

Approved: April 27, 1994
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY.

The meeting was called to order by Chairperson Michael O'Neal at 3:30 p.m. on January 27, 1994 in Room 313-S of the Capitol.

All members were present except:

Representative David Adkins - Excused
Representative Tom Bradley - Excused
Representative Gilbert Gregory - Excused
Representative Elaine Wells - Excused

Committee staff present:

Jerry Ann Donaldson, Legislative Research Department
Jill Wolters, Revisor of Statutes
Cindy Wulfkuhle, Committee Secretary

Conferees appearing before the committee:

Jeff Sonnich, Kansas Nebraska League of Savings Institutions
Paul Shelby, Office of Judicial Administration
Representative Denise Everhart
Senator Anthony Hensley
Stephen Hiebsch - YCAT
Betty M. Dunn - Hi-Crest Neighborhood Improvement Association
Cindy Kelly - KASB

Others attending: See attached list

Chairman stated that the Committee would take up requests for bill introductions.

Jeff Sonnich, Kansas Nebraska League of Savings Institutions, appeared before the Committee with a bill request that would amend K.S.A. 60-2414 to allow for a reduced period of redemption of real estate under foreclosure. It would reduce the time from six months to three months, (see attachment 1).

Representative Macy made a motion to have this bill introduced as a Committee bill. Representative Heinemann seconded the motion. The motion carried.

Paul Shelby, Office of Judicial Administration, appeared before the Committee with a bill request that would amend K.S.A. 8-2107. It would allow clerks of the district court and court trustees authorization to transact financial matters including payment of docket fees, child support, maintenance, fines, restitution, and collateral for cash bonds by accepting bank card draft or any valid and unexpired credit card, (see attachment 2).

Representative Macy made a motion to have this bill introduced as a Committee bill. Representative Carmody seconded the motion. The motion carried.

Hearings on **HB 2668** - Battery against a youth center employee, **HB 2669** - Revoking juveniles driver's license when they commit certain offenses, **HB 2670** - Certain records of juveniles open for public inspection, and **HB 2672** - Notification to local law enforcement agencies and school districts of juvenile offenders being released, were opened.

Representative Everhart appeared before the Committee as the sponsor of the proposed bills. **HB 2668** would change the level of the battery offense to a felony.

Chairman O'Neal asked if she knew why this wasn't already law. Representative Everhart responded that it got caught up in the Senate.

Representative Everhart explained that **HB 2669** would take a juveniles driver's license away when they commit certain acts, such as drive by shootings. Not only should they have the punishment that can currently be applied but also should have their licenses taken away because they were driving at the time the crime happened. The minimum would be to lose it for one year. The maximum would be up to five years. **HB 2670** deals with juvenile offender records. This would make the all records public for fourteen-year-olds and above on all felony counts. **HB 2672** would require SRS to notify local law enforcement and school districts that a juvenile has been released.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY, Room 313-S Statehouse, at 3:30 p.m. on January 27, 1994.

Senator Anthony Hensley appeared before the Committee as a proponent of **HB 2668**. He supported all the bills that are before the Committee today. This is a bill that he had introduced last year and again in the Senate this year, **SB 422**. This bill would add to the classification of battery against an officer at youth centers. This would extend the same protection that is offered to those that work in the prison system to officers at youth centers. If one looks at the job descriptions of a youth center employee and a correctional officer the job descriptions are identical. However, youth center employees are in much more danger than correctional officers.

Representative Heinemann questioned if a juvenile escaped out of the facility, whether the bill would apply to battery outside the facility. He asked if the intent was to cover this also and pick up the juvenile detention centers as well. Senator Hensley stated that he would be fine with him.

Betty M. Dunn, Hi-Crest Neighborhood Improvement Association, appeared before the Committee as a proponent to **HB 2670**, and they support all the bills the Committee is hearing today. She stated that juveniles must understand that they can no longer commit crimes and be protected by closed files. She feels that all files, regardless of race and income should be opened. Parents must realize that they are responsible for their children, (see attachment 3).

Cindy Kelly, Kansas Association of School Boards, appeared before the Committee in support of **HB 2672**. She stated that school districts are unaware when a juvenile is entering the school if he or she is a juvenile offender, (see attachment 4).

Representative Heinemann stated that this bill only refers to those in a secondary school, and questioned if there would be children that attend an elementary school system that the school system would want to know about a child's record. Ms. Kelly doubted that any elementary school age children were in youth centers.

Stephen Hiebsch, YCAT, appeared before the Committee as a proponent of **HB 2668**. The types of attacks that happen vary from spitting to being hit with chairs. Their concern is not just about the attacks but also the process which follows the attacks. Youth Center employees are not protected under law like the correctional officers are, though their job description is exactly the same. Those that work at youth centers have risk involved in carrying out their duties, (see attachment 5).

