



**National Association of  
Sentencing Commissions**

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**NASC 2015 Annual Conference  
Transforming Research to Results  
August 16-18, 2015**

The Alaska Judicial Council is hosting the 2015 Annual Conference of the National Association of Sentencing Commissions. The conference will be held at The Hotel Alyeska in Girdwood, Alaska, August 16 to 18, 2015.

The conference opens with a welcoming reception on Sunday evening at the hotel. The next two days are full of interesting and varied sessions, both plenary and break out. With so many states involved in the Justice Reinvestment Initiative, two plenary sessions will be devoted to the topic. Speakers will be from both the consultants' perspectives and from the perspective of states who have been involved in the processes. Other plenary sessions include reporting on results of a

study of criminal history enhancements in guideline systems and research on how the length of prison stay impacts recidivism.

Break out sessions will focus on how sentencing commissions may facilitate or promote change in the criminal justice system, look at departures from sentencing guidelines and their bearing on the future of guidelines, and racial and ethnic disparities in sentencing. One roundtable will seek input on the collection of sentencing information and its use in public policy and another round table will look at mandatory minimum sentencing and its future.

The Rick Kern Memorial Keynote Speaker is the Honorable Patti Saris, Chair of the U.S. Sentencing Commission and Chief Judge of the U.S. District Court, District of Massachusetts.

Of course the conference offers many opportunities to network and meet with other commissions and stakeholders.

Registration may be completed on-line via the NASC web site: <http://www.thenasc.org/2015nascconference.html>. The early bird registration ends July 26th.

Make your hotel reservations by calling The Hotel Alyeska at 907-754-2111 or 800-880-3880. Mention NASC to get the \$219 rate (plus \$10 resort fee and tax). The hotel is located approximately 40 miles south of Anchorage. The web site includes transportation options.

Please join us for this informative annual conference.



## Focus on the Kansas Sentencing Commission

by Scott M. Schultz, Executive Director

The Kansas Sentencing Commission has been continuously active since 1989 and its proposed Guidelines were adopted in 1993. The Commission is 17 members, including four legislators. Its

mandate is to create and modify the Guidelines for legislative adoption, advise the Legislature on implementing and operating a guidelines system, provide training for criminal justice officials on the proper use of Guidelines, conduct research on the impact of the Guidelines on the state corrections system, provide official inmate population projections, and conduct all other general sentencing policy research required by the Governor or the Legislature.

Both the enabling statute and the Guidelines identify management of prison and jail resources as a goal, and resource-impact assessments are made both for proposed new or revised penalties and periodically for the system as a whole. The Guidelines are legally binding (presumptive) but the prosecution and defense have the right to appeal departures below and above the presumptive sentence. Parole discretion has been abolished except for life sentences. There are two grids, one for drug crimes and one for all other felonies. The Guidelines only cover felonies, not misdemeanors. Proposed changes in the guidelines require affirmative legislative approval. Some of the more unique provisions of the Commission's responsibilities and under the revised Kansas Sentencing Guidelines Act are:

- Resource impact assessments are required at least annually and if an assessment indicates that prison populations will exceed capacity within two years, the Commission is directed to propose changes to prevent overcrowding.
- One of the Commission's public board members must be a member of a racial minority group.
- Upward durational departures are limited to double the presumptive duration, and consecutive sentences cannot exceed double the presumptive duration for the most serious of the offenses.
- Revocations to prison based on technical violations of parole or other post-prison release conditions are limited to 180 days.
- There is a substantial body of appellate case law since 1994.
- Upward dispositional departures are not considered to implicate *Apprendi/Blakely* issues, and thus do not require facts found by a jury beyond reasonable doubt.

In addition to the duties listed above, the Commission administers the 2003 SB 123 sentencing alternative program. It is designated for non-violent offenders that have been convicted of felony possession of controlled substances offenses. Offenders receive state-paid substance abuse treatment services as determined through the use of evidence-based assessments. This \$6.9 million program promotes public safety in bringing together probation officers and substance abuse treatment providers to reduce recidivism in offenders while keeping them in the community thereby reserving prison for more violent offenders.

