

KANSAS SENTENCING COMMISSION

Expenditure	Actual FY 2015	Agency Est. FY 2016	Gov. Rec. FY 2016	Agency Est. FY 2017	Gov. Rec. FY 2017
Operating Expenditures:					
State General Fund	\$ 7,018,535	\$ 7,409,156	\$ 7,409,156	\$ 7,395,910	\$ 7,395,910
Other Funds	723,904	232,872	232,872	107,594	107,594
TOTAL	\$ 7,742,439	\$ 7,642,028	\$ 7,642,028	\$ 7,503,504	\$ 7,503,504
Capital Improvements:					
State General Fund	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Other Funds	0	0	0	0	0
TOTAL	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
GRAND TOTAL	\$ 7,742,439	\$ 7,642,028	\$ 7,642,028	\$ 7,503,504	\$ 7,503,504

Percentage Change:

Operating Expenditures					
State General Fund	(0.8) %	5.6 %	5.6 %	(0.2) %	(0.2) %
All Funds	(0.2)	(1.3)	(1.3)	(1.8)	(1.8)
FTE Positions	9.0	9.5	9.5	9.5	9.5
Non-FTE Perm.Uncl.Pos.	3.0	3.0	3.0	3.0	3.0
TOTAL	12.0	12.5	12.5	12.5	12.5

AGENCY OVERVIEW

The Kansas Sentencing Commission was created by the 1989 Legislature to develop a sentencing guideline model, or grid, based upon fairness and equity and to provide a mechanism for linking justice and corrections policies. The Commission tracks and assesses sentencing impositions using statistical methodologies to develop prison population projections and legislative impacts to interested parties including the Kansas Department of Corrections, Governor, and Legislature. The Commission also administers the Substance Abuse Treatment Program created by the 2003 Legislature in SB 123, principally codified as KSA 21-6824.

MAJOR ISSUES FROM PRIOR YEARS

The **2003 Legislature** moved the penalties for possession of illegal drugs from a punishment model to a treatment model with the passage of SB 123 during the 2003 Legislative Session. The bill established a non-prison sentence of drug abuse treatment which is not to exceed 18 months. The bill also reduced all illegal drug possession criminal penalties regardless of the second, third, or subsequent possession conviction to a level 4 drug offense. First-time marijuana possession remained as a class A misdemeanor.

The **2010 Legislature** approved a FY 2010 reduction of \$2,178, including \$2,042 from the State General Fund, for a 5.0 percent state officers salary reduction (\$1,092 from the State

General Fund) and a moratorium on contributions to the KPERS Death and Disability Fund (\$1,086, including \$950 from the State General Fund). The Legislature made the following adjustments to the FY 2011 budget:

- Approved the Governor's recommendation to increase the use of fee funds by \$662,400 to offset the same amount of State General Fund expenditures;
- Approved the Governor's recommended reduction of \$422,208 from the State General Fund for 2003 SB 123 drug treatment program expenditures; and
- Deleted \$1,155, including \$1,021 from the State General Fund, for a moratorium on contributions to the KPERS Death and Disability Fund.

The **2011 Legislature** approved FY 2012 reductions totaling \$96,354, including \$92,473 from the State General Fund. The adjustments included deleting \$86,760, including \$83,556 from the State General Fund, as part of an across-the-board reduction.

The **2012 Legislature** approved FY 2013 reductions of \$1,029, including \$899 from the State General Fund, for a three-month moratorium on contributions to the Kansas Public Employees Retirement System Group Insurance Fund.

The **2013 Legislature** approved the addition of \$81,257, all from the State General Fund, and 1.0 FTE position for FY 2014 and FY 2015 to monitor the implementation of HB 2170, the Justice Reinvestment Act.

The **2014 Legislature** deleted \$47,620 from the State General Fund reappropriation from FY 2013 to FY 2014.