Chairman O'Neal asked what range of offenders they supervise from the least to most severe offender. Mr. Hiebsch responded that the least severe would be burglary and the most would be 1st degree murder. There are youths at the center that are non-violent offenders and he supports the separation of non-violent from violent offenders. This is one of the keys to minimizing the attacks. The non-violent offender learns to become a violent offender by being put in an environment with violent offenders. Currently there is no separation between the two. Some are placed in a closed cottage when they are acting out, such as solitary confinement.

Representative Plummer questioned if youth center employees are considered to be law enforcement officers and is there any statutory authority for the workers to enforce the laws. Mr. Hiebsch stated that they can not enforce any laws and have no arrest powers. However, the job description of a correctional officer and a youth center worker are the same. Representative Plummer stated that this proposed bill is good legislation but suggested that maybe this proposed bill needs its own section in the criminal code.

Chairman O'Neal asked whether as a youth center worker they are involved in the apprehension if there is an escape. Mr. Hiebsch stated that is in his job description. They have what is called a "responder team" which apprehends the juvenile that escaped, with law enforcement officials. The Chairman questioned if they are required by law to coordinate the apprehension with law enforcement officers. Mr. Hiebsch responded yes. The Chairman stated that from what he just heard they are simply making a citizens arrest, and that they should have more statutory support for what they are doing.

Representative Heinemann questioned if correctional officers have authority to make an arrest. Mr. Hiebsch stated that he couldn't answer that. Chairman O'Neal stated that this might be something the Committee would like to look at when they work the bill.

Hearings on **HB 2668**, **HB 2669**, and **HB 2672** were closed.

The Committee meeting adjourned at 4:30 p.m. The next meeting is scheduled for February 1, 1994.

GUEST LIST

HOUSE JUDICIARY COMMITTEE

DATE January 27, 1994

[illegible]



Jeffrey D. Sonnich, Vice-President

Suite 512
700 Kansas Avenue
Topeka, Kansas 66603
(913) 232-8215

January 27, 1994

TO: House Judiciary Committee
FROM: Jeffrey Sonnich, KS-NE League of Savings Institutions
RE: Bill introduction request

The Kansas-Nebraska League of Savings Institutions appreciates the opportunity to appear before the House Committee on Judiciary to request introduction of a bill that would amend K.S.A. 60-2414 to allow for a reduced period of redemption of real estate under foreclosure.

The bill would reduce from six months to three months the redemption period for individuals who have defaulted in the conditions of their mortgage before one-third of the original debt has been paid. Owners would have the ability to petition the court to extend the three month redemption to six months should they lose employment during the redemption period. The bill would retain the twelve month redemption period for owners that have substantial equity in their homes.

This summer the Governors' Commission on Housing and Homelessness recommended to the Governor a number of legislative changes that "would allow Kansas to improve affordable housing for low to moderate to moderate income families". One of those recommendations was to reduce the redemption period on loan foreclosures. We agree with the Commission's assertion that one of the deterrents lenders face when making a marginal housing loan is the long period of redemption. A reduced period would in some cases make the difference between loan approval and loan disapproval.

Notwithstanding the Governor's Commission recommendations new federal Community Reinvestment Act (CRA) regulations have been proposed by the regulatory agencies that would significantly change the way financial institutions are evaluated in lending to low and moderate income individuals. Under these standards large institutions would be directly evaluated by the percentage of low and moderate income lending in their lending area. We feel that a change in the redemption law would help facilitate lending in low and moderate income areas.

Finally a shortened redemption period would help deter the practice of equity skimming by shortening the time period an equiteer has control of the property. This is evidenced by the lack of equity skimming in states that have ninety-day redemption periods. The Legislature passed a law two years ago that prohibited equity skimming. Unfortunately, the law has been ineffective in stopping the practice. A reduced period of redemption would go a long way towards curtailing this practice.

We respectfully request the attached bill be introduced and referred back to the Committee for hearings and deliberation.

Jeffrey Sonnich
Vice President

House Judiciary
Attachment 1
1-27-94

Encl.

BILL NO. _____

AN ACT concerning civil procedure; relating to redemption of real property; amending K.S.A. 1992 Supp. 60-2414 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1: K.S.A. 1992 Supp. 60-2414 is hereby amended to read as follows:

(a) *Right of redemption by defendant owner.* Except as stated in subsection (m) and as otherwise provided by law, the defendant owner may redeem any real property sold under execution, special execution or order of sale, at any time within 12 months from the day of sale, for the amount paid by the current holder of the certificate of purchase, including expenses incurred by the holder of the certificate of purchase in accordance with subsection (d), together with interest at the rate provided for in subsection (e)(1) of K.S.A. 16-204, and amendments thereto, costs and taxes to the date of redemption. The defendant owner in the meantime shall be entitled to the possession of the property. If the court finds after hearing, either before or after sale, upon not less than 21 days' notice to all parties, that the property has been abandoned, or is not occupied in good faith, the period of redemption for the defendant owner may be shortened or extinguished by the court. The right of redemption shall not apply to oil and gas leaseholds. Except for mortgages covering agricultural lands or single or two-family dwellings owned by or held in trust for natural persons, the mortgagor may agree in the mortgage instrument to a shorter period of redemption than 12 months or may wholly waive the period of redemption.

