

SESSION OF 2008

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE BILL NO. 411**

As Agreed to April 4, 2008

Brief*

SB 411 would amend existing law by adding three factors to the list of factors considered by the Kansas Parole Board when making determinations regarding parole suitability. The three new factors are risk factors revealed by any risk assessment of the inmate, recommendations by the staff of the facility where the inmate is incarcerated, and proportionality of the time the inmate has served to the sentence a person would receive under the Kansas Sentencing Guidelines for the conduct that resulted in the inmate's incarceration.

Additionally, the bill would extend the sentencing pilot program, regarding the use of the LSI-R assessment tool, in Johnson County for two years, to July 1, 2010. Current law provides for an expiration of the program on July 1, 2008.

Conference Committee Action

The Conference Committee adopted the House amendments to the bill with the addition of the provisions of HB 2700, as amended by the Senate Judiciary Committee, regarding the extension of the sentencing pilot program in Johnson County for another two years.

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

Background

Parole Suitability Factors

The issue of parole suitability factors was studied by the 2007 Special Committee on Judiciary. SB 411, as introduced, is the product of the Committee's discussion.

There was no proponent of the bill in the Senate Committee. There was no testimony in opposition to the bill in the Senate Committee. Patricia Biggs, Parole Board Member, provided neutral testimony to the Senate Committee. Ms. Biggs testified that, although not currently required by statute, the Parole Board already considers risk factors identified by risk assessment instruments as well as the recommendations of the Kansas Department of Corrections' staff. Therefore, she does not foresee any challenges to implementing these two factors. However, Ms. Biggs does foresee numerous challenges in implementing the proportionality factor.

The Senate Committee amended the bill to strike the proportionality factor from the list of new factors considered by the Kansas Parole Board when making determinations regarding parole suitability. The bill passed the Senate Committee of the Whole, as amended, on a vote of 40 yeas and 0 nays.

Patricia Biggs, Parole Board Member, appeared in the House Committee as a proponent of the bill as amended by the Senate Committee. There were no other conferees.

The House Committee re-inserted the proportionality provision to return the bill in the form that it was in when introduced. The House Committee of the Whole passed the bill as amended by the House Committee on Judiciary on a vote of 100 yeas and 23 nays.

The Senate nonconcurred with the amendment by the House and requested a Conference Committee. The House acceded to the request to conference. The Conference

Committee agreed to the amendment made by the House and further agreed to amend into the bill the provisions of HB 2700 regarding the extension of the sentencing pilot program in Johnson County for another two years.

The fiscal note from the Division of Budget states that passage of the bill, as introduced, would have required additional resources from the State General Fund. However, according to the Kansas Parole Board, the amendment to the bill by the Senate Committee obviates the need for additional funding. Additionally, the Kansas Sentencing Commission concludes the bill as amended by the Senate Committee would have no bed space impact on adult prison beds.

*Johnson County Sentencing Pilot Program
(formerly HB 2700)*

Helen Pedigo, Kansas Sentencing Commission, appeared in support of the bill in the House Committee. Risë Haneberg, Chief Court Services Officer, 10th Judicial District in Johnson County, also appeared in favor of the bill. Written support was submitted by Mark Gleeson, Office of Judicial Administration.

The House Committee passed the bill as introduced and placed it on the Consent Calendar. The House Committee of the Whole passed the bill on final action on a vote of 121 yeas to 1 nay.

Helen Pedigo, Kansas Sentencing Commission, and Risë Haneberg, Chief Court Services Officer, 10th Judicial District (Johnson County), appeared in favor of the bill. Written support was submitted by Mark Gleeson, Office of Judicial Administration, and Roger Werholtz, Secretary, Kansas Department of Corrections.

The Senate Committee amended the bill to extend the sentencing pilot program in Johnson County for two years rather than one year. The bill passed the Senate Committee of the Whole on a vote of 40 yeas and 0 nays. The House

nonconcurrent with the amendments made by the Senate and requested a Conference Committee. The Senate acceded to the request to conference. The Conference Committee inserted the provisions of the bill into SB 411.

The fiscal note, on the bill as introduced, indicates the costs for this project would continue to be paid from existing resources.

parole suitability factors, sentencing pilot program