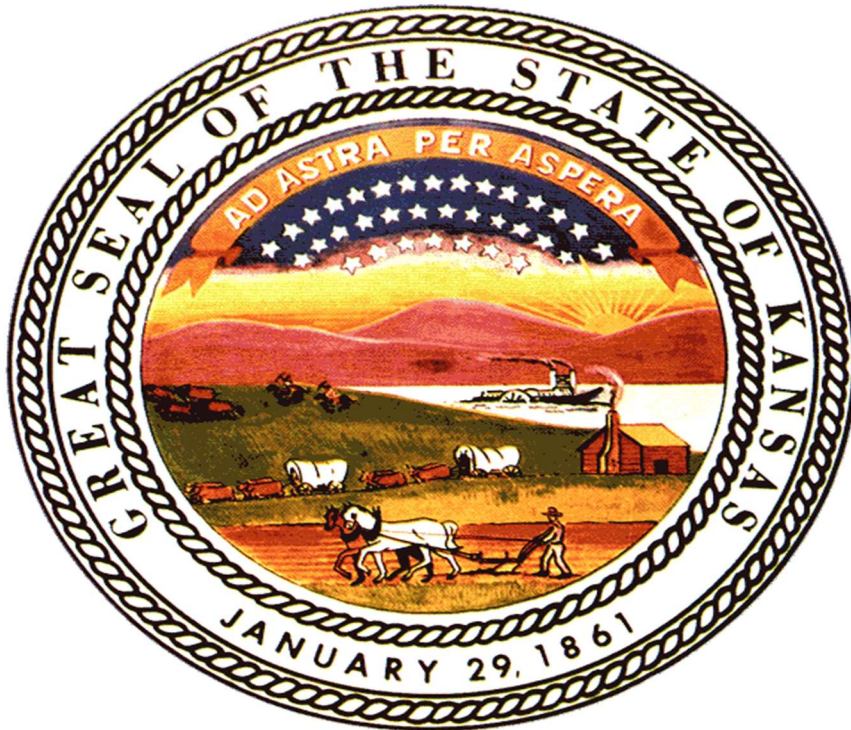


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Agency KANSAS SENTENCING COMMISSION



Kansas Sentencing Commission  
Fiscal Year 2025 & Fiscal Year 2026

09/16/2024

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## **Agency Mission**

To develop monitoring procedures and reporting methods to evaluate the guideline sentencing system where public safety is the focus; to advise and consult in developing mechanisms to link sentencing practices with correctional resources and policies; and to determine the impact of guidelines on the state’s prison population. Agency resources are devoted to this mission at the direction of the Commission.

## **Agency Philosophy**

The philosophy of the Kansas Sentencing Commission is that criminal sentences should be imposed fairly, rationally, and consistently, and that incarceration should be reserved for the most serious offenders. The Kansas Sentencing Commission is a service-oriented agency whose main product is statistically generated analysis used to facilitate policy decision-making in an environment concerned with providing and sustaining public safety. As such, the Commission strives to ensure that valid, reliable information is accessible to all customers. Those customers include but are not limited to, varying levels of government in the State of Kansas within all three branches of government, local units, and public citizens. Agency resources are directed by the Commission to achieve the agency’s mission.

## **Programs that Assist with Agency Mission**

*Research, Statistical Analysis, and Administration* – Promulgating the Sentencing Guidelines; assessing, monitoring, and reporting of the impact of the Sentencing guidelines to state policymakers and the Kansas Legislature.

*Alternative Sentencing Policy for Non-Violent Drug Possession Offenders: [K.S.A. 21-6824 \(SB 123\)](#) and [K.S.A. 21-6825 \(RAFT\)](#)* – Implementation, administration, and evaluation of the prison alternative, mandatory drug treatment sentencing and diversion programs for non-violent drug possession offenders.

## Major Milestones and Highlights

The following list shows highlights of legislation and court rulings that affect the work of the agency or the implementation/operation of agency programs. This list is not inclusive.

- FY 1989 SB 50 passed the legislature during the 1989 session. Created the Kansas Sentencing Commission (KSC) and directed the Commission to develop a sentencing guideline model or grid-based upon fairness and equity, and to provide a mechanism for linking justice and corrections policies.
- FY 1993 SB 423 passed the legislature during the 1993 session. Kansas Sentencing Guidelines Act was enacted into law, which incorporated both the sentencing guideline system and the substantive changes to the criminal code that correlates with the guidelines.
- FY 1995 The Sentencing Commission redesigned the Felony Journal Entry form from a prose document to more of a data collection document to standardize the collection of reliable and valid data statewide. The Agency also developed its initial statewide sentencing database to be used for analysis of sentencing data and the development of prison population projections.
- FY 1996 The Legislature authorized funding for the acquisition of the PROPHET Simulation Model, an interactive microcomputer software system designed by the National Council on Crime and Delinquency. The Sentencing Commission releases its first ten-year prison population forecast and began providing prison bed impacts on proposed criminal justice legislation.
- FY 1997 HB 2900 passed the legislature during the 1997 session. Directed KSC to conduct state youth center's population projections as part of the needs study commissioned by the Youth Authority. Those juvenile correctional facility projections served as part of the basis for the implementation of the state's Juvenile Justice Reform Act.
- FY 1999 The PROPHET Projection model was expanded to allow for projections by institutional offender classification levels and further assist the Department of Corrections in capacity planning.

- FY 2000 SB 149 passed the legislature during the 1999 session. The legislation contained major changes in the Sentencing Guidelines by modifying sentence lengths by individual severity levels and reclassification of felonies to misdemeanor status. These changes required the statewide sentencing database to be expanded to reflect the new sentence lengths and include reclassification of various criminal offenses.
- FY 2001 SB 323 passed the legislature during the 2000 session. This piece of legislation contained the most significant changes since its enactment. The bill contained changes to periods of postrelease supervision, periods of probation, placement in community corrections, and a full retroactivity provision. Passage of the legislation resulted in extensive reprogramming of the PROPHET projection software and modification of the statewide database to accommodate the changes enacted, especially the retroactivity provision.
- The Commission hosted the Eighth Annual Conference of National Association of Sentencing Commissions in which 113 conference participants discussed topics from various criminal justice perspectives. The major topics addressed at the conference: Changing Correctional Populations, the Media and Sentencing, the Impact of Sentencing Policy, Pathways to Rational Sentencing, Trends in Drug Growth and Patterns, Research Priorities of Various Sentencing Commissions, and Federal Funding Updates.
- FY 2002 The Drug Policy Subcommittee was established to determine an alternative sentencing policy for offenders convicted of drug possession that focuses on treatment rather than incarceration; thus reserving state prison beds for serious violent offenders.
- FY 2003 SB123 passed the legislature during the 2003 session. This bill focused on: the establishment of a mandatory treatment sanctions (non-prison) for drug possession and retains drug possessions as drug grid severity level 4 rather than enhancing severity levels for subsequent possession convictions. These changes require changes to the journal entry of conviction as well as the journal entry of probation and journal entry probation revocation. Associated changes were made to the PROPHET projection model.
- FY 2004 A critical piece of work in FY 2004 was the implementation of the requirements of SB 123 Alternative Sentencing Policy for drug possessions. Included as one part of this Implementation is the treatment bill-paying process, which the commission staff have been asked to assume. Work is ongoing in this area presently. The payment system process involves many facets of accounting and tracking as the generating warrants (checks) going to approximately 164 treatment providers in payment for SB 123 services.

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FY 2005 SB 45 created the Kansas Criminal Justice Recodification, Rehabilitation, and Restoration project. With the passage of SB 45, the executive director and other staff members of the Kansas Sentencing Commission attended meetings and provided support services as needed.

FY 2006 S Sub HB 2576, Sec. 21 expands the duties of the Sentencing Commission to: (17) develop information relating to the number of offenders on post-release supervision and subject to electronic monitoring for the duration of the person's natural life and (18) determine the effect the mandatory sentencing for child sex crimes (Jessica's law) would have on the number of offenders civilly committed to a treatment facility as a sexually violent predator.

FY 2007 House Substitute for Senate Bill 14, passed during the 2007 legislative session, initiated a community corrections grant program to reduce probation revocation rates by at least 20% from FY 2006, modified some good time rates, and provided potential good time credit for program completion. The bill also established the Kansas Criminal Code Recodification Commission, of which the Kansas Sentencing Commission appointed its member as the Honorable Larry Solomon. KSC Chair Honorable Ernest Johnson served on the Reentry Policy Council. The executive director served on the Reentry Policy Council Steering Committee. KSC staff served on task forces to this committee. The agency provides information to all these groups. The KSC formed a journal entry subcommittee to review and recommend changes to the journal entries of sentencing and probation revocation. The KSC also formed a proportionality subcommittee to recommend changes to sentencing laws and severity levels.

FY 2008 Senate Bill 411 provided an extension of the Johnson County Level of Services Inventory-Revised (LSI-R) pilot program, which in turn extended the statewide implementation date to July 1, 2010.

House Bill 2707 reduced the pool of offenders who might qualify for the SB 123 program to first or second felony possession conviction and created a substance abuse policy board of which the Kansas Sentencing Commission is a member.

A Kansas Supreme Court decision *State v. Holt* set probation at 12 months rather than the original 18 months for SB 123 offenses.

The Kansas Supreme Court also rendered a decision *In the Matter of L.M.* indicating that juveniles have a constitutional right to a jury trial. The potential result of this decision is a further court decision that adult criminal history should not contain any juvenile criminal history unless the juvenile criminal history was adjudicated either in a jury trial or where a jury trial was knowingly and intelligently waived. Any juvenile adjudication taking place before this court decision could be stricken from an offender's criminal

history. That would result in offenders with less criminal history and therefore either prison sentences of shorter duration or probation sentences where prison sentences may have been presumed before this decision.

FY 2009 House Bill 2060 extended the standard probation term to 18 months for SB 123 cases.

Senate Substitute for House Bill 2096 established the Kansas DUI Commission, of which the Kansas Sentencing Commission is a member.

*State v. Casey*: Casey was sentenced to prison under K.S.A. 21-4603d(f)(3) as possession of cocaine offense occurred while he was on felony bond. Based on the legislative history of SB 123, part of which became K.S.A. 21-4729 and K.S.A. 21-4603d(n), and the rules of statutory construction, it was determined that the legislature intended for the drug abuse treatment sanction outlined in K.S.A. 21-4603d(n) and K.S.A. 21-4729 trumps the prison sanction outlined in K.S.A. 21-4603d(f)(3). The court reversed Casey's sentence and remanded Casey for resentencing to certified drug abuse treatment in accordance with K.S.A. 21-4603d(n) and K.S.A. 21-4729.

FY 2010 Senate Bill 368 extended the deadline to July 1, 2011, for the DUI Commission recommendations.

House Bill 2581 increased probation supervision fees to fund training and implementation for the use of a risk needs assessment tool. The implementation date is January 1, 2011.

The commission added to the Journal Entry of Judgment under court costs and fee section the selection of \$300 that is applied to all SB 123 court case sentences. (\$300 is the minimum to be collected for assessment and treatment)

FY 2011 *State v. Perry-Coutcher*: A conviction for an attempt to commit a crime under K.S.A. 21-3301 is not covered in K.S.A. 21-4729. District court erred in ordering Perry-Coutcher to complete mandatory drug treatment under K.S.A. 21-4729.

FY 2012 SB 60 required the Sentencing Commission to specify a standardized risk assessment tool to be used for evaluating the risks and needs of all offenders subject to supervision in Kansas.

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- FY 2013 S Sub for Sub HB 2318, added a new fifth level to the drug sentencing grid, two new border boxes on the drug grid for severity levels 5C and 5D that are eligible for SB 123 drug treatment programming based upon an offenders risk needs and substance abuse assessment scores.
- FY 2014 HB 2170 made numerous changes to sentencing, probation, and postrelease supervision statutes. In 2014, the Commission requested, and the Legislature passed Senate Substitute for HB 2448. It provides further clarification for the 2013 HB 2170 justice reinvestment legislation and now includes misdemeanors when imposing short jail stays of 2-3 days in a county jail for technical violations of probation. The Commission also fulfilled its 2013 mandate by establishing risk and needs assessment cutoff scores and probation supervision levels for court services and community correctional services after commissioning and analyzing a study that was completed at the end of the fiscal year.
- FY 2015 The Legislature passed legislation to strengthen evidence-based initiatives that the Commission proposed. HB 2051 provided increasing good time credit from 15% to 20% for severity level 3 drug offenders and increased the incentive for inmates to complete vocational, behavioral health, and cognitive treatments by increasing the number of programming credit days they may receive from 60 to 90 days. The bill also provided a continued move to risk-based placement in community corrections supervision rather than simply relying on criminal history and the severity of the offense.
- FY 2016 The Commission recommended and the Legislature passed HB 2462, which:
- 1) Amended criminal code provisions governing possession of marijuana, theft, and burglary. Specifically, the bill amended penalties for possession of marijuana so that a first offense became a class B nonperson misdemeanor, a second offense is a class A nonperson misdemeanor rather than a felony, and a subsequent offense became a drug severity level 5 felony.
  - 2) Amended the crime of theft to increase the felony threshold for a severity level 9, nonperson felony theft of property or services from \$1,000 to \$1,500.
  - 3) established a floor of \$50 for the exception raising the severity level to a severity level 9, nonperson felony when the person committing the theft had been convicted of theft 2 or more times, and added a 5-year lookback provision to this exception
  - 4) Created a special sentencing rule for burglary of a dwelling to make the sentence presumptive imprisonment if the offender had a criminal history score of 7C (one previous person felony and one previous nonperson felony), 7D (one previous person



felony), or 7E (three or more nonperson felonies). The bill adjusted the penalty provisions for burglary of a dwelling with intent to commit the theft of a firearm to make it a person felony, rather than a nonperson felony. The bill amended the definition and penalties for aggravated burglary to make aggravated burglary committed by entering into or remaining in a dwelling in which there is a human being, with the required intent, a severity level 4, person felony. Entering into a non-dwelling building or structure in which there is a human being, with the required intent, remains a severity level 5, person felony.

5) established that the crimes of burglary and aggravated burglary do not apply to a person who enters or remains in retail or commercial premises, while such premises are open to the public, after having been told by the owner or manager not to enter the premises pursuant to the criminal trespass statute, except when the person enters or remains in such premises with the intent to commit a person felony or a sexually motivated crime.

FY 2017 The Legislature passed at the Commission’s request HB 2092, which amended law related to decay of juvenile adjudications by establishing criteria that included a five-year crime-free gap period between an underlying conviction and certain prior juvenile adjudications. If the criteria are met, those applicable adjudications are not counted for criminal history purposes.