The **2015 Legislature** added \$179,544, all from the State General Fund, for funding the projected shortfall for substance abuse treatment program expenditures for FY 2016 and FY 2017. The Legislature added \$20,000, all from the State General Fund, and 0.5 FTE position for a part-time data entry position to assist the agency in processing backlogged felony journal entries for FY 2016 and FY 2017.

BUDGET SUMMARY AND KEY POINTS

FY 2016 – Current Year. The **agency** estimates revised FY 2016 operating expenditures of \$7.6 million, including \$7.4 million from the State General Fund. The estimate is an all funds increase of \$135,467, or 1.8 percent, above the approved amount. The increase is due to staffing fluctuations and the extension of a federal grant to review the Substance Abuse Treatment program. The estimate includes 9.5 FTE positions, which is the same as the approved amount.

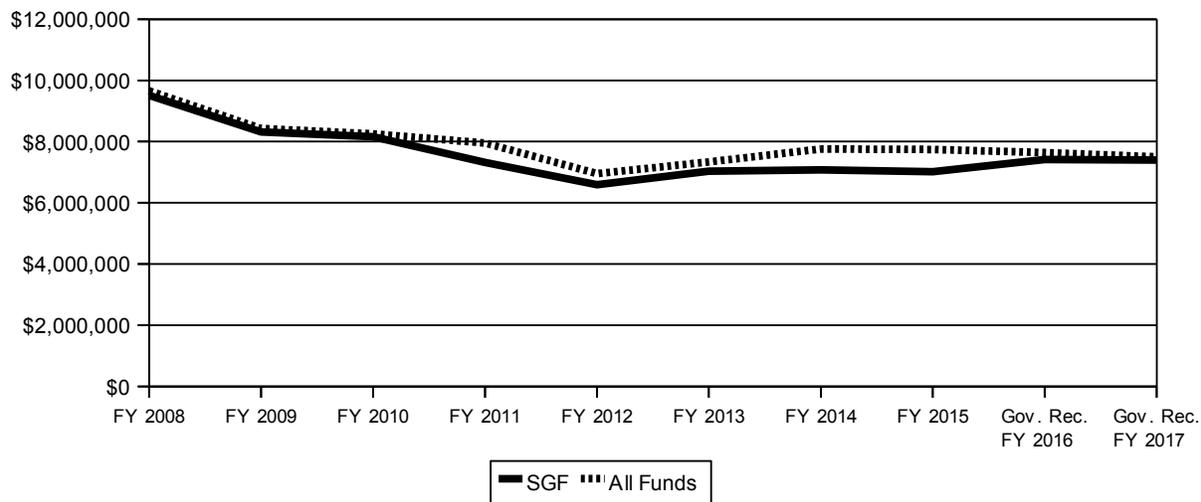
The **Governor** concurs with the agency's estimate.

FY 2017 – Budget Year. The **agency** estimates revised FY 2017 operating expenditures of \$7.5 million, including \$7.4 million from the State General Fund. The estimate is an all funds increase of \$32,489, or 0.4 percent, above the approved amount. The increase is predominantly attributable to the agency being fully staffed for the entire fiscal year and increased funding from the General Fees Fund for Substance Abuse Treatment program expenditures.

The **Governor** concurs with the agency's estimate.

BUDGET TRENDS

OPERATING EXPENDITURES FY 2008 – FY 2017



OPERATING EXPENDITURES FY 2008 – FY 2017

Fiscal Year	SGF	% Change	All Funds	% Change	FTE
2008	\$ 9,514,919	8.0 %	\$ 9,660,600	7.5 %	10.0
2009	8,315,982	(12.6)	8,429,974	(12.7)	10.0
2010	8,156,594	(1.9)	8,253,571	(2.1)	10.0
2011	7,320,944	(10.2)	7,954,442	(3.6)	8.0
2012	6,857,997	(6.3)	6,953,459	(12.6)	8.0
2013	7,033,235	2.6	7,335,652	5.5	8.0
2014	7,076,303	0.6	7,759,597	5.8	9.0
2015	7,018,535	(0.8)	7,742,439	(0.2)	9.0
2016 Gov. Rec.	7,409,156	5.6	7,642,028	(1.3)	9.5
2017 Gov. Rec.	7,395,910	(0.2)	7,503,504	(1.8)	9.5
Ten-Year Change Dollars/Percent	\$ (2,119,009)	(22.3)%	\$ (2,157,096)	(22.3)%	(0.5)