(b) *Redemption by lien creditor.* For the first three months of the redemption period, if any, the right of the defendant owner or successors and assigns to redeem is exclusive. If no redemption is made by the defendant owner by the end of that time, any creditor referred to in subsection (c) may redeem the property during the balance of the redemption period remaining. If the defendant owner has waived the right of redemption, a creditor shall have a right to redeem the property for a period of three months from the date of the judicial sale. If the defendant owner has agreed to a period of redemption of three months or less, a creditor shall have a right to redeem for a period of three months from the date of expiration of the defendant owner's redemption period. If the court shortens or extinguishes the period of redemption because of abandonment or lack of good faith occupation as provided in subsection (a), the court shall specify in the order a time not to exceed three months during

which a creditor may redeem. The first creditor redeeming must pay only the amount of the successful sale bid, the expenses incurred by the holder of the certificate in accordance with subsection (d), together with interest at the rate provided for in subsection (e)(1) of K.S.A. 16-204, and amendments thereto, costs and taxes to the date of redemption. After redemption by a creditor, no further redemption shall be allowed except by the defendant owner or such owner's successors and assigns. If a creditor redeems during the period of redemption for the defendant owner, the defendant owner shall have the balance of such period, but in no event less than 10 days from the filing of the affidavit required in subsection (f), to redeem from the creditor. When the defendant owner or such owner's successors and assigns redeem subsequent redemption by a creditor, the defendant owner or such owner's successors and assigns shall pay an amount equal to the redemption amount paid by such creditor, plus the amount required by subsection (f), and expenses incurred by the creditor in accordance with subsection (d), together with interest at the rate provided for in subsection (e)(1) of K.S.A. 16-204, and amendments thereto, costs and taxes to the date of redemption.

(c) *Creditors who may redeem.* Any creditor whose claim is or becomes a lien prior to the expiration of the time allowed by law for the redemption by creditors may redeem. A mortgagee may redeem upon the terms prescribed by this section before or after the debt secured by the mortgage falls due.

(d) *Terms of redemption; rights of parties.* During the period allowed for redemption, the holder of the certificate of purchase or the creditor who has redeemed may pay the taxes on the lands sold, insurance premiums on the improvements thereon, other sums necessary to prevent waste, and interest or sums due, upon any prior lien or encumbrance on the real property. Upon the redemption of the property, the holder of the certificate or the creditor who has redeemed shall be entitled to repayment of all sums thus paid, together with interest at the rate provided for in subsection (e)(1) of K.S.A. 16-204, and amendments thereto. All expenses incurred by the holder of the certificate or the creditor who has redeemed shall be as shown by receipts or vouchers filed in the office of the clerk of the district court.

(e) *Effect of failure of debtor to redeem; deficiency.* If the defendant owner or such owner's successors or assigns fail to redeem as provided in this section, the holder of the certificate of purchase or the creditor who has redeemed prior to the expiration of the redemption period will hold the property absolutely. If it is held by a redeeming creditor, the lien and the claim out of which it arose will be held to be extinguished, unless the redeeming creditor is unwilling to hold the property and credit the defendant owner with the full amount of the redeeming creditor's lien and, at the time of

redemption, files with the clerk of the district court a statement of the amount that the redeeming creditor is willing to credit on the claim. If the redeeming creditor files such a statement and the defendant owner or such owner's successors and assigns fail to redeem, the creditor's claim shall be extinguished by the amount in the statement. The sheriff at the end of the redemption period, shall execute a deed to the current owner of the certificate of purchase or the creditor who has redeemed prior to the expiration of the redemption period.

(f) *Mode of redemption.* The party redeeming shall pay the money into the office of the clerk of the district court for the use of the persons entitled to it. The clerk shall give a receipt for the money, stating the purpose for which it is paid. The clerk shall also enter the transaction on the appearance docket of the case, showing the amount paid. A redeeming creditor, or agent of the creditor, shall also file an affidavit stating as nearly as practicable the amount still unpaid due on the claim of that creditor and any lesser amount the creditor is willing to credit on the claim in accordance with subsection (e). The creditor's claim, or such lesser amount as the creditor is willing to credit on the claim in accordance with subsection (e), shall be added to the redemption amount to be paid by the defendant owner or such owner's successors and assigns.