FY 2018 HB 2458 was passed in the 2018 legislative session, providing for drug offender sentencing reform. The Commission introduced part of the bill to expand the 2013 SB 123 drug treatment program to include certain severity level 4 drug offenders. The statute for a second time conviction for possession of tetrahydrocannabinol (THC), the active ingredient in marijuana, was also amended from a severity level 5 felony to a class A misdemeanor. Similarly, first-time offenders are now guilty of a class B misdemeanor rather than a class A misdemeanor. These penalties are now consistent with possession of marijuana.

FY 2019 In 2019, the Legislature passed SB 18, which expands eligibility for the nonprison sanction of placement in a certified drug abuse treatment program, commonly referred to as 2003 SB 123, to include offenders convicted of severity level 4E-4I drug offenses. These are convictions for the cultivation or distribution of a controlled substance. The bill also amends the authorized dispositions statute in the Kansas Criminal Code to remove the ability of the sentencing court to specifically withhold authority from supervising court services or community corrections officers to impose certain probation violation sanctions of confinement in a county jail for a two-day or three-day period. The bill further amends the statute governing probation violations to remove violation sanctions allowing the court to remand the defendant to the custody of the Secretary of Corrections for periods of 120 days or 180 days.

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- FY 2020 During the year, the Executive Director served as a member of the newly formed Kansas Criminal Justice Reform Commission. He also was an active participant in three subcommittees established by this commission. These were Sentencing/Proportionality, Mental Health/Substance Abuse, and Data Management.
- FY2021 The 2021 Legislature passed HB 2026 to expand the 2003 SB 123 drug treatment program to allow certain persons who have entered into a diversion agreement pursuant to a memorandum of understanding to receive treatment in certified drug abuse treatment programs. The bill further amends law allowing SB 123 cases to be fully transferred from one jurisdiction to another. Statutes governing the establishment of probation supervision thresholds were also amended to allow the Sentencing Commission to determine criteria for placement with community corrections, court services and participation the SB 123 and diversion substance abuse treatment programs. Lastly, the bill lowers the criminal penalty for misdemeanors and felony unlawfully tampering with electronic monitoring equipment.
- FY2022 In 2022, the Legislature passed SB 366 to create a mechanism to seek relief from the Kansas Offender Registration Act (KORA) for certain drug offenders. The bill allows a drug offender to file a verified petition for relief from registration requirements if the offender has registered for a period of at least five years after parole, discharge, release, conviction, or adjudication. SB 408 amends the definition of the crime of theft to make theft of property that is mail of value of less than \$1,500 from three separate locations within a period of 72 hours as part of the same act or transaction, or in two or more acts or transactions connected or constituting parts of a common scheme or course of conduct, a severity level 9 nonperson felony. The bill also provides guidance for the consolidation of supervision into one supervision entity or agency for an offender under the supervision of two or more supervision entities or agencies. The bill amends the statute governing transfer of supervision of persons on parole, on probation, assigned to a community correctional services program, or under suspended sentence to allow the district court to transfer jurisdiction of the defendant to a different district court or retain the jurisdiction. HB 2377 creates, and amends law related to operating an aircraft under the influence, driving under the influence (DUI), diversions, and commercial driver's licenses. The bill increases the penalty for a third or subsequent conviction of DUI from a non-grid, nonperson felony to a severity level 6 nonperson felony.
- FY2023 In 2023, the Legislature passed Senate Substitute for HB 2010 expanding 2003 SB 123 substance abuse treatment eligibility for certain nonviolent offenders convicted of nondrug, nonperson felony crimes.

## **Kansas Sentencing Commission Membership**

The membership of the Kansas Sentencing Commission is statutorily defined in [K.S.A. 74-9102\(a\)](#) and comprises 17 members. The Commission membership includes:

- 4 Chief Justice of the Kansas Supreme Court appointees;
- 4 Legislative appointees – two each from the Senate and House;
- 6 Governor’s appointees; and
- 3 Statutorily appointed members.

The membership of the Commission provides input from various perspectives and areas of the criminal justice arena and allows for the development of balanced and rational sentencing and criminal justice policies.

## Current Commission Membership

### *Chief Justice – Kansas Supreme Court Appointments (4)*

Honorable Benjamin J. Sexton	Chairperson, District Judge	Abilene, KS
Honorable Stacey Donovan	Vice Chairperson, District Judge	Lawrence, KS
Honorable Stephen D. Hill	Kansas Court of Appeals	Topeka, KS
Spence Koehn	Office of Judicial Administration	Topeka, KS

### *Legislative Appointments (4)*

Senator Carolyn McGuinn	Majority / Senate	Sedgwick, KS
Senator David B. Haley	Minority / Senate	Kansas City, KS
Representative Stephen Owens	Majority / House	Hesston, KS
Representative Dennis Highberger	Minority / House	Lawrence, KS

### *Governor Appointments (6)*

Mark Dupree	District Attorney	Kansas City, KS
Pat Colleton	Public Member	Leawood, KS
Jermaine Wilson	Public Member	Leavenworth, KS
Dustin Curry	Private Counsel	Lawrence, KS
Pam Weigand	Community Corrections	Lawrence, KS
Jessica Glendenning	Public Defender	Lawrence, KS

### *Statutorily Appointed Members (3)*

Sec. Jefferey Zmuda	Secretary of Department of Corrections	Topeka, KS
Mark Keating	Kansas Prisoner Review Board	Topeka, KS
Jessica G. Domme	Attorney General's Office Designee	Topeka, KS

## Overview of Sentencing Commission Activities

### *Research, Statistical Analysis and Administration*

The agency staff carries out the work of the Commission and provides valid, reliable information to the Governor, Legislature, and other parties. In addition to the administrative functions of the agency, several other types of activities are performed and include:

- providing criminal justice information to the Legislature, Department of Corrections, the Governor, lobbying groups, and members of the general public
- tracking sentence impositions across the state
- projecting male and female, adult, probation, and incarcerated populations
- assessing Legislative impacts on male, female and adult bed space
- identifying annual sentencing trends
- considering and recommending options to reduce the prison population when capacity will be reached within two years

### *Alternative Sentencing Policy for Non-Violent Drug Possession Offenders (SB 123 & RAFT)*

K.S.A. 21-6824 (SB 123) was created during the 2003 legislative session. Under community corrections supervision, SB 123 provides certified substance abuse treatment for offenders convicted of K.S.A. 21-5706 (drug possession) and severity level 4E-4I drug offenders convicted of K.S.A. 21-5705 (distribution), who are non-violent adult offenders with no prior convictions of drug trafficking, drug manufacturing or drug possession with intent to sell.

In 2021, HB 2026, codified in K.S.A. 21-6825, was passed to provide substance abuse treatment to persons charged with felony drug possession offenses (K.S.A. 21-5706). This program was named the Recovery from Addiction Funded Treatment (RAFT) program in 2022. It functions procedurally like the SB 123 program, but payments to treatment providers occur at the diversion rather than the post-conviction level.

In 2023, S Sub for HB 2010, codified in K.S.A. 21-6824, was passed to expand the reach of SB 123 to certain nondrug, nonperson felony offenders to receive substance abuse treatment. Narrative references to this expanded treatment will also be cited as SB 123.

The Kansas Sentencing Commission provides administration, monitoring, evaluation, payment services, publications, and informational meetings for the SB 123 and RAFT programs.

## Agency Programs

The Sentencing Commission is a comparatively small state agency with two distinct areas of responsibility. The agency's two programs reflect that dichotomy and include Research, Statistical Analysis and Administration, and the Alternative Sentencing Policy for Non-Violent Drug Possession Offenders (SB 123 & RAFT).

*Through the Research, Statistical Analysis and Administration program the agency provides:*

- data and information on sentencing to criminal justice professionals throughout the state and researchers in other states
- fiscal impacts to the Legislature, Governor and others upon request
- annual adult prison population projections to the Department of Corrections, Governor and Legislature
- reference manuals of current sentencing guidelines to criminal justice professionals
- information and direction to substance abuse treatment providers and corrections officers throughout the state

The research section of the agency provides information and analysis regarding the criminal justice system throughout the state. The agency provides prison population projections on which the Department of Corrections makes budget decisions as to expanding facilities, which involves the use of taxes as a part of the state's resources. The Sentencing Commission is also required to present alternatives to state officials when the prison population will exceed capacity within two years.

*The Alternative Sentencing Policy for Non-Violent Drug Possession Offenders (SB 123 & RAFT) program provides:*

- payments to more than 120 substance abuse treatment providers throughout the state
- training and technical assistance to court services, community corrections, and substance abuse treatment providers
- collection of offender and insurance reimbursements for remittal to the State General Fund

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The agency's SB 123 & RAFT program staff provides payment services to substance abuse treatment providers and collects offender reimbursement and insurance payments. Staff also communicates continually with program stakeholders. SB 123 and RAFT presentations are conducted to provide information to treatment providers and community corrections officers and offer a forum for exchange.

The knowledge, skill, and experience of the staff in both areas provide reliable information to stakeholders throughout the state and nation. The agency can operate these functions at a low-cost ratio. The cost of operation for SB 123 and RAFT program is presently 6%.

As previously stated, the Kansas Sentencing Commission operates under two program areas, although many of the agency's operational functions are under the umbrella of Program area 01031, and operational expenditures incurred as the centralized payment center of SB 123 and RAFT substance abuse treatment programs are processed under program 01032 in the statewide financial management system, commonly known as SMART.

Program area 01031 includes administrative functions, operational responsibilities, sentencing guideline monitoring, prison population projections, provision of data, and analysis of legislation. The staff also evaluates selected criminal justice programs. The agency's operational function is included in this program area.

Program area 01032 serves as the centralized payment center for drug abuse treatment services associated with the alternative sentencing policy for non-violent drug possession offenders. Under this program area, the agency also provides administrative functions, training, and has the responsibility for evaluating the alternative sentencing policy.

## Agency Overview

### *Human Resource Strategies:*

The goal of the agency is to maintain a workforce comprised of motivated and skilled analysts, finance and accounting staff, and others such that the work of the Commission is advanced. The Sentencing Commission is comprised of 16 staff members, 13.5 unclassified FTE positions and 2.5 non-FTE unclassified permanent positions.

The agency's goals and objectives depend solely on the knowledge, skills, experience, and abilities of its staff to provide services to the criminal justice system in the state of Kansas. The staff utilizes various data to formulate statistically based information that provides input into decisions impacting the criminal justice system.

The staff directly serves as a resource to its customers, which include Department of Corrections, Legislature, Division of the Budget, Governor's Office, U.S. Bureau of Justice Statistics, and others requesting information and analysis.

### *Information Technology (IT) Infrastructure:*

The agency must maintain IT capacity and an IT infrastructure such that the analytic work of the agency can be completed with efficiency and validity. The work of the agency is dependent on several specialized programs. The utilization of a relational database system allows for automation to process over 39,500 payments. Computer replacement, software updates, and system maintenance are vital to the goals of this agency. Plans have been implemented such that data, the agency's primary raw asset, is protected by redundant server capacity, use of a SQL platform for containment and management of expanding database systems, and a recovery plan in the event of a disaster. The agency utilizes the services of an IT consultant and OITS Small Agency Support to define and implement IT applications, security, and hardware.

### *Statistical Analysis Center (SAC):*

The Kansas Sentencing Commission serves as the state's designated Statistical Analysis Center (SAC) for criminal justice analyses (statistically-based or analytically driven). This is a designation placed on the Commission by the U.S. Department of Justice – Bureau of Justice Statistics. It requires the Commission to analyze programs and data in a scientifically reliable fashion and to share the results of such analyses with other criminal justice entities across the United States.



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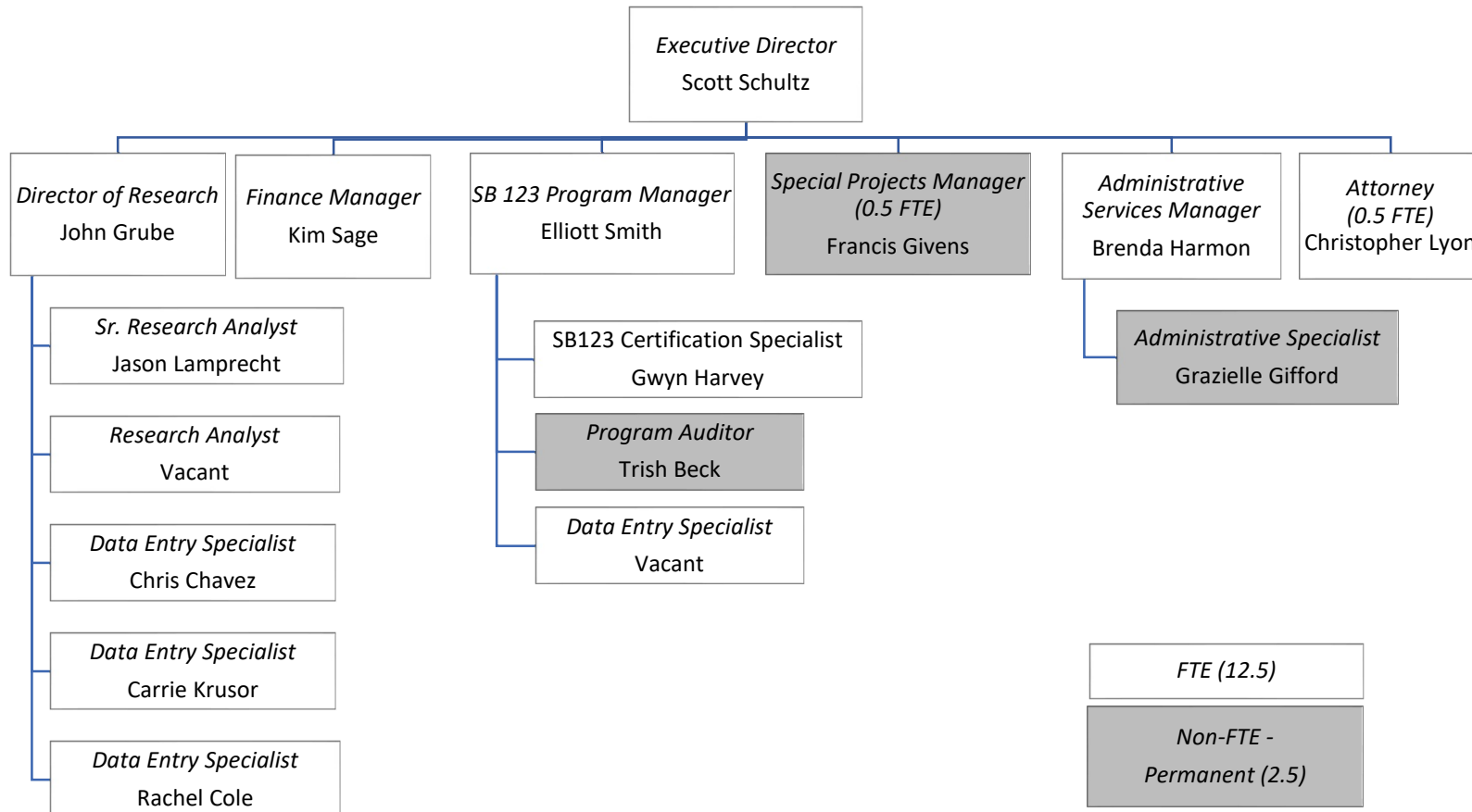
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*Additional Items:*

The Commission provides support in the implementation process for statewide use of risk needs assessment tools by probation officers. Commission members, the Executive Director, and staff members also participate in various policy commissions, steering committees, and taskforces that consider criminal justice issues. In the past, a commission member served on the Substance Abuse Policy Board under the Kansas Criminal Justice Coordinating Council. The Executive Director has served on the Reentry Steering Committee, the Kansas Criminal Justice Information Systems Board, and the Kansas Criminal Justice Reform Commission.