Summary of Operating Budget FY 2015 - FY 2017

	Actual 2015	Agency Estimate				Governor's Recommendation			
		Estimate FY 2016	Estimate FY 2017	Dollar Change from FY 16	Percent Change from FY 16	Rec. FY 2016	Rec. FY 2017	Dollar Change from FY 16	Percent Change from FY 16
By Program:									
Administration	\$ 834,787	\$ 1,070,216	\$ 980,700	\$ (89,516)	(8.4) %	\$ 1,070,216	\$ 980,700	\$ (89,516)	(8.4) %
Substance Abuse Treatment	6,907,652	6,571,812	6,522,804	(49,008)	(0.7)	6,571,812	6,522,804	(49,008)	(0.7)
TOTAL	\$ 7,742,439	\$ 7,642,028	\$ 7,503,504	\$ (138,524)	(1.8) %	\$ 7,642,028	\$ 7,503,504	\$ (138,524)	(1.8) %
By Major Object of Expenditure:									
Salaries and Wages	\$ 659,128	\$ 798,707	\$ 824,563	\$ 25,856	3.2 %	\$ 798,707	\$ 824,563	\$ 25,856	3.2 %
Contractual Services	156,069	261,659	146,287	(115,372)	(44.1)	261,659	146,287	(115,372)	(44.1)
Commodities	8,015	7,850	7,850	0	0.0	7,850	7,850	0	0.0
Capital Outlay	11,380	2,000	2,000	0	0.0	2,000	2,000	0	0.0
Debt Service	0	0	0	0	--	0	0	0	--
Subtotal - Operations	\$ 834,592	\$ 1,070,216	\$ 980,700	\$ (89,516)	(8.4) %	\$ 1,070,216	\$ 980,700	\$ (89,516)	(8.4) %
Aid to Local Units	0	0	0	0	--	0	0	0	--
Other Assistance	6,907,847	6,571,812	6,522,804	(49,008)	(0.7)	6,571,812	6,522,804	(49,008)	(0.7)
TOTAL	\$ 7,742,439	\$ 7,642,028	\$ 7,503,504	\$ (138,524)	(1.8) %	\$ 7,642,028	\$ 7,503,504	\$ (138,524)	(1.8) %
Financing:									
State General Fund	\$ 7,018,535	\$ 7,409,156	\$ 7,395,910	\$ (13,246)	(0.2) %	\$ 7,409,156	\$ 7,395,910	\$ (13,246)	(0.2) %
General Fees Fund	669,771	126,927	106,094	(20,833)	(16.4)	126,927	106,094	(20,833)	(16.4)
Federal Funds	54,133	105,945	1,500	(104,445)	(98.6)	105,945	1,500	(104,445)	(98.6)
TOTAL	\$ 7,742,439	\$ 7,642,028	\$ 7,503,504	\$ (138,524)	(1.8) %	\$ 7,642,028	\$ 7,503,504	\$ (138,524)	(1.8) %

BUDGET OVERVIEW

A. FY 2016 – Current Year

Adjustments to Approved State General Fund Budget

The 2015 Legislature approved a State General Fund budget of \$7,404,459 for the Kansas Sentencing Commission in FY 2016. One adjustment has subsequently been made to that amount. This adjustment changes the current year approved amount without any legislative action required. For this agency, the following adjustment has been made:

- An increase of \$4,697, based on the reappropriation of FY 2015 funding which was not spent in FY 2015 and has shifted to FY 2016.

