing is the one most recently adopted for a particular crime;
- Discuss early discharge from parole that could remove the one year calculation of the presumptive term of post release supervision to include the calculation of the available good time credit requirement for supervision from the date of prison release;
- Consider evidence based principles of offender case management a special condition of post incarceration supervision;
- Consider annual file reviews, which are paper based, although present staffing prohibits this activity; and
- Perform cost benefit analysis regarding the cost of incarceration of persons who might be released if there was additional staff.

*Proposed Legislation:* None.

## BACKGROUND

The Joint Committee on Parole Board Oversight was comprised of six members: three from the Senate Judiciary Committee and three from the House Committee on Corrections and Juvenile Justice. Creation of the Committee was contained in 2009 HB 2060. The charge to the Committee was for it to review certain documents, records, and reports concerning factors and rationale used to determine the granting or denial of parole.

## COMMITTEE ACTIVITIES

The Committee met on two days in November, on the 2nd and 10th. Statutorily, the Committee was to review 30 parole board cases, selected by the Secretary of Corrections. Fifteen of the cases involved inmates with sentencing dates prior to July 1, 1993, and the person was not eligible for retroactive application of the sentencing guidelines, and the person is still incarcerated; and fifteen of the cases, selected by the Secretary of Corrections, involved inmates who were sentenced to prison for a crime committed on or after July 1, 1993.

On the first day, the Committee heard a report from the Kansas Parole Board (KPB) about the procedures followed by the KPB. The overview presentation involved the vision, mission, evidence based practices, and primary work areas of the KPB.

On the first day of meetings the Committee heard about and reviewed the procedure used by the KPB involved in the workings of the KPB. Then the Committee broke into a closed, executive session to begin the review of the 30 cases selected by the Department of Corrections (DOC). On the second day of meetings the Committee went into executive session on the morning of the hearing, to complete review of cases. At the conclusion of the executive session,

the Committee met in an open meeting to have a discussion on any action to be taken.

In addition, the Committee received information regarding the number of illegal aliens in the prison system and the importance of the Immigrations and Customs Enforcement (ICE) on this issue.

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