## Agency Organization



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## Current Year Information

Expenditures for the SB 123 & RAFT program have increased because of the 2021 passage of K.S.A. 21-6825, commonly referred to as RAFT and the expanded SB 123 legislation of 2023 S Sub for HB 2010, codified in K.S.A. 21-6824. Administration of the RAFT program was given to the KSSC, but no funding has been provided. The expanded SB 123 legislation and appropriation of \$1.8 million for new offender treatment went into effect July 1, 2023. However, due to the nature of the program, the agency estimates that it may take up to three years for full implementation of the new law statewide.

### ***FY 2025 Expenditure Justification:***

The following tables show the status of the FY 2025 budget request by program, object, and funding sources.

<b>FY 2025 State General Fund</b>				
<b>Program</b>	<b>FY 2025</b>	<b>Reappropriation</b>	<b>Lapses</b>	<b>Total Approved</b>
Administration*	\$ 1,427,027	\$ 106,163	\$ (63,873)	\$ 1,469,317
SB 123 Drug Treatment	\$ 10,852,184	\$ 3,634,658	\$ (1,159,181)	\$ 13,327,661
Total Approved:	\$ 12,279,211	\$ 3,740,821	\$ (1,223,054)	\$ 14,796,978

\*Admin incl off hosp

Admin Program = All budget units

<b>FY 2025 Expenditures by Program and Funding Source</b>				
<b>Program</b>	<b>State General Fund</b>	<b>General Fees Fund*</b>	<b>Federal Fund</b>	<b>Total</b>
Administration	\$ 1,469,317	\$ 40,170	\$ 39,000	\$ 1,548,487
SB 123 Drug Treatment	\$ 13,327,661	\$ -	\$ -	\$ 13,327,661
Total:	\$ 14,796,978	\$ 40,170	\$ 39,000	\$ 14,876,148

\*Includes \$400 budgeted in non-expense items for sales tax remittance on the sale of Desk Reference Manuals

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<b>FY 2025 Expenditures by Major Object and Funding Source</b>				
<b>Major Object</b>	<b>State General Fund</b>	<b>General Fees Fund</b>	<b>Federal Fund</b>	<b>Total</b>
Salaries and Wages	\$ 1,329,356	\$ -	\$ -	\$ 1,329,356
Contractual Services	\$ 763,337	\$ 39,770	\$ 39,000	\$ 842,107
Commodities	\$ 14,688	\$ -	\$ -	\$ 14,688
Capital Outlay	\$ 48,184	\$ -	\$ -	\$ 48,184
Non-expense	\$ -	\$ 400	\$ -	\$ 400
Other Assistance	\$ 12,641,413	\$ -	\$ -	\$ 12,641,413
Total:	\$ 14,796,978	\$ 40,170	\$ 39,000	\$ 14,876,148

*Salaries and Wages:*

Current Year FY 2025 – Salaries and benefits are calculated for all agency staff, and paid Commission members. The 1.0 FTE Research Analyst and 1.0 FTE Data Entry Specialist positions are currently vacant.

*Contractual Services:*

Current Year FY 2025 – The agency anticipates continuing multi-year contracts with Carelon Behavioral Health, to maintain the SB 123 provider payment system, and with Domo, Inc. to maintain the electronic Journal Entry system, known as the Kansas Sentencing Application (KSApp).

*Commodities:*

Current Year FY 2025 –The estimated expenditures are primarily office and professional supplies necessary for the ongoing administration of agency functions. There is an increase in gasoline due to in-state travel for provider recruitment, deliver training, and conduct audits.

*Capital Outlay:*

Current Year FY 2025 – Replacement of PCs and hardware is expected as much of the hardware was purchased at the beginning of the pandemic.

*Hospitality:*

Current Year FY 2025 – The increase to \$3,000 is to cover costs for monthly meetings, subcommittee meetings and an annual workshop lasting one or two days. Unlike many agencies, the KSSC holds monthly meetings to discuss and manage ongoing projects and initiatives. A consensus group and six subcommittees also meet to carry out the agency's business. The consensus group and subcommittees focus on specific areas such as policy development, program implementation, and stakeholder engagement. The increase in this budget item from \$900 will ensure that all meetings are adequately supported with necessary hospitality services, including refreshments and materials, to facilitate productive discussions and decision-making.

*Other Assistance*

Current Year FY 2025 – \$13.3 million is estimated. This increased amount includes \$2.4 million in reappropriation, that was not utilized in FY 2024. The use of the funds is anticipated for the 2024 expansion of the SB 123 program, allowing eligibility for more felony offenses. More offenders will be added to the program and require mandatory treatment for up to 18 months. The agency is also proposing an increase to cost caps of the substance use disorder treatment modalities that is estimated at \$2.4 million. The increase in provider cost caps is necessary to address the rising costs of healthcare services. These caps regulate the maximum prices that providers can charge for their services, ensuring that costs remain manageable for both the state and the providers. This adjustment will help maintain the quality of care and ensure that providers are adequately compensated for their services. The program must also remain competitive with programs such as block grant regarding those cost caps. Time to treatment will be compromised if providers are unwilling to hold beds for SB 123 offenders. Some of the modalities proposed to be modified have not seen cost cap increases for services since the program's inception in 2003. The reappropriation is adequate to cover this amount.

*Non-Expense:*

Current Year FY 2025 – \$400 is budgeted from the General Fees Fund to pay sales tax to the Department of Revenue for the sale of Desk Reference Manuals and other educational materials.

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## Budget Years Information

### ***FY 2026 Expenditure Justification:***

The following tables show the status of the FY 2026 budget by program, object, and allocated funding sources.

<b>FY 2026 State General Fund</b>				
<b>Program</b>	<b>FY 2025 Approved</b>	<b>Health Ins Rate Change</b>	<b>KPERS Rate Change</b>	<b>Total Allocation</b>
Administration	\$ 1,442,486	\$ 15,802	\$ 296	\$ 1,458,584
SB 123 Drug Treatment	\$ 10,852,182	\$ -	\$ -	\$ 10,852,182
Total:	\$ 12,294,668	\$ 15,802	\$ 296	\$ 12,310,766

*\*Admin incl off hosp*

<b>FY 2026 Expenditures by Program and Funding Source</b>				
<b>Program</b>	<b>State General Fund</b>	<b>General Fees Fund*</b>	<b>Federal Fund</b>	<b>Total</b>
Administration	\$ 1,442,486	\$ 50,640	\$ -	\$ 1,493,126
SB 123 Drug Treatment	\$ 10,852,182	\$ -	\$ -	\$ 10,852,182
Total:	\$ 12,294,668	\$ 50,640	\$ -	\$ 12,345,308

*\*There is also \$400 budgeted from General Fees Fund in non-expense items for sales tax remittance on the sale of Desk Reference Manuals*

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**FY 2026 Expenditures by Major Object and Funding Source**

<b>Major Object</b>	<b>State General Fund</b>	<b>General Fees Fund</b>	<b>Federal Fund</b>	<b>Total</b>
Salaries and Wages	\$ 1,343,833	\$ -	\$ -	\$ 1,343,833
Contractual Services	\$ 755,359	\$ 50,540	\$ -	\$ 805,899
Commodities	\$ 12,841	\$ -	\$ -	\$ 12,841
Capital Outlay	\$ 39,785	\$ -	\$ -	\$ 39,785
Non-expense	\$ -	\$ 100	\$ -	\$ 100
Other Assistance	\$ 10,142,850	\$ -	\$ -	\$ 10,142,850
Total:	\$ 12,294,668	\$ 50,640	\$ -	\$ 12,345,308

*Salaries and Wages:*

Budget Year FY 2026 –Salaries and benefits are calculated for all agency staff, paid Commission members, and reflects the increase in health insurance rates and in KPERS rates.

*Contractual Services:*

Budget Year FY 2026 – Operating expenditures increase. As the SB 123 program continues its auditing program, increased in-state travel for treatment provider on-site training, recruitment, and audits is planned. Further development services for the statewide KSAApp is also anticipated.

*Commodities:*

Budget Year FY 2026 – Operating expenditures slightly decreased from FY 2025.

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*Capital Outlay:*

Budget Year FY 2026 –The agency expects an additional expenditure to integrate its electronic journal entry application with the Office of Judicial Administration’s eFlex case management system in addition to replacing outdated microcomputer equipment.

*Hospitality:*

Budget Year FY 2026 – The increase to \$3,000 is to cover costs for monthly meetings, subcommittee meetings and an annual workshop lasting one or two days. Unlike many agencies, the KSSC holds monthly meetings to discuss and manage ongoing projects and initiatives. A consensus group and six subcommittees also meet to carry out the agency's business. The consensus group and subcommittees focus on specific areas such as policy development, program implementation, and stakeholder engagement. The increase in this budget item from \$900 will ensure that all meetings are adequately supported with necessary hospitality services, including refreshments and materials, to facilitate productive discussions and decision-making.

*Other Assistance:*

Budget Year FY 2026 – Approximately \$10.2 million is estimated.

*Non-Expense:*

Budget Year FY 2026 – \$100 is budgeted from the General Fees Fund to pay sales tax to the Department of Revenue for the sale of Desk Reference Manuals and other educational materials.

***Change Package #1: SB 123 Provider Rate Increase Enhancement***

The agency monitors SB 123 substance abuse treatment modalities and their costs. It is proposing an increase in cost caps to account for inflation, competition, and increases in provider cost caps.

The increase in provider cost caps is necessary to address the rising costs of healthcare services. These caps regulate the maximum prices that providers can charge for their services, ensuring that costs remain manageable for both the state and the providers. This adjustment will help maintain the quality of care and ensure that providers are adequately compensated for their services. The program must also remain competitive with programs such as block grant regarding those cost caps. Time to treatment will be compromised if providers are unwilling to hold beds for



SB 123 offenders. Some of the modalities proposed to be modified have not seen cost cap increases for services since the program's inception in 2003.

## **2003 SB 123 & RAFT Drug Treatment Payments**

### *Program Information*

The alternative sentencing policy for non-violent drug possession offenders, or as it is more commonly known SB 123 program, was passed during the 2003 legislative session and implemented during FY 2004. The program is designed to divert non-violent drug possession and small sale offenders out of the prison population and requires state-funded drug treatment to reduce recidivism among this group of offenders.

The Sentencing Commission provides a centralized payment center, performs program administration in cooperation with KDOC, and provides evaluation functions for the SB 123/RAFT programs. The following information shows the expenditure history, current year estimate, and budget year estimate according to data compiled from the agency's payment database, the Treatment Provider Payment System (TPPS) and Carelon, the agency's bill payment vendor.

In FY 2024 the TPPS was retired, and the agency is handling the accounting internally and through Carelon.

### *Program Expenditure History*

The SB 123 drug treatment program utilized approximately \$138.6 million between the beginning of the program in FY 2004 and FY 2024. Those funds have been used for the assessment and treatment of 29,671 offenders during that period. Annual cost averages are approximately \$3,556 per offender. It should be noted that some offenders receive treatment in multiple fiscal years so the recorded number of offenders receiving treatment does not necessarily match the actual number of individual persons who received treatment.

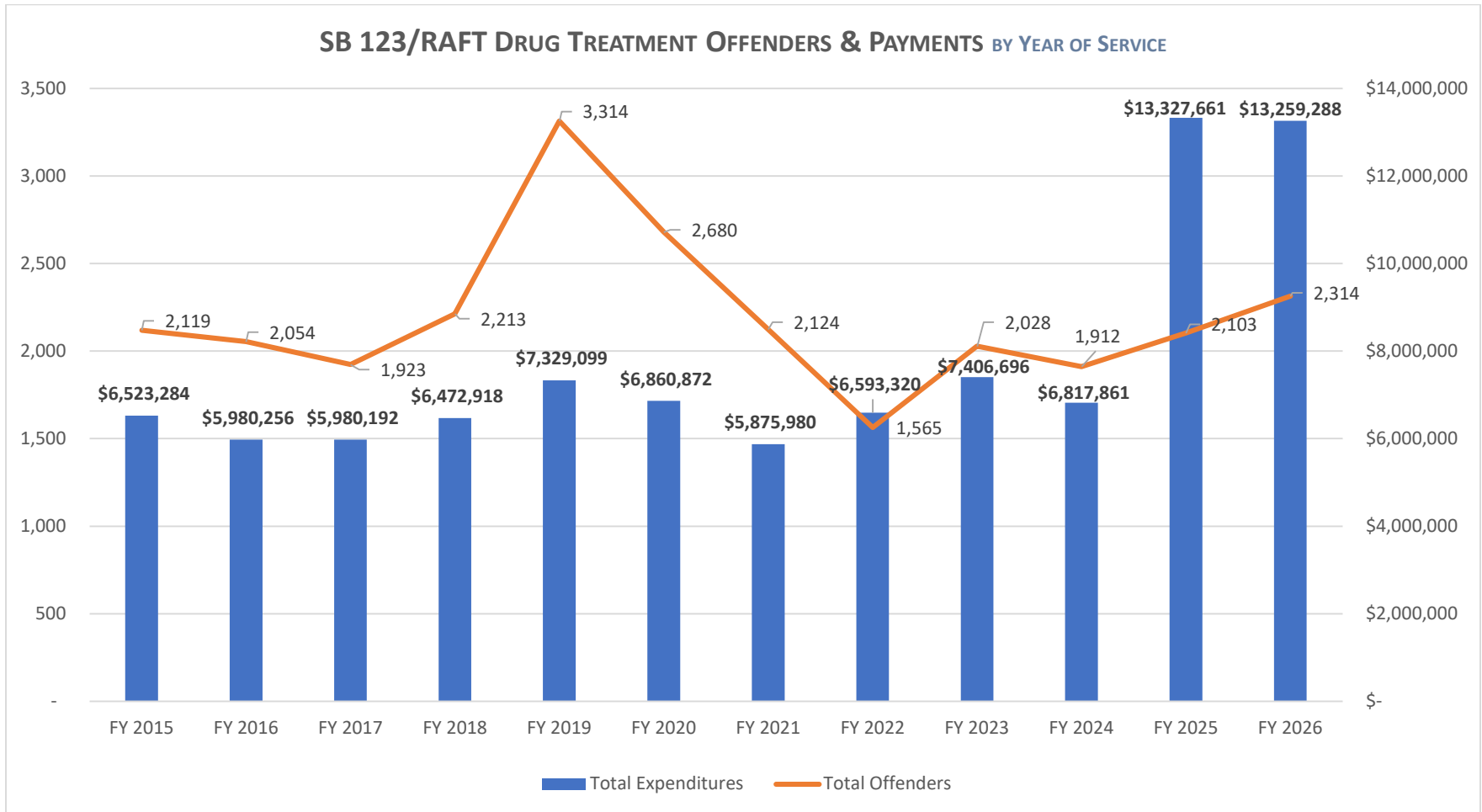
When compared to KDOC's FY 2023 average operating cost of \$40,138 per year/inmate to be incarcerated in state prison, one can see the effect the SB 123/RAFT programs have on the cost of effective public safety in the state of Kansas.