This adjustment changes the FY 2016 approved State General Fund to \$7,409,156. That amount is reflected in the table below as the currently approved FY 2016 State General Fund amount.

	CHANGE FROM APPROVED BUDGET				
	Legislative Approved FY 2016	Agency Estimate FY 2016	Agency Change from Approved	Governor Rec. FY 2016	Governor Change from Approved
State General Fund	\$ 7,409,156	\$ 7,409,156	\$ 0	\$ 7,409,156	\$ 0
All Other Funds	97,405	232,872	135,467	232,872	135,467
TOTAL	\$ 7,506,561	\$ 7,642,028	\$ 135,467	\$ 7,642,028	\$ 135,467
FTE Positions	9.5	9.5	0.0	9.5	0.0

The **agency** estimates revised FY 2016 operating expenditures of \$7.6 million, including \$7.4 million from the State General Fund. The estimate is an all funds increase of \$135,467, or 1.8 percent, above the FY 2016 estimate. The increase is due to staffing fluctuations and the extension of a federal grant to review the Substance Abuse Treatment program. The estimate includes 9.5 FTE positions, which is the same as the approved amount.

The **Governor** concurs with the agency's estimate.

B. FY 2017 – Budget Year

Adjustments to Approved State General Fund Budget

The 2015 Legislature approved a State General Fund budget of \$7,395,910 for the Kansas Sentencing Commission in FY 2017. No adjustments have subsequently been made to that amount.

CHANGE FROM APPROVED BUDGET					
	Legislative Approved FY 2017	Agency Estimate FY 2017	Agency Change from Approved	Governor Rec. FY 2017	Governor Change from Approved
State General Fund	\$ 7,395,910	\$ 7,395,910	\$ 0	\$ 7,395,910	\$ 0
All Other Funds	75,105	107,594	32,489	107,594	32,489
TOTAL	\$ 7,471,015	\$ 7,503,504	\$ 32,489	\$ 7,503,504	\$ 32,489
FTE Positions	9.5	9.5	0.0	9.5	0.0

The **agency** estimates revised FY 2017 operating expenditures of \$7.5 million, including \$7.4 million from the State General Fund. The estimate is an all funds increase of \$32,489, or 0.4 percent, above the approved amount. The increase is predominantly attributable to the agency being fully staffed for the entire fiscal year and increased funding from the General Fees Fund for Substance Abuse Treatment program expenditures. The estimate includes 9.5 FTE positions, which is the same as the approved amount.

The estimate is an overall decrease of \$138,524, or 1.8 percent, including a State General Fund decrease of \$13,246, or 0.2 percent, below the FY 2016 estimate. The decrease is mainly due to the discontinuance of a federal grant to review the Substance Abuse Treatment program and reduced projected expenditures for the Substance Abuse Treatment program, partially offset by the agency being fully staffed for the entire fiscal year.

The **Governor** concurs with the agency's estimate.

Funding Sources

Funding Source	Agency Est. Percent of Total FY 2017	Gov. Rec. Percent of Total FY 2017
State General Fund	98.6 %	98.6 %
General Fees Fund	1.4	1.4
Federal Funds	0.0	0.0
TOTAL	100.0 %	100.0 %