Progressive in most ways, the Commission continues to be active in its search for data-driven solutions to respond to the needs of its stakeholders. More information about the Kansas Sentencing Commission may be found at our website: [www.sentencing.ks.gov](http://www.sentencing.ks.gov).

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## Proposed Changes to the NASC Bylaws

On June 15, 2015, the Executive Committee adopted recommended changes to the bylaws for consideration and adoption by the membership. These changes will be presented at the annual conference.



Specifically, Article VI, Section 1 currently states that each state and the U.S. Sentencing Commission shall have no more than a single member serving on the Executive Committee. Rather than be geography-based, membership is recommended to be entity or organization-based.

Additionally, modifications are recommended in Article III and Article IV, Section 1 to clarify that membership in NASC extends from annual meeting to the next meeting and that members present at the annual meeting shall have a vote. Annual dues shall consist of the registration fee for the annual meeting or a membership fee for those unable to attend the conference in a particular year.

Below are the proposed changes for consideration (new language is underlined; deleted language is indicated in brackets [ ]):

### Article III

#### Membership

Membership is open to any individual who works or serves on a sentencing commission or similar governmental body charged with sentencing policy responsibilities, or works for any other government agency directly involved in the development of state or federal policy, and any other academic, public or private employee, student, or other individual interested in sentencing. **Individuals may join NASC by paying annual membership dues prior to or during the NASC annual meeting. [Any individual who attends a NASC annual meeting is considered a member for one year beginning on the first day of the meeting for which registration is paid.] A membership year runs from one annual meeting to the next.** Each member of NASC **present at the annual meeting** shall have a vote on all matters before the membership.

### Article IV

#### Membership Dues

Annual membership dues shall consist of the registration fee for the NASC annual meeting preceding the year of membership **or a membership fee**. The Executive Committee may designate dues for all categories of membership payable on the anniversary date of membership each year. The amount of dues and the method of payment shall be determined by the Executive Committee and may be changed from time to time as necessary.

Article VI

Executive Committee

Section 1.

The Executive Committee of the Association shall consist of seven voting members elected from the membership at each annual meeting. The Executive Committee shall include a President, Vice-President, Treasurer, Secretary and members at large. Each **[state and the United States Sentencing Commission]** **sentencing commission, council or other organization** shall have no more than a single member serving on the Executive Committee.

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### **Sentencing Guidelines Resource Center Website Launched**

The Robina Institute of Criminal Law and Criminal Justice at the University of Minnesota Law School recently launched the Sentencing Guidelines Resource Center. The Center is a new website (<http://www.sentencing.umn.edu>) that serves as a central source of information related to American sentencing guidelines systems. The Sentencing Guidelines Resource Center includes:

- Detailed profiles of 6 sentencing guidelines jurisdictions: Alabama; Kansas; Minnesota; Oregon; Pennsylvania; and Utah. More jurisdictions will be added over the next several months.
- Current versions of the guidelines in each jurisdiction.
- A searchable repository of materials produced by sentencing guidelines commissions (training manuals, worksheets, reports, meeting summaries).
- Summaries of important interpretive case law.
- A comparison tool so visitors can examine sentencing guidelines systems, side by side.
- In-depth articles covering topics about guidelines and sentencing commissions.

By bringing together, in one place, materials that span all of the current sentencing guidelines systems in the U.S., the Robina Institute's Sentencing Guidelines Resource Center is able to facilitate the exchange and sharing of information, expertise, and experience; educate on issues related to sentencing policy, guidelines, and commissions; promote multi- jurisdictional comparative research and policy analysis; and promote the adoption and retention of best practices in sentencing guidelines systems.

*The mission of the National Association of Sentencing Commissions is to facilitate the exchange and sharing of information, ideas, data, expertise, and experiences and to educate individuals on issues related to sentencing policies, sentencing guidelines, and sentencing commissions.*

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