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The following chart shows actual and estimated total expenditures and offenders since FY 2015. The program peaked in terms of dollars spent (\$8.8 million) in FY 2007.



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The Sentencing Commission continues to study modality changes to match other industry providers while maintaining its success rate.

The following table compares the last ten fiscal years for the actual amount expended, number of offenders, and change over time.

SB 123 Treatments and Expenditures							
Fiscal Year	Total Expenditures	Total Offenders	Cost Per Offender	Treatment Invoices	Invoices Per Offender	Change from Previous FY	% Change in Expenditures
FY 2015	\$ 6,523,284	2,119	\$ 3,078	8,428	3.98	\$ (356,669)	-5.2%
FY 2016	\$ 5,980,256	2,054	\$ 2,912	8,304	4.04	\$ (543,029)	-8.3%
FY 2017	\$ 5,980,192	1,923	\$ 3,110	8,004	4.16	\$ (64)	0.0%
FY 2018	\$ 6,472,918	2,213	\$ 2,925	8,790	3.97	\$ 492,726	8.2%
FY 2019	\$ 7,329,099	3,314	\$ 2,212	23,232	7.01	\$ 856,181	13.2%
FY 2020	\$ 6,860,872	2,680	\$ 2,560	36,055	13.45	\$ (468,227)	-6.4%
FY 2021	\$ 5,875,980	2,124	\$ 2,766	36,844	17.35	\$ (984,892)	-14.4%
FY 2022	\$ 6,593,320	1,565	\$ 4,213	38,042	24.31	\$ 717,340	12.2%
FY 2023	\$ 7,406,696	2,028	\$ 3,652	39,586	19.52	\$ 813,376	12.3%
FY 2024	\$ 6,817,861	1,912	\$ 3,566	38,334	20.05	\$ (588,835)	-8.0%
FY 2025*	\$ 13,327,661	2,103	\$ 6,337	42,169	20.05	\$ 6,509,800	95.5%
FY 2026*	\$ 13,259,288	2,314	\$ 5,731	46,386	20.05	\$ (68,373)	-0.5%

\*FY 2025 and FY 2026 amounts are estimates.

Source: TPPS- Year-to-Date Activity and Carelon (07/01/2020-06/30/2024)

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*Current Year Estimate – FY 2025*

It is anticipated that the increase of 6.5 million will be utilized in FY 2025 for the continued impact of the passage of three bills in the last five years and to fund an increase in treatment provider services. These are:

1. 2019 SB 18 that allows severity level 4E-4I drug offenders to be eligible under the SB 123 program.
2. 2021 HB 2026, now codified at K.S.A. 21-6825 (RAFT).
3. Expansion of the SB 123 program to nondrug felony offenders beginning FY 2024.
4. KSSC plans to increase the cost caps of several treatment modalities to keep pace with industry market rates.

The program's increased costs can be covered in FY 2025 through the utilization of SGF and carryover balances.

*Budget Year Estimate – FY 2026*

SB 123 expenditures are anticipated to be approximately \$10.1 million to show more fully the impact of the recent legislative changes. An enhancement of \$2.4 million is needed to fund treatment cost cap increases.

## Population Projection and Forecasting – Goals, Objectives, and Performance

Sentencing Statewide Database: For every offender convicted of a felony offense, a sentencing journal entry is, by statute, completed and forwarded to the Sentencing Commission. The data contained in the sentencing journal entry serves as the basis for the statewide sentencing database that contains centralized sentencing data for all felony probation and prison sentences in Kansas. The development of this comprehensive database has enabled the state to identify sentencing trends, intended and unintended changes in sentencing patterns, and the impact of legislative changes to the Kansas Sentencing Guidelines Act (KSGA). This database also provides the basis for reliable research on sentencing issues and enables timely responses to ongoing data requests for policy development.

### **PROGRAM GOAL:**

To facilitate efficient and effective use of state resources and promote public safety by providing accurate prison population projections; by providing sound statistical analysis from solid research methods; and by distributing information through publications to all stakeholders.

**OBJECTIVE #1:** Maintain an accurate and complete sentencing database that will enable tracking and allow assessment of sentence impositions across the state.

Strategies for Objective # 1:

- Collect and input source data in an accurate, timely, and complete fashion. Source data would include journal entries of sentencing, journal entries of probation revocation, and criminal history worksheet data.
- Update and publish the journal entry form to improve the format, facilitate changes in legislation, and capture data necessary to perform research and analysis.
- Complete an approved annual forecast of the state’s adult prison population by September 1.
- Complete population projection by severity level, and sentencing classification.
- Prepare custody classification projections. These projections predict what type/level of beds will be needed according to the risk level of the prison population, and by gender for the state’s adult incarcerated population.
- Monitor compliance with the sentencing guidelines.
- Maintain a monthly error rate of 2% or less in the adult prison population projection.

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**OBJECTIVE # 1.1:** Maintain an annual error rate of +/- 5% or less in the adult prison population projection.

INPUT MEASURE # 1.1:

Journal entries form the basis for trends, projections, and sentencing policy analysis.

Workload Summary and Comparison										
Workload in Hours	Actual FY 2017	Actual FY 2018	Actual FY 2019	Actual FY 2020	Actual FY 2021	Actual FY 2022	Actual FY 2023	Actual FY 2024	Estimate FY 2025	Estimate FY 2026
Tracked	16,674	16,784	18,148	14,424	12,998	13,342	14,795	14,556	14,847	15,144
Entered	20,064	19,133	20,474	22,509	17,042	14,735	17,462	17,130	17,472	17,821

The estimate for the current year and budget year were established using an average annual growth rate of 2% for each fiscal year. Using 2% will allow for unexpected increases due to law changes.

OUTCOME MEASURE # 1.1:

Projection Error Rate									
Actual FY 2017	Actual FY 2018	Actual FY 2019	Actual FY 2020	Actual FY 2021	Actual FY 2022	Actual FY 2023	Actual FY 2024	Estimate FY 2025	Estimate FY 2026
-0.8%	1.6%	2.5%	10.7%	3.8%	1.0%	-2.6%	0.2%	1.5%	1.5%

\*Due to COVID-19 pandemic

--Normative statistical modeling considers (+/-) 5% as statistically valid for projections--

**OBJECTIVE # 1.2:** Update and publish journal entry forms to improve format, facilitate changes in legislation, and to capture data necessary to perform research and analysis. The agency has created a forms committee to review all statutorily required forms that are distributed statewide to criminal justice practitioners.

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INPUT MEASURE # 1.2:

Staff hours to identify changes in legislation and determine how to incorporate those changes into the form: 40

Staff hours to identify journal entry form elements: 40

Staff hours to design form: 250

Staff hours to test the form: 90

OUTPUT MEASURE # 1.2:

Forms have been designed and are available on the agency's website: <https://sentencing.ks.gov/resources/sentencing-forms>

**OBJECTIVE # 1.3:** Complete an approved ten-year forecast of the state's adult prison population in August and submit it for approval by the Commission in late August each year.

INPUT MEASURE # 1.3:

Prison population projections consume approximately 3,400 hours for consensus, calculation, and presentation. The FY 2025 Prison Population Projection Report is available on the KSSC website: <http://www.sentencing.ks.gov/resources/reports>

Activities and Measures:

- Collect and analyze data
- Conduct consensus meetings to identify actual practice, policy implications, growth rate, and predictions regarding population movement. The consensus group consists of stakeholders of the criminal justice system within the state. See the FY 2024 Prison Population Projection Report on KSSC website: <http://www.sentencing.ks.gov/resources/reports> for a complete list of the participants.
- Use data to run simulations of the prison population through the prison system for a ten-year forecast period.
- Report the prison population projections.
- Apply the projections to decision making.
- Performance Measures for Objective # 1.3:

Ten-year prison population projections are used to base the allocation of correction’s resources and management. The projections may also be used to determine the scope and timetable for capital improvement needs of the Kansas Department of Corrections.

Activities:

- Track and monitor the monthly performance of the adult prison population projection model.
- Track and monitor at year-end the performance of the model’s prediction by offense severity level and group.

OUTCOME MEASURE # 1.3(a):

The following table shows the difference in the FY 2024 population projection approved by the Sentencing Commission and the actual prison population.

**Table 10: Prison Population Monthly Monitoring Report**  
**FY 2024 Model**

Month / Year	Projected	Actual	Difference	Percent Error
July 2023	8986	8947	39	-0.4%
August 2023	9019	8971	48	-0.5%
September 2023	9094	9017	77	-0.9%
October 2023	9129	9017	112	-1.2%
November 2023	9174	9002	172	-1.9%
December 2023	9250	8970	280	-3.0%
January 2024	9278	9013	265	-2.9%
February 2024	9294	9072	222	-2.4%
March 2024	9319	9147	172	-1.9%
April 2024	9344	9295	49	-0.5%
May 2024	9347	9374	27	0.3%
June 2024	9384	9404	20	0.2%



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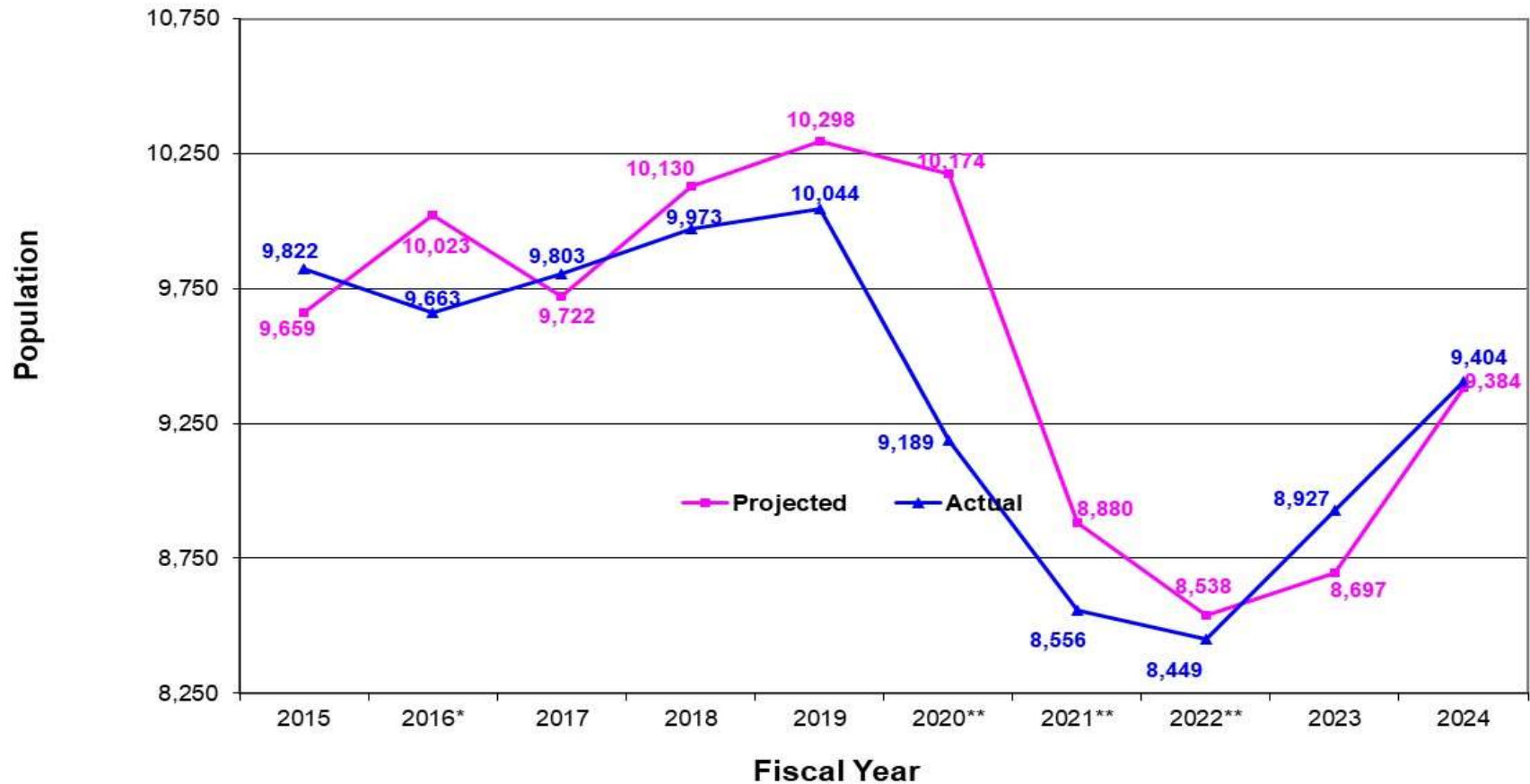
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OUTCOME MEASURE # 1.3(b):

Outcome measures are contained within the Prison Population Projection Reports, which can be accessed at <http://www.sentencing.ks.gov/resources/reports>

The following chart and table give an overview of actual vs projected population numbers for FY 2015-FY 2024.

### Ten-Year Projected and Actual Prison Population FY 2015 to FY 2024



\*The decrease of actual prison population was due to HB 2447 implemented on April 14, 2016, resulting in 147 inmates released earlier.

\*\* The decrease of FY 2020-22 actual population was due to COVID-19 pandemic.