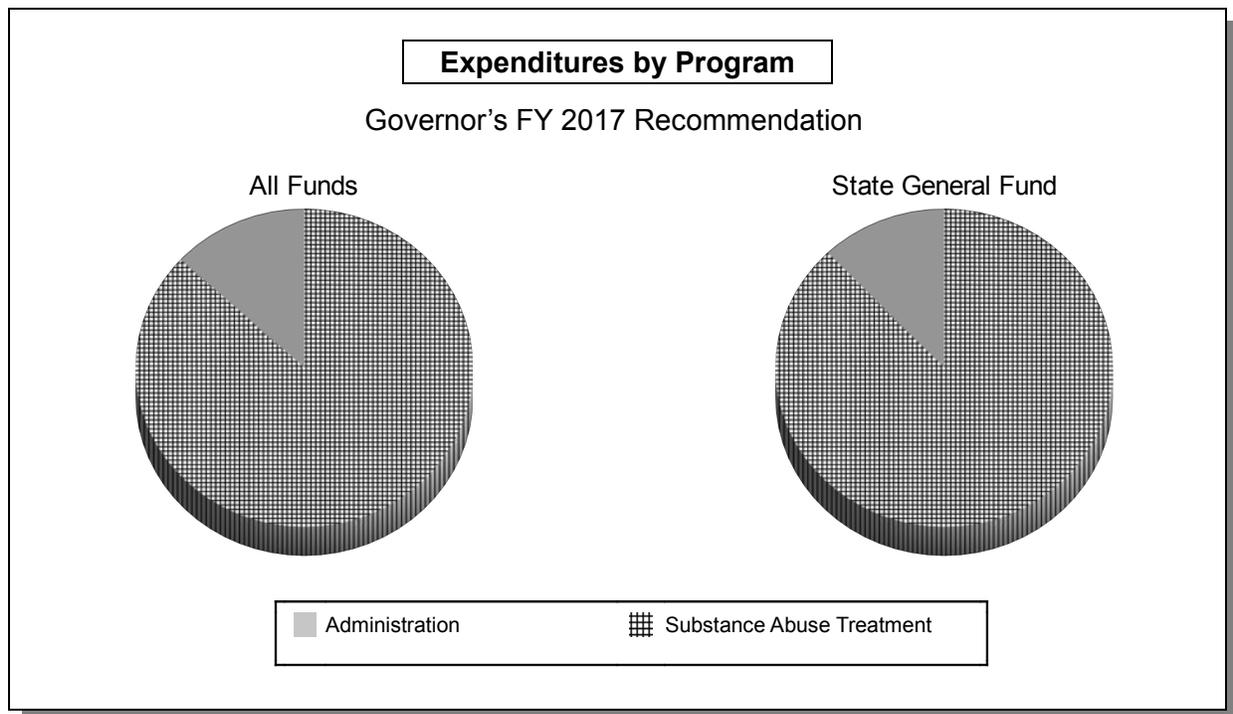
Note: Details may not add to totals due to rounding.

General Fees Fund

The Sentencing Commission General Fees Fund receives funds from the sale of publications and reimbursements from other state agencies. The Fund previously received funds from offender reimbursement for 2003 SB 123 drug treatment, but those funds are now treated as a reimbursement of expenditures from the State General Fund. Therefore, the fund is no longer a viable funding source to offset Substance Abuse Treatment program expenditures.

Resource Estimate	Actual FY 2015	Agency Estimate FY 2016	Gov. Rec. FY 2016	Agency Estimate FY 2017	Gov. Rec. FY 2017
Beginning Balance	\$ 683,704	\$ 89,458	\$ 89,458	\$ 37,880	\$ 37,880
Revenue	75,725	75,849	75,849	78,488	78,488
Transfers in	0	0	0	0	0
Total Funds Available	\$ 759,429	\$ 165,307	\$ 165,307	\$ 116,368	\$ 116,368
Less: Expenditures	669,771	126,927	126,927	106,094	106,094
Transfers Out	0	0	0	0	0
Off Budget Expenditures	200	500	500	500	500
Ending Balance	\$ 89,458	\$ 37,880	\$ 37,880	\$ 9,774	\$ 9,774
Ending Balance as Percent of Expenditures	13.4%	29.8%	29.8%	9.2%	9.2%

PROGRAM DETAIL



Program	Gov. Rec. All Funds FY 2017	Percent of Total	Gov. Rec. SGF FY 2017	Percent of Total
Administration	\$ 980,700	13.1 %	\$ 896,404	12.1 %
Substance Abuse Treatment	6,522,804	86.9	6,499,506	87.9
TOTAL	\$ 7,503,504	100.0 %	\$ 7,395,910	100.0 %