**Ten Year Projected and Actual Prison Population**

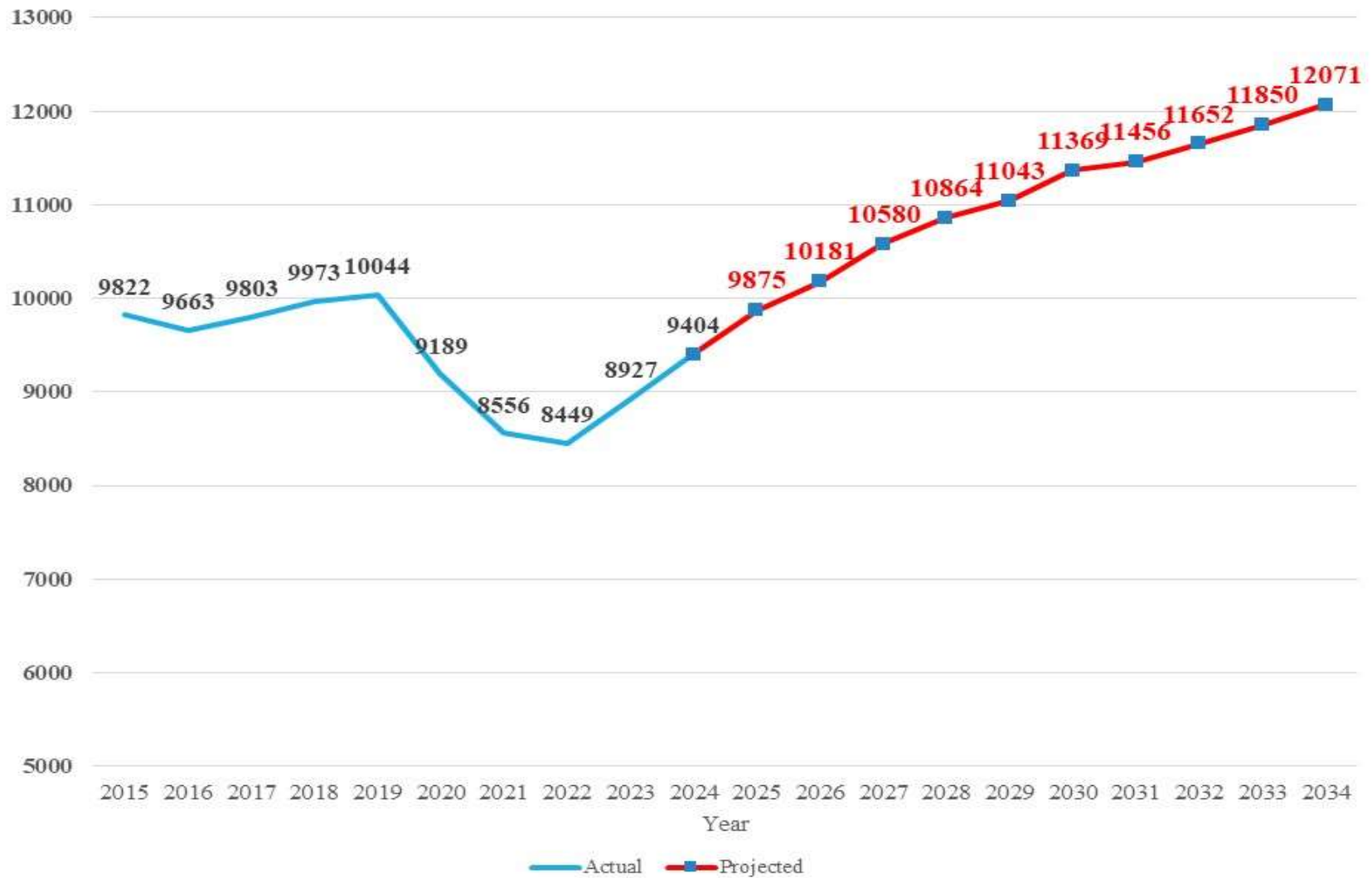
<b>Fiscal Year-End</b>	<b>Projected</b>	<b>Actual</b>	<b># Difference</b>	<b>% Error</b>
2015	9,659	9,822	-163	-1.70%
2016*	10,023	9,663	360	3.70%
2017	9,722	9,803	-81	-0.80%
2018	10,130	9,973	157	1.60%
2019	10,298	10,044	254	2.50%
2020**	10,174	9,189	985	10.70%
2021**	8,880	8,556	324	3.80%
2022	8,538	8,449	89	1.10%
2023	8,697	8,927	-230	-2.60%
2024	9,384	9,404	-20	-0.20%
<b>Average (10 Years)</b>	<b>9,559</b>	<b>9,404</b>	<b>155</b>	<b>1.81%</b>

\*The decrease of actual prison population was due to HB 2447 implemented on April 14, 2016, resulting in 147 inmates release earlier who should not be released in FY 2016.

\*\*The decrease in the FY 2020-22 actual prison population was due to COVID-19 pandemic.

The following chart and table give an overview of the prison population projections for FY 2015-FY 2034.

## KS Prison Population: Actual and Projected



**FY 2024 Prison Population Projections By Offender Group**

<b>Offender Group</b>	<b>2024*</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>	<b>2028</b>	<b>2029</b>	<b>2030</b>	<b>2031</b>	<b>2032</b>	<b>2033</b>	<b>2034</b>	<b># Change</b>	<b>% Change</b>
Drug	1269	1376	1366	1427	1475	1501	1589	1567	1612	1643	1659	<b>390</b>	<b>30.70%</b>
N1 to N3	2609	2628	2750	2874	2988	3097	3198	3266	3353	3420	3489	<b>880</b>	<b>30.60%</b>
N4 to N6	1595	1733	1807	1856	1894	1910	1939	1973	1990	2044	2101	<b>506</b>	<b>31.70%</b>
N7 to N10	818	852	867	897	925	918	961	941	978	1013	1035	<b>217</b>	<b>26.50%</b>
Sanction	2	4	1	0	0	0	0	0	0	0	0	<b>-2</b>	<b>-100.00%</b>
Probation Condition Violators	1143	1299	1389	1453	1468	1464	1484	1482	1475	1501	1532	<b>389</b>	<b>34.00%</b>
Offgrid Including Old Law Lifer	1517	1580	1605	1640	1666	1697	1725	1723	1720	1722	1717	<b>200</b>	<b>13.20%</b>
Parole/Post Release Violators	398	357	355	398	418	431	450	485	511	494	524	<b>126</b>	<b>31.60%</b>
Old Law Inmates	53	46	41	35	30	25	23	19	13	13	11	<b>-42</b>	<b>-79.20%</b>
<b>Total</b>	<b>9404*</b>	<b>9875</b>	<b>10181</b>	<b>10580</b>	<b>10864</b>	<b>11043</b>	<b>11369</b>	<b>11456</b>	<b>11652</b>	<b>11850</b>	<b>12071</b>	<b>2667</b>	<b>28.40%</b>

**OBJECTIVE # 1.4:** Prepare custody classification projections and show gender distribution. The following table and charts are found in the Kansas Sentencing Commission FY 2024 Adult Inmate Prison Population Projections published in August 2024. There is demand for female bed space, therefore the projections assist in planning for the type of bed space needed. The capacity for female offenders reached capacity during FY 2017 and are estimated to reach that same level by FY 2026. The male capacity is estimated to be reached by FY 2028. The population projections publication includes trend information, such as population; admissions and releases by type; compares admissions to releases; and includes charts showing projections broken out by violent and non-violent inmates by severity level; and by drug and nondrug designations.

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INPUT MEASURE # 1.4:

Staff hours to complete classification and gender projections:

<b>Staff Hours Utilized for Classification and Gender Projections</b>											
	<b>Actual FY 2016</b>	<b>Actual FY 2017</b>	<b>Actual FY 2018</b>	<b>Actual FY 2019</b>	<b>Actual FY 2020</b>	<b>Actual FY 2021</b>	<b>Actual FY 2022</b>	<b>Actual FY 2023</b>	<b>Actual FY 2024</b>	<b>Estimate FY 2025</b>	<b>Estimate FY 2026</b>
<b>Workload Hours</b>	165	165	165	170	175	175	175	175	175	175	175

Activities and Measures:

- Collect data
- Identify assumptions relating to policy and practice relating to this population
- Use data to run simulations of the prison population through custody classification levels for a ten-year forecast period
- Report the projections

OUTCOME MEASURE # 1.4(a):

Each projection model is presented by gender and severity level.

Activities and Measures:

- Produce prison population projections reflective of the anticipated mix of male and female inmates over the next ten years.

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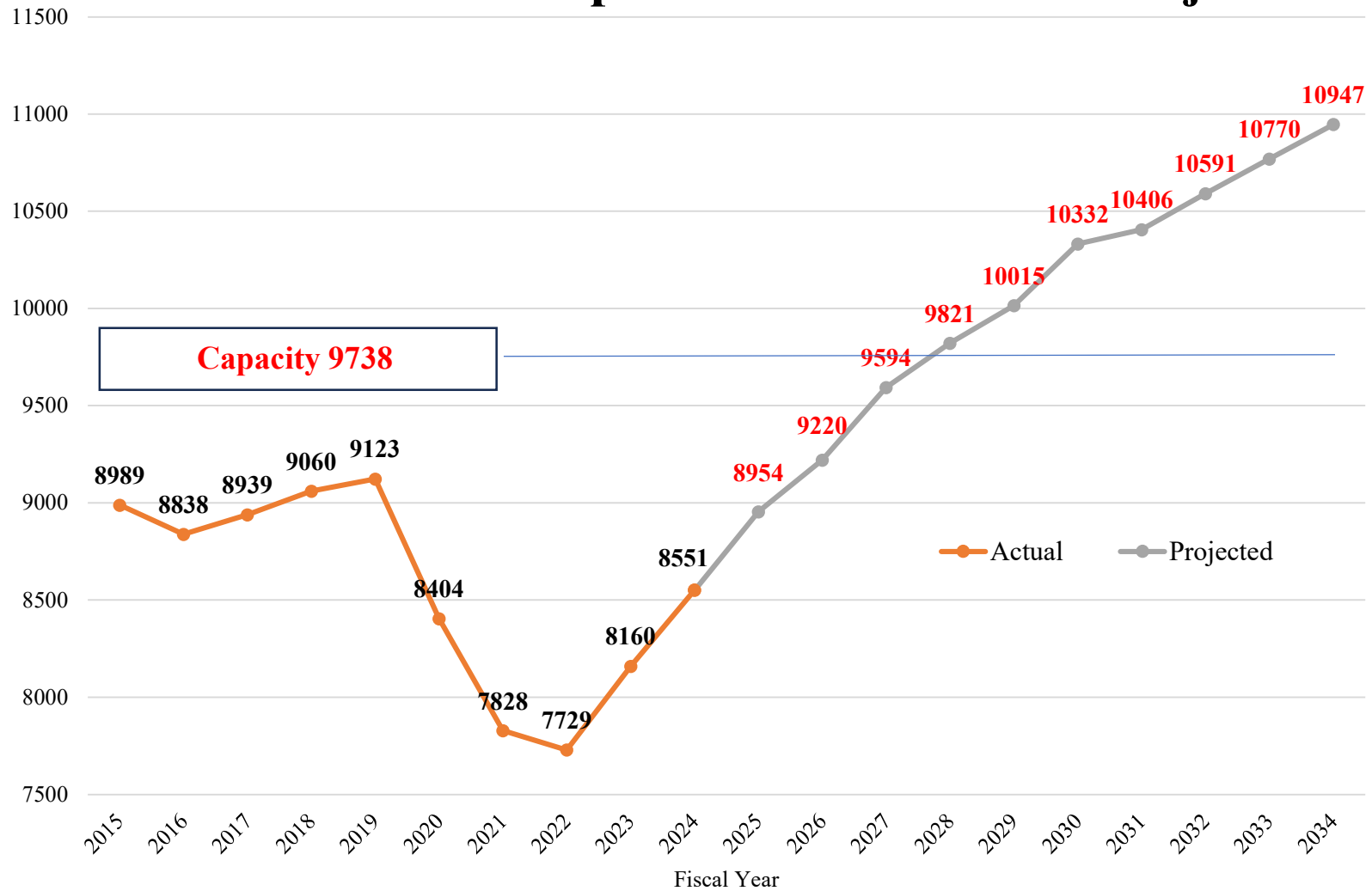
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OUTPUT MEASURE # 1.4(a):

Gender distribution-The male population capacity was 9,668 and there were 8,160 offenders incarcerated at the end of FY 2024. The level of confinement must meet the custody needs. The female capacity was 932 and there were 767 offenders incarcerated at the end of FY 2023. Before KDOC increased capacity for female offenders, the population was routinely at 96%-98% capacity. The COVID-19 pandemic dramatically decreased prison admissions but the agency's prison population projections indicate that admissions will continue to increase and be similar to pre-pandemic capacity levels shortly.