FTE POSITIONS BY PROGRAM FY 2015 – FY 2017

Program	Actual FY 2015	Agency Est. FY 2016	Gov. Rec. FY 2016	Agency Est. FY 2017	Gov. Rec. FY 2017
Administration	9.0	9.5	9.5	9.5	9.5
Substance Abuse Treatment	0.0	0.0	0.0	0.0	0.0
TOTAL	9.0	9.5	9.5	9.5	9.5

A. Administration

The Administration program develops prison population projections and maintains a statewide sentencing database. The Commission annually publishes the Desk Reference Manual, or Sentencing Guidelines Manual, which contains the sentencing grids and the required sentencing forms for felony offenders. Training and assistance to judges, court services, and other criminal justice professionals are also provided on the implementation of and legislative changes regarding sentencing. The agency is also an information resource to the Governor, Legislature, and the state's criminal justice agencies.

ADMINISTRATION SUMMARY OF EXPENDITURES FY 2015 – FY 2017					
Item	Actual FY 2015	Agency Est. FY 2016	Gov. Rec. FY 2016	Agency Est. FY 2017	Gov. Rec. FY 2017
Expenditures:					
Salaries and Wages	\$ 659,128	\$ 798,707	\$ 798,707	\$ 824,563	\$ 824,563
Contractual Services	156,069	261,659	261,659	146,287	146,287
Commodities	8,015	7,850	7,850	7,850	7,850
Capital Outlay	11,380	2,000	2,000	2,000	2,000
Debt Service	0	0	0	0	0
<i>Subtotal - Operations</i>	<i>\$ 834,592</i>	<i>\$ 1,070,216</i>	<i>\$ 1,070,216</i>	<i>\$ 980,700</i>	<i>\$ 980,700</i>
Aid to Local Units	0	0	0	0	0
Other Assistance	195	0	0	0	0
TOTAL	\$ 834,787	\$ 1,070,216	\$ 1,070,216	\$ 980,700	\$ 980,700
Financing:					
State General Fund	\$ 681,630	\$ 837,344	\$ 837,344	\$ 896,404	\$ 896,404
All Other Funds	153,157	232,872	232,872	84,296	84,296
TOTAL	\$ 834,787	\$ 1,070,216	\$ 1,070,216	\$ 980,700	\$ 980,700
FTE Positions	9.0	9.5	9.5	9.5	9.5
Non-FTE Uncl. Perm. Pos.	3.0	3.0	3.0	3.0	3.0
TOTAL	12.0	12.5	12.5	12.5	12.5

The **agency** estimates revised FY 2016 operating expenditures of \$1.1 million, including \$837,344 from the State General Fund. The estimate is an all funds increase of \$135,467, or 14.5 percent, above the FY 2016 approved amount. The increase is primarily due to staffing fluctuations and the extension of a federal grant to review the Substance Abuse Treatment program. The estimate includes 9.5 FTE positions, which is the same as the approved amount.

The **Governor** concurs with the agency's estimate.

The **agency** estimates revised FY 2017 operating expenditures of \$980,700, including \$896,404 from the State General Fund. The estimate is an all funds increase of \$9,191, or 0.9 percent, above the approved amount. The increase is attributable to the agency being fully staffed for the entire fiscal year. The estimate includes 9.5 FTE positions, which is the same as the approved amount.

The estimate is an overall decrease of \$89,516, or 8.4 percent, below the FY 2016 estimate, partially offset by a State General Fund increase of \$59,060, or 7.1 percent. The decrease is mainly due to the discontinuance of the federal grant to review the Substance Abuse Treatment program, partially offset by the agency being fully staffed for the entire fiscal year.

The **Governor** concurs with the agency's estimate.

B. Substance Abuse Treatment

The Kansas Sentencing Commission is responsible for the implementation, development, and management of 2003 SB 123. This law requires offenders convicted of drug possession to attend mandatory substance abuse treatment. Treatment options include detoxification, inpatient, outpatient, continuing care, after care, and relapse prevention and education. Offenders are placed under the supervision of Community Corrections. The Kansas Sentencing Commission is responsible for the payment of treatment providers in this program, as well as the collection of reimbursement money from offenders with the ability to pay for a portion of the treatment. The agency is also collecting data on this offender group to analyze whether mandatory substance abuse treatment is an effective alternative to incarceration.

SUBSTANCE ABUSE TREATMENT SUMMARY OF EXPENDITURES FY 2015 – FY 2017					
Item	Actual FY 2015	Agency Est. FY 2016	Gov. Rec. FY 2016	Agency Est. FY 2017	Gov. Rec. FY 2017
Expenditures:					
Salaries and Wages	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Contractual Services	0	0	0	0	0
Commodities	0	0	0	0	0
Capital Outlay	0	0	0	0	0
Debt Service	0	0	0	0	0
Subtotal - Operations	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Aid to Local Units	0	0	0	0	0
Other Assistance	6,907,652	6,571,812	6,571,812	6,522,804	6,522,804
TOTAL	\$ 6,907,652	\$ 6,571,812	\$ 6,571,812	\$ 6,522,804	\$ 6,522,804
Financing:					
State General Fund	\$ 6,336,905	\$ 6,571,812	\$ 6,571,812	\$ 6,499,506	\$ 6,499,506
All Other Funds	570,747	0	0	23,298	23,298
TOTAL	\$ 6,907,652	\$ 6,571,812	\$ 6,571,812	\$ 6,522,804	\$ 6,522,804
FTE Positions	0.0	0.0	0.0	0.0	0.0
Non-FTE Uncl. Perm. Pos.	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0

The **agency** estimates FY 2016 operating expenditures of \$6.6 million, all from the State General Fund, which is the same as the approved amount.

The **Governor** concurs with the agency's estimate.

The **agency** estimates FY 2017 operating expenditures of \$6.5 million, including \$6.5 million from the State General Fund. The estimate is an all funds increase of \$23,298, or 0.4 percent, above the FY 2017 approved amount. The increase is attributable to increased funding from the General Fees Fund.

The estimate is an overall decrease of \$49,008, or 0.7 percent, including a State General Fund decrease of \$72,306, or 1.1 percent, below the FY 2016 estimate. The decrease is due to reduced projected expenditures for the Substance Abuse Treatment program.

The **Governor** concurs with the agency's estimate.

SB 123 TREATMENT PROGRAM

<u>Fiscal Year</u>	<u>Number of Offenders</u>	<u>Program Expenditures</u>
FY 2007	2,291	8,156,337
FY 2008	2,301	8,795,680
FY 2009	2,069	7,631,060
FY 2010	1,906	7,467,860
FY 2011	1,808	7,209,983
FY 2012	1,671	6,248,671
FY 2013	1,626	6,539,506
FY 2014	1,648	6,753,595
FY 2015	1,650	6,900,000
FY 2016 Gov. Rec.	1,650	6,550,000
FY 2017 Gov. Rec.	1,650	6,550,000

PERFORMANCE MEASURES

<u>Measure</u>	<u>Gov. Rec. for FY 2015</u>	<u>Actual FY 2015</u>	<u>Gov. Rec. FY 2016</u>	<u>Gov. Rec. FY 2017</u>
Number of adult journal presentence investigation reports entered	17,008	17,560	17,823	18,090
Number of staff hours required to complete adult prison population projections	3,200	3,200	3,200	3,200
Number of offenders receiving alternative substance abuse treatment	1,650	1,650	1,650	1,650
Number of prison bed impact statements completed	700	680	700	700