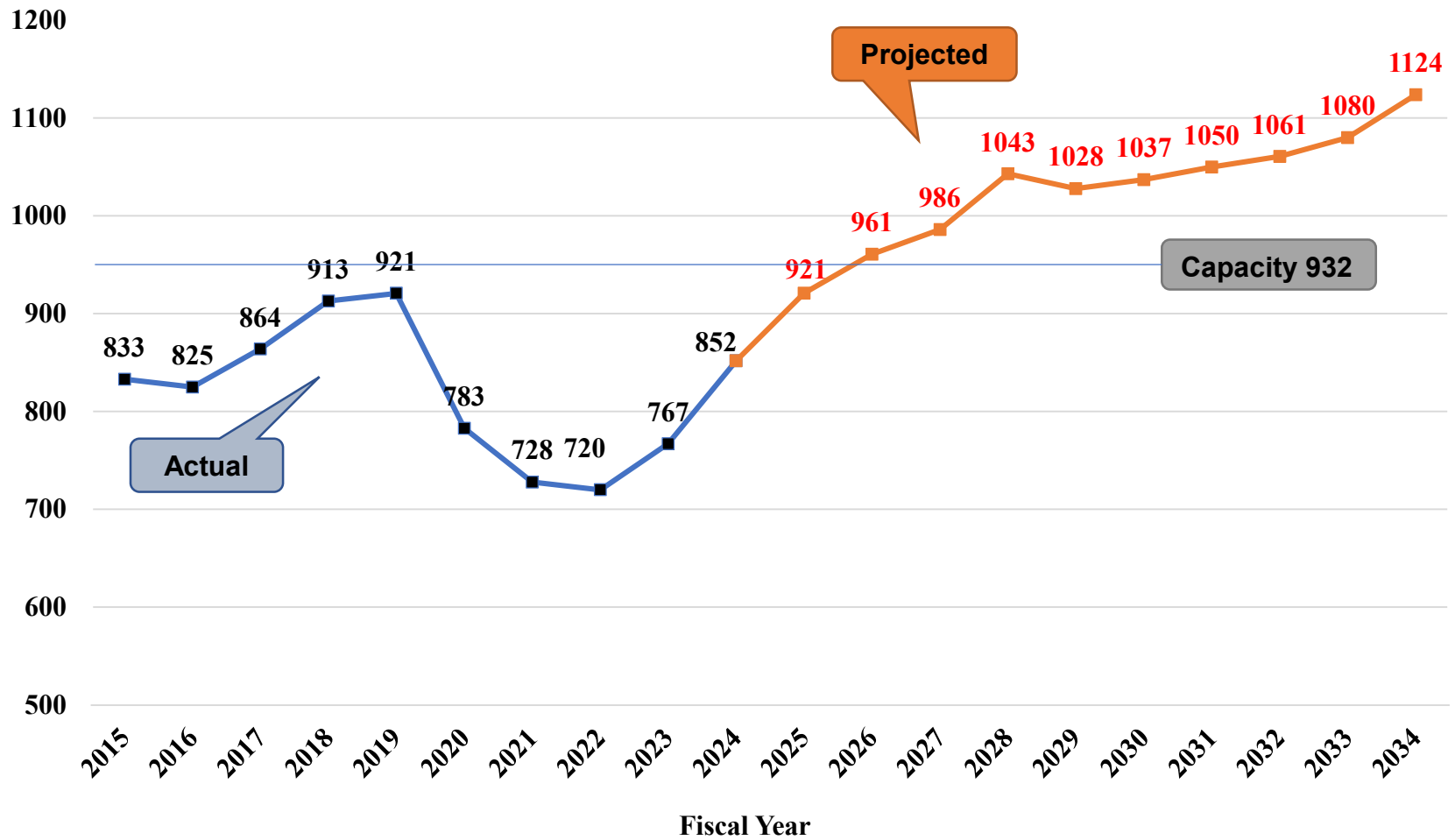
The following are charts showing the Male and Female Prison Population Trends. The Full Prison Population Projection may be found on the agency website at <http://www.sentencing.ks.gov/resources/reports>.

## Male Prison Population - Actual and Projected





## Female Prison Population - Actual and Projected



OUTCOME MEASURE # 1.4(b):

Custody Classification

The FY25 estimated bed space needs by custody classification for the pertinent ten-year period is not available at the time of publication. The Kansas Department of Corrections is currently in the process of making internal changes to their custody classification process. These modifications, once completed, would change the 10-year projected totals across several different custody classification levels for both the male and female prison populations. The KDOC modification process will be completed over the next month, at which time the KSSC will complete the Annual Custody Classifications, making them readily available by request and on the KSSC website.

OUTPUT MEASURE # 1.4(b):

The classification projections information guides KDOC in determining capacity affecting capital outlay and can be found on the agency's website at <http://www.sentencing.ks.gov/resources/reports>

**OBJECTIVE: # 1.5:** Review population projection data showing the sentencing distribution and create a chart showing that distribution.

INPUT MEASURE # 1.5:

Collect data and organize data from the KSSC journal entry and KDOC databases to show severity level distribution as publish those annually on the agency's website for the previous fiscal year.

Activities and Measures:

- Monitor the application of the guidelines
- Determine sentencing distribution based on severity level
- Group data according to geography; gender, race; type of admissions; and sentence category
- Determine the elements of the data necessary for measuring conformity in sentencing
- Create programming to extract the necessary data elements
- Format results
- Analyze data and prepare documentation for publication to the agency website

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#### OUTPUT MEASURE # 1.5:

SEVERITY LEVEL DISTRIBUTION FY 2023. In FY 2024, the agency contracted with Domo, Inc. to create dynamic dashboards that contain the entirety of previous annual report data that was represented by a static PDF file. The online visualizations allow stakeholders to view and compare multiple-year data across counties for sentencing distribution by type of conviction, severity level, and revocation data.

<https://www.sentencing.ks.gov/statistical-analysis/dashboards>.

#### SENTENCING DISTRIBUTION

#### OUTCOME MEASURE # 1.5:

Provide information and statistical information on Kansas sentencing according to the Kansas Sentencing Guidelines. This information is displayed in the KSSC Dashboards on the agency's website. <https://www.sentencing.ks.gov/statistical-analysis/dashboards>

This information is utilized as a sentencing practice reference for researchers, stakeholders, policymakers, and the public. The KSSC Dashboards show the number of felony sentences ordered during each fiscal year, starting in FY 2022. The sentencing distribution shows the number of offenders sentenced to prison and the number of offenders sentenced to probation. It also shows the number of felony offenders who were sentenced to jail.

**OBJECTIVE: # 1.6:** Monitor compliance with the sentencing guidelines.

#### CONFORMITY RATES BY SEVERITY LEVEL-INCARCERATION SENTENCES

#### OVERALL CONFORMITY RATES

In FY 2023, a total number of 9,312 pure guideline sentences were utilized for analysis, including 2,434 incarceration guideline sentences and 6,880 probation sentences. Of the 9,312 guidelines sentences, 77% were within the presumptive guideline grids. This is consistent with data from previous years. Fiscal year 2024 data is being process and will be available after submission.

#### Activities and Measures:

Track and monitor the monthly performance of the adult prison population projection model. Staff hours in monitoring are 3.5 hours per month.

**OBJECTIVE # 1.7:** Another essential function of the agency is to conduct legislative impacts on the prison population. The continuous impacts of the policies in this model include the so-called “special rules” or offenses that carry a specific prison term outside the sentencing grid. There are now 52 special rules.

**OBJECTIVE # 2:** Complete impact assessments for fiscal impact and prison population impact as requested by one or more of the Commission’s many customers including but not limited to the Division of the Budget, other state agencies, individual legislators, legislative committees upon request, lobbyists, members of the public, and for consultants working with the state in some capacity.

Strategies for Objective # 2:

- Provide reliable valid data promptly to serve as input for consideration in the development of rational criminal justice policies for the state.
- Provide options to reduce populations when the population is expected to exceed prison capacity.

**OBJECTIVE # 2.1:** Perform studies as directed by Commission, Governor, Legislature, Joint Committee on Corrections and Juvenile Justice Oversight, courts, or other criminal justice stakeholders.

Activities and Measures:

Number of Impact assessments conducted – comparative analysis of the number of impact statements and the number of staff hours required to perform these analyses.

INPUT MEASURE # 2.1

Impact assessments are prepared with the assistance of seven staff members (administrative service manager, administrative specialist, staff attorney, director of research, senior research analyst, research analyst and the executive director). On average, preparation time for fiscal/bed space impacts is nine hours (*Note: Time to complete an impact statement may vary greatly based on the complexity of analysis, the number of assumptions and the number of specific laws to be changed*).

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INPUT MEASURE # 2.1(a):

Number of Fiscal/Bed Space Impacts Completed Per Year										
	Actual FY 2016	Actual FY 2017	Actual FY 2018	Actual FY 2019	Actual FY 2020	Actual FY 2021	Actual FY 2022	Actual FY 2023	Actual FY 2024	Estimate FY 2025
<b>Total Completed</b>	161	136	151	178	142	190	120	114	115	130

OUTPUT MEASURE # 2.1(b):

Staff Hours Utilized for Fiscal/Bed Space Impacts										
	Actual FY 2016	Actual FY 2017	Actual FY 2018	Actual FY 2019	Actual FY 2020	Actual FY 2021	Actual FY 2022	Actual FY 2023	Actual FY 2024	Estimate FY 2025
<b>Workload Hours</b>	1,449	1,224	1,359	1,602	1,278	1,710	1,080	1,026	1,093	1,350

**OBJECTIVE # 2.2:** The Sentencing Commission staff provides sentencing information, data, and analysis when the population is expected to exceed prison capacity within two years.

The Kansas Sentencing Commission hosted a workshop in September 2023 to explore options in evidence-based practices that addressed managing the prison population. This workshop resulted in the approval of five bills for introduction/support in the 2024 session.

OUTPUT MEASURE # 2.2:

The agency provides datasets upon request to universities and other entities and charges a fee for those requests. However, the agency provides data and analysis to state agencies and other state government divisions without charge.

**OBJECTIVE # 3:** Incorporate information, statistical data, and sentencing trends, along with legislative and judicial impact on sentencing practices into publications – promulgation, and training.

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Strategies for Objective #3:

- Publish the Kansas Sentencing Commission Annual Report.
- Publish the Sentencing Guidelines Desk Reference Manual.

**OBJECTIVE # 3.1:**

INPUT MEASURE: #3.1: Population Projections

<b>Staff Hours to Create Annual Report</b>	
<b>Project</b>	<b>Staff Hours</b>
Prison Population Projections	482
Incorporate Data into Annual Report	420
<b>TOTAL</b>	<b>902</b>

Activities and Measures:

- Write the text to accompany the analysis.
- Edit and publish the document.
- Reproduce document.
- Distribute the document.

OUTPUT MEASURE #3.1:

Kansas Sentencing Commission – FY 2022 Annual Report – Available electronically on the KSSC Website.

<https://sentencing.ks.gov/resources/annual-reports>.

**OBJECTIVE # 3.2:** Update, generate, and make available the annual Sentencing Guidelines Desk Reference Manual.

**OUTCOME MEASURE # 3.2:**

The Sentencing Guidelines Desk Reference Manual is provided to the courts, attorneys, KDOC, Legislature, Governor, probation officers, and other interested stakeholders. The production of this manual is completed by agency staff.

**OUTPUT MEASURE # 3.2:**

Produce Sentencing Guidelines Desk Reference Manual.

DRM Order forms and electronic versions are available on the agency website. <https://sentencing.ks.gov/resources/desk-reference-manuals>.

**Activities and measures:**

- Staff hours spent researching and updating the DRM: 600 hours
- Staff hours spent processing and fulfilling DRM orders: 350 hours
- Estimated distribution date: October 2024
- Number to be distributed = 900
- Estimated date for posting on website = October 2024
- Estimated income from sale of DRM in FY 2025 = \$35,000; FY 2026 = \$35,000

**OBJECTIVE # 4:**

Provide training on the changes contained in the Sentencing Guidelines Desk Reference Manual, including changes in legislation, forms, and process, as well as those initiated by relevant case law.

**Strategies for Objective # 4:**

- Present training and update information to other criminal justice agencies and associations whose work involves the use, completion, or interpretation of the information contained on the journal entry forms to include those impacted by case law and legislative actions.
- Provide information, training, and materials on the Sentencing Guidelines to individuals working in the criminal justice field.

- Publish quarterly e-newsletter identifying new information and publications.
- Provide training on the Sentencing Guidelines to judges, attorneys, and other criminal justice stakeholders.

*Performance:* Training is being shifted to electronic media so it can be accessed by more people at a time convenient to them. The Special Projects Director is specifically tasked with providing educational outreach in cooperation with the staff attorney. Multiple webinars have been provided free of charge to stakeholders, many for continuing legal education credit, to further educate practitioners in the use of the sentencing guidelines and the forms that the KSSC maintains.

**OUTPUT MEASURE # 4:**

FY 2024 Trainings - Continuing legal education for attorneys and webinar opportunities that are not approved for CLE credit (primarily Court Services and Community Corrections). \*Not for CLE credit.

1. 1.ePSI Training for CSO Pilot Group - \*11 attendees
2. eJE Training for Pilot Groups in Dickinson and Lyon County - 17 attendees; Requested CLE credit for 8 attorneys
2. 2023 Legislative Changes & Case Lw Updates - \*154 total; 147 maximum concurrent views
3. 2023 Legislative Changes & Case Law Updates – 61 attendees; Requested CLE credit for 61 attorneys
4. KACSO Fall Conference - \*50 attendees
5. Judges Regional Conference – 187 attendees
6. Kansas Electronic Journal Entry CLE for Pilot Groups 2 and 3 - Requested CLE credit for 7 attorneys.
7. 2024 Kansas Sentencing Updates for WyCo Defense Bar – 9 total; 9 attorneys
8. The Latest in Kansas Criminal Sentencing - \*137 total; 128 maximum concurrent views
9. The Latest in Kansas Criminal Sentencing - \*51 total; Requested CLE credit for 51 attorneys
10. State Funded Substance Abuse Treatment Programs: Who is Eligible? - \*154 total; 150 maximum concurrent views
11. State Funded Substance Abuse Treatment Programs: Who is Eligible? – 43 total; Requested CLE credit for 43 attorneys
12. 2024 Criminal Sentencing Legislative Updates - \*86 total; 83 maximum concurrent views

**OBJECTIVE # 5:**

Serve as an information resource for the government of the State of Kansas, the Kansas Legislature, various other state criminal justice agencies, and other stakeholders (inclusive of national bodies and organizations).



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Strategy:

Upon request or noted need, the Commission has conducted or commissioned various statistically-based research projects and has published several reports. Included in the list are the following (which are outputs):

OUTCOME MEASURE # 5:

Presentations and published materials are located under the SB 123/RAFT, Statistical Analysis, Resources, Education & Training tabs of the agency [website](#).

OUTPUT MEASURE # 5:

The Commission provides ongoing legal consultation concerning issues involving sentencing guidelines upon request to judges, attorneys, and court services officers. The Commission also responds to frequent legislative requests for data or information relevant to sentencing and other criminal justice issues from the Joint Committee on Corrections and Juvenile Justice Oversight, Judiciary Committees, Appropriations/Ways and Means Committees, and individual legislators.

Performance Objective # 5

Serve on special committees as assigned.

Agency staff serves and provides data and other support information.

- Legislative Committee – work ongoing
- Personnel and Compensation Committee – work ongoing
- Senate Bill 123 Committee – work ongoing
- Journal Entry Forms Committee – work ongoing

## **SB 123, RAFT Implementation, Management, and Evaluation**

Goals, objectives, and performance

Administration (Program 01032) & SB 123/RAFT Invoice Payments (Program 54010)

### **Background:**

Beginning November 1, 2003, a non-prison sanction to a certified drug abuse treatment program for SB 123 offenders who are sentenced on or after November 1, 2003, was implemented. All offenders sentenced under SB 123 are placed under the supervision of Community Corrections. All required assessments are scheduled as stated in the implementation manual. Community Corrections facilities are working with treatment providers to assure that the most appropriate treatment is being provided. The payment of the treatment providers has been assigned to the Kansas Sentencing Commission.

Senate Bill 123 provides for community supervision and mandatory substance abuse treatment for a defined target population of adult offenders who have been convicted of felony drug possession under K.S.A. 21-5706 (previously, K.S.A. 21-36a06, K.S.A. 65-4160, or 65-4162) and certain small drug sales under K.S.A. 21-5705. The range of substance abuse treatment options includes detoxification, inpatient, outpatient, peer support, continuing care and aftercare, along with relapse prevention and education.

In 2021, HB 2026 was passed to provide substance abuse treatment to persons charged with felony drug possession offenses (K.S.A. 21-5706). This program was named the Recovery from Addiction Funded Treatment (RAFT) program in 2022. It functions procedurally like the SB 123 program, but payments to treatment providers occur at the diversion rather than the post-conviction level.

In 2023, S Sub for HB 2010 was passed to expand the reach of SB 123 to certain nondrug, nonperson felony offenders to receive substance abuse treatment. The Kansas Sentencing Commission provides administration, monitoring, evaluation, payment services, publications, and informational meetings for the SB 123 and RAFT programs.

### **Ongoing Activities:**

The Kansas Sentencing Commission staff are assigned the responsibility of participating in the implementation, certification, development, and management of the SB 123/RAFT provisions. The Sentencing Commission is also the centralized payment center for SB 123 and RAFT treatment

invoices. The Sentencing Commission staff collects data on this offender group and performs analysis of the programs. The agency gathers data from the screening and guidance instruments used to determine the level of substance abuse and measure the offender's progress during treatment. The agency also reviews assessment scores and compares those scores to treatment modalities and costs. The Commission is continually reviewing the program to monitor for consistent application of the requirements of SB 123 and RAFT. The staff of the Sentencing Commission continues to gather data on pre-treatment offenders and participate in comparative analyses between the pre-treatment offender population and the post-treatment offender population on the impact on recidivism. Additionally, the agency continually reviews and analyzes data relating to costs and outcomes.

**PROGRAM GOAL:**

The goal of the mandatory substance abuse treatment is to provide community intervention and the opportunity for treatment to defined target offenders with substance abuse addictions to improve public safety and reduce the cycling of drug addicts through the prison system, which should be reserved for serious, violent offenders.

**OBJECTIVE #1:** To provide substance abuse treatment and supervision within communities for offenders with substance abuse addictions and improve local communities by reducing recidivism.

Activities: Establish a relationship between community corrections and treatment providers.

Strategies for Objective # 1:

- Identify the population.
- Establish treatment delivery services.
- Determine if treatment utilization is appropriate.

**OBJECTIVE # 1.1:** Population identified as offenders who are sentenced under K.S.A. 21-6824, who have no violent history or other disqualifying factors.

OUTCOME MEASURE # 1.1:

Determine the number of offenders that have been reached by the program.

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**OUTPUT MEASURE # 1.1:**

Through FY 2024, the program has reached 29,671 offenders with either treatment or assessment according to the TPPS and Carelon payment databases.

**OBJECTIVE # 1.2:** Provide evidence-based treatment to offenders within each community

**OUTPUT MEASURE # 1.2:**

There are 31 community corrections agencies and over 120 treatment providers supporting the SB 123 Program throughout Kansas. Through the SB 123 Program, treatment access has increased throughout the state. The initial number of treatment providers was around 60 in FY 2004.

**OBJECTIVE # 1.3:** Does the treatment provided match the services needed?

**OUTPUT MEASURE # 1.3:**

The Sentencing Commission entered into a contract with the University of Cincinnati to conduct an updated SB 123 program assessment. The significant findings of the study were:

- The percent reduction in relative odds of a new conviction when successfully completing the SB 123 program is 75%
- SB 123 offenders are 25-30% less likely to recidivate than non-SB 123 offenders
- SB 123 cases had a lower rate of re-conviction (7.7%) when compared to non-SB 123 cases (10.6%)
- SB 123 offenders were less likely to commit new crimes

**OBJECTIVE #2**

To provide a responsive centralized system that brings cohesion to the management of the program and efficient payment policies.

Strategies for Objective #2:

- Process invoices for treatment services.
- Provide timely payments with a reasonable turnaround for treatment invoices to certified SB 123/RAFT providers.

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- Review all invoices for accuracy, compliance, and reject or deny invoices not in compliance with the policies and guidelines for payments.

**OBJECTIVE # 2.1:** Payments and Services Provided

OUTCOME MEASURE: # 2.1

Actual, annual payments, recorded in the retired TPPS and Carelon, made to treatment providers between FY 2015 and FY 2024 are shown below:

## Annual SB 123/RAFT Treatment Expenditures



\*FY 2019 - FY 2023 reflects information combined from TPPS and Carelon EOY Payment Summary. The RAFT program began in FY 2022.

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**OUTPUT MEASURE #2.1:**

Number of invoices paid since in inception in FY 2003 = 356,636

Number of invoices paid during FY 2024 = 38,334

The number of invoices received per fiscal year: Beginning in October 2018 KSSC contracted with Carelon Behavioral Health, a third-party vendor, to manage the payment of provider invoices. One of the benefits of Carelon to treatment providers is the ability to submit invoices for payment, in a more instantaneous manner. Thus, the substantial increase in the number of invoices beginning in FY 2019. Before FY 2019, provider invoices were submitted monthly for payment.

Beginning in FY 2019 the number of payments and amount paid per fiscal year are recorded in TPPS’s Year To Date Activity Report and Carelon Utilization Report. Before FY 2018, the number of payments and amount paid per fiscal year are recorded in the TPPS Year To Date activity report only. RAFT invoicing and payment were added in FY 2022. Due to the discretionary nature of the RAFT program (each prosecutor has the discretion to participate), payments have been made for 39 divertees. The agency has retired the TPPS system in FY 2024.

SB 123 Invoices and Payments by Fiscal Year									
	FY 2015	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
<b># of Invoices Paid</b>	8,428	8,004	8,790	23,237	36,055	37,408	38,725	39,586	38,334
<b>Total Amount Paid (in millions)</b>	\$6.5	\$6.0	\$6.5	\$7.3	\$6.9	\$5.9	\$6.6	\$7.4	\$6.8

**OBJECTIVE # 3:** Track financial records of payments through the system and provide analysis and estimates of funding needs.

Strategies for Objective # 3:

- Download data from the Department of Corrections’ offender database (Athena) such that only offenders with an SB 123 active sentence and appropriate, approved substance abuse treatment interventions delivered by certified treatment providers are eligible for payment.
- Track payment systems to monitor costs and payment information.
- Review modality usage.
- Track payments in the payment database system and compare it to the SMART system (actual cash flow).

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INPUT MEASURE #3:

Update and maintain the payments database such that management and analytic reports are readily available and accessible.

Activities and Measures:

Reports are available in the database for the following types of information tracking:

- All modalities for each offender.
- Amount paid per modality for each offender.
- Payments made to each provider.
- Payments by community corrections agency
- Amount of offender reimbursement, the agency receives.
- Amount of insurance payments made for each offender.

OUTCOME MEASURE #3:

Monitor expenditures for substance abuse treatment.



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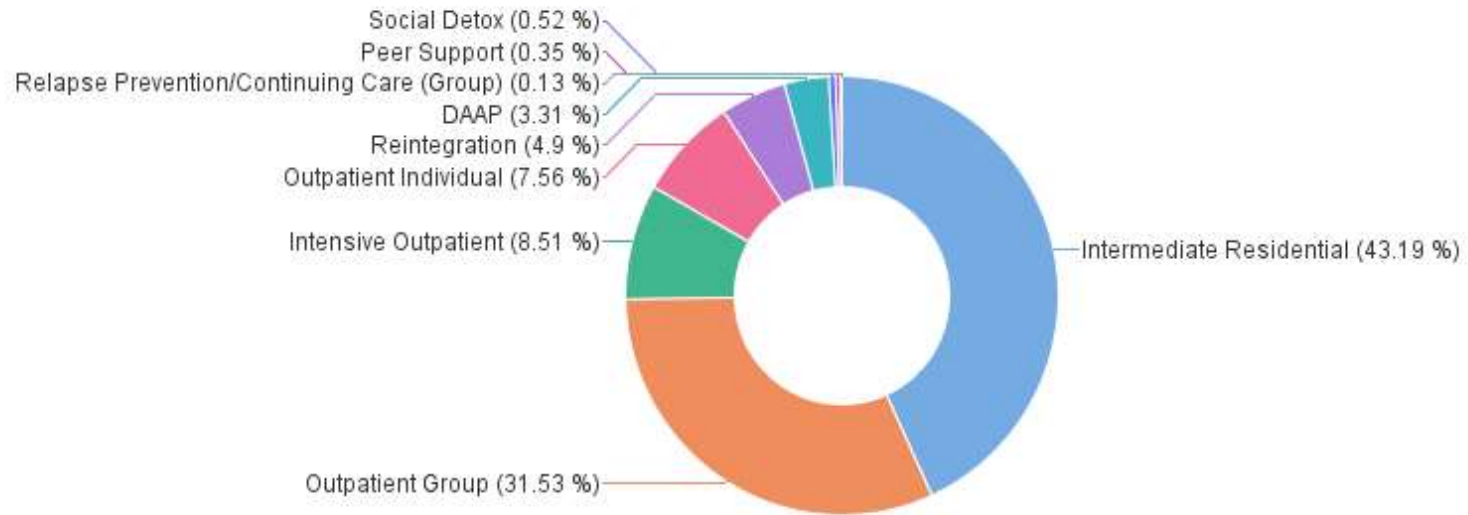
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OUTPUT MEASURE # 3(a):

The following report reflects FY 2024 intervention/services data recorded by Carelon for the RAFT program.

Service	Total Paid Amount	Offender Count	Cost/Offender
Intermediate Residential	\$43,330.00	10	\$4,333
Outpatient Group	\$31,637.00	20	\$1,582
Intensive Outpatient	\$8,536.04	8	\$1,067
Outpatient Individual	\$7,590.00	17	\$446
Reintegration	\$4,914.00	3	\$1,638
DAAP	\$3,325.00	19	\$175
Social Detox	\$525.00	1	\$525
Peer Support	\$348.00	3	\$116
Relapse Prevention/Continuing Care (Group)	\$127.50	1	\$128
	<b>\$100,332.54</b>	<b>39</b>	<b>\$2,573</b>

Total Paid Amount by Service



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OUTPUT MEASURE # 3(b):

The following report reflects FY 2024 monthly intervention/services data recorded by Carelon for the RAFT program.

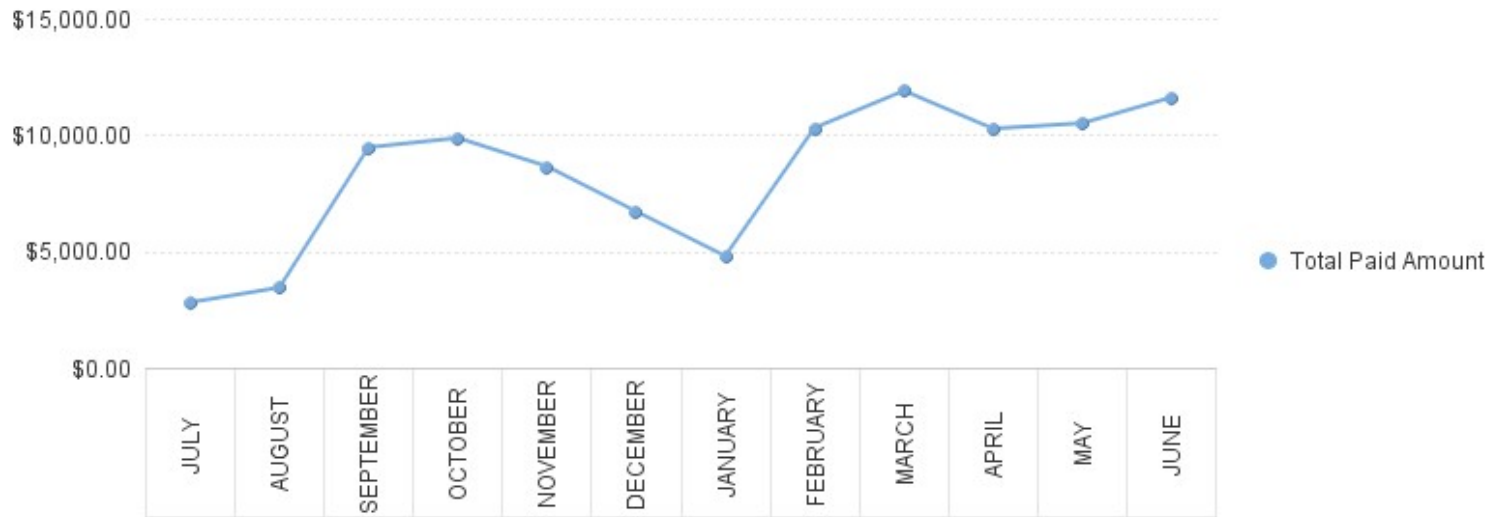
Service Month	Service Year	Total Paid Amount	Offender Count	Cost/Offender
JULY	2023	\$2,812.00	7	\$402
AUGUST	2023	\$3,447.00	9	\$383
SEPTEMBER	2023	\$9,468.00	10	\$947
OCTOBER	2023	\$9,868.50	9	\$1,097
NOVEMBER	2023	\$8,646.24	9	\$961
DECEMBER	2023	\$6,709.80	11	\$610
JANUARY	2024	\$4,797.50	12	\$400
FEBRUARY	2024	\$10,304.50	13	\$793
MARCH	2024	\$11,896.50	12	\$991
APRIL	2024	\$10,270.50	11	\$934
MAY	2024	\$10,501.50	15	\$700
JUNE	2024	\$11,610.50	16	\$726
		<b>\$100,332.54</b>	<b>39</b>	<b>\$2,573</b>

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Total Paid Amount by Begin Service Month Name and Begin Service Year



OUTPUT MEASURE # 3(c):

The following table and graph reflect FY 2024 total amount of payment, by diagnosis, recorded by Carelon for the RAFT program.

Diagnosis	Total Paid Amount	Offender Count	Cost/offender
Amphetamines/Stimulants	\$41,251.04	23	\$1,794
Alcohol	\$24,114.00	5	\$4,823
Cannabis	\$19,254.50	7	\$2,751
Cocaine	\$9,185.00	5	\$1,837
Opioids	\$6,353.00	4	\$1,588
Hallucinogens	\$175.00	1	\$175
	<b>\$100,332.54</b>	<b>39</b>	<b>\$2,573</b>

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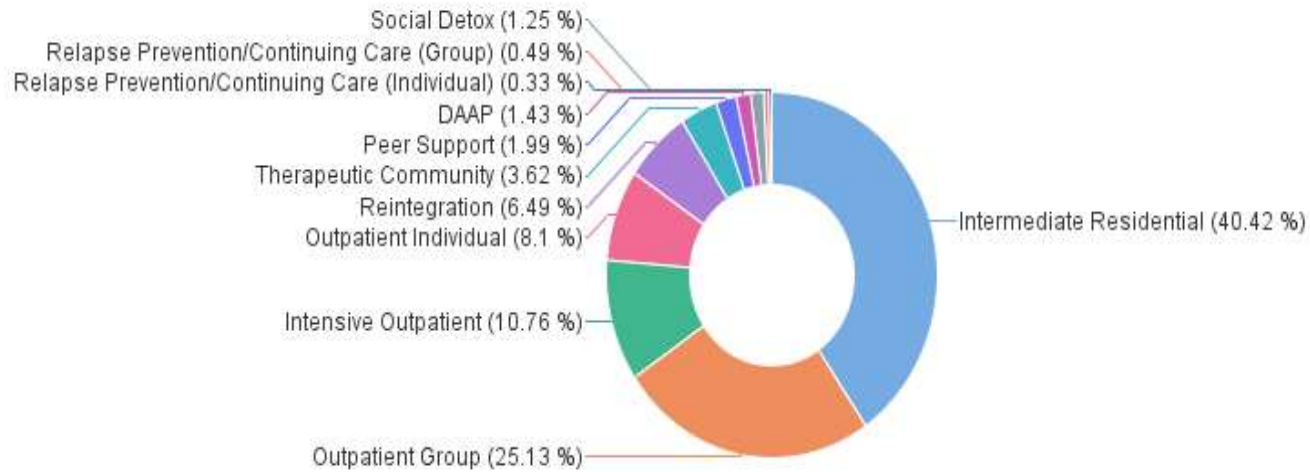
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OUTPUT MEASURE # 3(d):

The following table and graph reflect the FY24 intervention/services data recorded by Carelon for SB 123 program.

Service	Total Paid Amount	Offender Count	Cost/Offender
Intermediate Residential	\$2,714,389.11	571	\$4,754
Outpatient Group	\$1,687,667.81	935	\$1,805
Intensive Outpatient	\$722,624.88	371	\$1,948
Outpatient Individual	\$543,758.17	978	\$556
Reintegration	\$436,001.72	125	\$3,488
Therapeutic Community	\$243,450.00	15	\$16,230
Peer Support	\$133,519.20	279	\$479
DAAP	\$96,237.82	570	\$169
Social Detox	\$84,000.00	140	\$600
Relapse Prevention/Continuing Care (Group)	\$32,605.66	61	\$535
Relapse Prevention/Continuing Care (Individual)	\$21,899.00	82	\$267
	<b>\$6,716,153.37</b>	<b>1598</b>	<b>\$4,203</b>

Total Paid Amount by Service



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OUTPUT MEASURE # 3(e):

The following table and graph reflect the monthly amount of payment, offender count and cost/offender data recorded by Carelon for FY 2024.

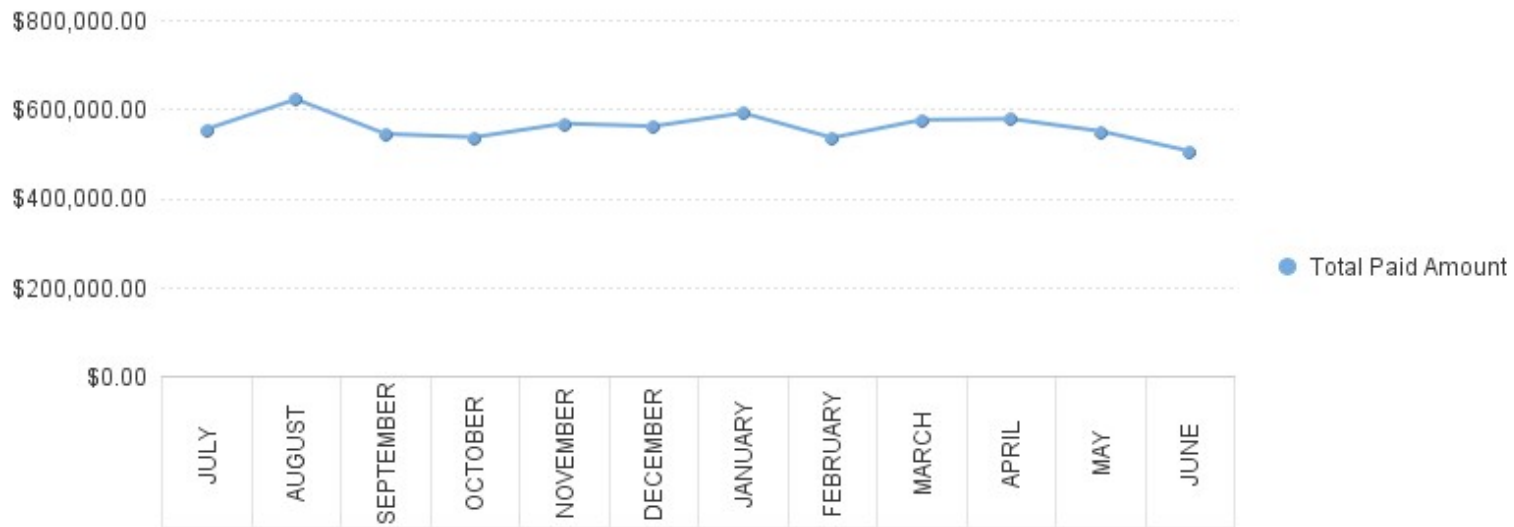
Service Month	Service Year	Total Paid Amount	Offender Count	Cost/Offender
JULY	2023	\$554,405.64	611	\$907
AUGUST	2023	\$621,517.72	660	\$942
SEPTEMBER	2023	\$543,576.74	628	\$866
OCTOBER	2023	\$536,212.68	665	\$806
NOVEMBER	2023	\$566,935.43	660	\$859
DECEMBER	2023	\$560,825.76	623	\$900
JANUARY	2024	\$590,680.28	619	\$954
FEBRUARY	2024	\$534,910.95	629	\$850
MARCH	2024	\$575,146.48	619	\$929
APRIL	2024	\$577,280.44	632	\$913
MAY	2024	\$549,807.05	587	\$937
JUNE	2024	\$504,854.20	562	\$898
		<b>\$6,716,153.37</b>	<b>1598</b>	<b>\$4,203</b>

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Total Paid Amount by Begin Service Month Name and Begin Service Year





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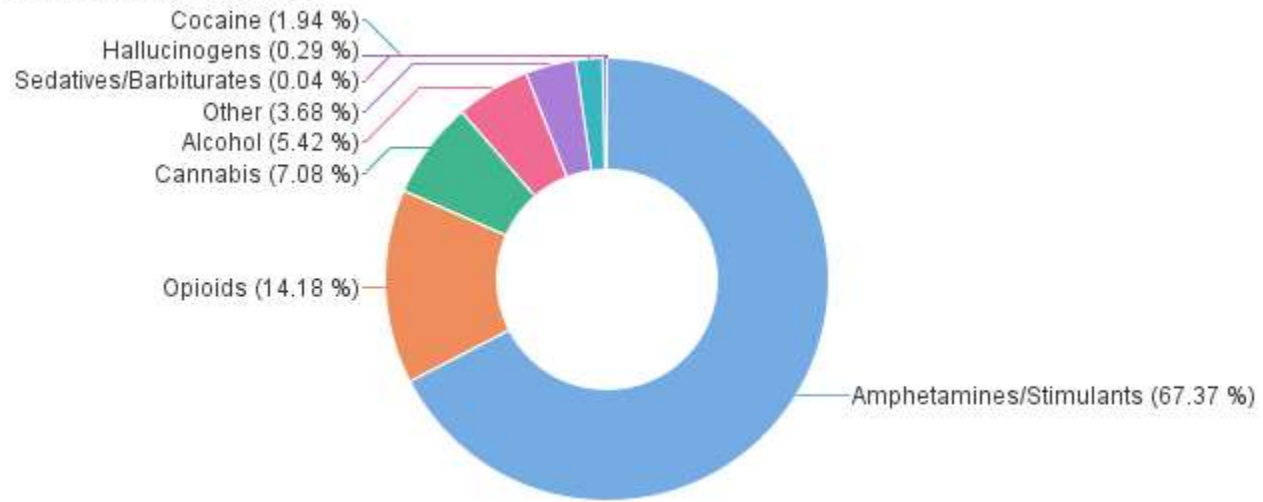
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OUTPUT MEASURE # 3(f):

The following table and graph reflect FY 2024 total amount of payment, by diagnosis, recorded by Carelon for SB 123 program.

Diagnosis	Total Paid Amount	Offender Count	Cost / Offender
Amphetamines/Stimulants	\$4,524,570.45	1177	\$3,844
Opioids	\$952,418.58	236	\$4,036
Cannabis	\$475,751.74	203	\$2,344
Alcohol	\$363,777.88	141	\$2,580
Other	\$247,280.00	23	\$10,751
Cocaine	\$130,139.72	57	\$2,283
Hallucinogens	\$19,707.00	5	\$3,941
Sedatives/Barbiturates	\$2,508.00	3	\$836
	<b>\$6,716,153.37</b>	<b>1598</b>	<b>\$4,203</b>

Total Paid Amount by Diagnosis



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**OBJECTIVE # 4:** Collect and report reimbursements made by offenders to the SB 123 program so that those funds can be used for payment of treatment services.

*Background:*

The Kansas Sentencing Commission receives reimbursement payments for treatment services provided to offenders under the provisions of SB 123. These reimbursements come directly from the offender as ordered by the court pursuant to K.S.A. 21-6824 and K.S.A. 75-52,144.

Strategies for Objective #4:

- Receive and track all offender reimbursement payments.
- Coordinate payments with the state's payment accounting system, commonly known as SMART.
- Provide offender reimbursement information to legislative committees.
- Monitor changes in collection as a result of increased actions to collect in compliance with the Joint Committee.
- Monitor journal entry documents to determine compliance with the minimum \$300 offender collection rate.

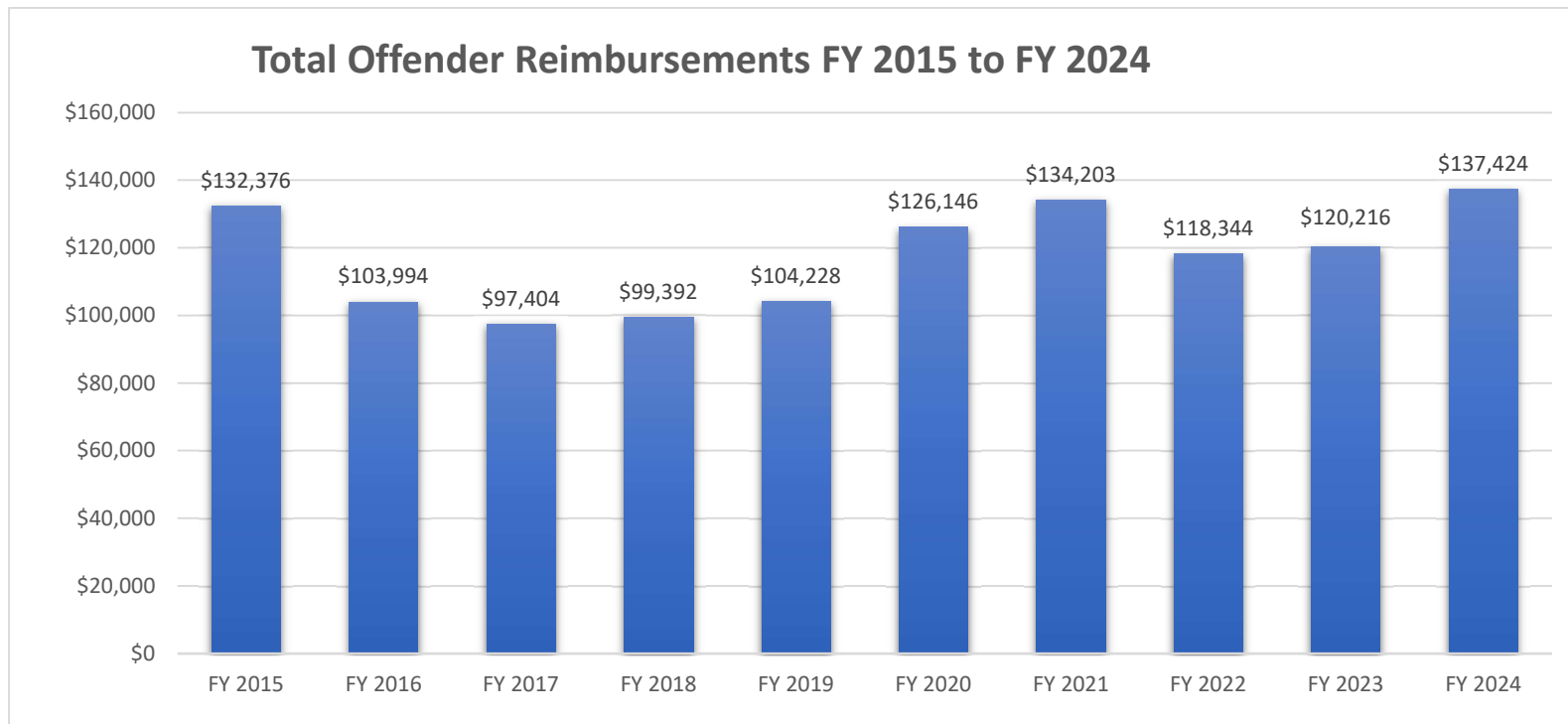
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OUTCOME MEASURE # 4: Comparison of the last ten fiscal years of offender reimbursement collections.

The following chart shows a ten history:



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**OBJECTIVE # 5:** Provide personal and online information resources.

Activities and Measures:

- The SB 123 manual was first published in late 2003 and two, full revisions have been done since then; one in 2006 and another in 2008. Work on the manual is an ongoing process with form revisions and updates made as needed. This is a collaborative project with the Kansas Department of Corrections and treatment providers. In FY 2016, three SB 123 forms were modified. This is the fourth edition of the manual that is exclusively digital and contained on the agency's website.
- The staff is in ongoing communication with customers assisting with all questions regarding the program. A dedicated email address is posted on the website and shared with providers giving staff a tool to aid them with a timely response.
- Updated information is placed on the website and treatment providers are alerted by listserv communication when there are changes in procedures.
- Website information and forms are used by 100% of the treatment providers and other stakeholders.

OUTPUT MEASURE # 5:

Changes affecting the program shall be communicated to the stakeholders and posted on the website. The latest edition of the manual was completed in October 2018 and is continuously updated in digital form. It can be found online at <https://www.sentencing.ks.gov/sb-123-raft-eligibility/providers>.