(g) *Redemption of property sold in parcels, or undivided portions.* Whenever the property has been sold in parcels, any distinct portion of that property may be redeemed by itself. If a creditor has redeemed, the amount of the creditor's claim or such lesser amount as the creditor is willing to credit on the claim as stated in the affidavit under subsection (f) shall be added to each parcel sold pro rata in proportion to the amount for which it was originally sold. When the interests of several tenants in common have been sold on execution the undivided portion of any or either of them may be redeemed separately.

(h) *Transfer of right of redemption.* The rights of the defendant owner in relation to redemption may be assigned or transferred, and the assignee or transferee shall have the same right of redemption as the defendant owner. The assigned or transferred right of redemption shall not be subject to levy or sale on execution.

(i) *Holder of legal title.* The holder of the legal title at the time of issuance of execution or order of sale shall have the same right of redemption upon the same terms and conditions as the defendant in execution and shall be entitled to the possession of the property the same as the defendant in execution.

(j) *Injury or waste after sale.* After the sheriff makes the deed to the purchaser or party entitled to a deed under sale as provided in this section, the purchaser or party may assert a claim for damages against any person committing or permitting any injury or waste upon the property purchased after the sale and before possession is delivered under the conveyance.

(k) *Second sale not permitted.* Real estate once sold upon order of sale, special execution or general execution shall not again be liable for sale for any balance due upon the judgment or decree under which it is sold, or any judgment or lien inferior thereto, including unadjudicated junior liens filed after the petition is filed in the district court to foreclose the senior lien against the real estate.

(l) *Injunction or receiver to protect property.* The holder of the certificate of purchase shall be entitled to prevent any waste or destruction of the premises purchased. For that purpose the court, on proper showing, may issue an injunction or, when required to protect the premises against waste, appoint a receiver who shall hold the premises until the purchaser is entitled to a deed. The receiver may rent, control and manage the premises but the income during that time, except the fees and expenses of the receiver and the amount that is necessary to keep up repairs, prevent waste and pay real estate taxes and insurance premiums, shall go to the person who otherwise would be entitled to possession during the period of redemption.

(m) *Owners reduced redemption period.* In the event a default occurs in the conditions of the mortgage or instrument of the most senior lien foreclosed before 1/3 of the original indebtedness secured by the mortgage or lien has been paid, the court shall order a redemption period of ~~six~~ three months. If, after proper showing, the court finds that the total outstanding amount of all mortgages or liens is less than 1/3 of the market value of the property, the court shall order a redemption period of 12 months. If the court finds after a hearing with not less than 21 days notice to all parties, that the defendant owner has involuntarily lost his or her employment after the date of sale and prior to expiration of a three month period of redemption, the court may extend a three month period an additional three months. The foregoing shall not apply in the event redemption rights have been shortened, waived or terminated pursuant to subsection (a).

Section 2: K.S.A. 1992 Supp. 60-2414 is hereby repealed.

Section 3: This act shall take effect and be in force from and after its publication in the statute book.

DRAFT CREDIT CARD BILL

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 1993 Supp. 8-2107 is hereby amended to read as follows: 8-2107.

(a) (1) Notwithstanding any other provisions of the uniform act regulating traffic on highways, when a person is stopped by a police officer for any of the offenses described in subsection (d) and such person is not immediately taken before a judge of the district court, the police officer may require the person stopped, subject to the provisions of subsection (c), to deposit with the officer a valid Kansas driver's license in exchange for a receipt therefor issued by such police officer, the form of which shall be approved by the division of vehicles. Such receipt shall be recognized as a valid temporary Kansas driver's license authorizing the operation of a motor vehicle by the person stopped until the date of the hearing stated on the receipt. The driver's license and a written copy of the notice to appear shall be delivered by the police officer to the court having jurisdiction of the offense charged as soon as reasonably possible. If the hearing on such charge is continued for any reason, the judge may note on the receipt the date to which such hearing has been continued and such receipt shall be recognized as a valid temporary Kansas driver's license until such date, but in no event shall such receipt be recognized as a valid Kansas driver's license for a period longer than 30 days from the date set for the original hearing. Any person who has deposited a driver's license with a police officer under this subsection (a) shall have such license returned upon final determination of the charge against such person.

(2) In the event the person stopped deposits a valid Kansas driver's license with the police officer and fails to appear in the district court on the date set for appearance, or any continuance thereof, and in any event within 30 days from the date set for the original hearing, the court shall forward such person's driver's license to the division of vehicles with an appropriate explanation attached thereto. Upon receipt of such person's driver's license, the division shall suspend such person's privilege to operate a motor vehicle in this state until such person appears before the court having jurisdiction of the offense charged, the court makes a final disposition thereof and notice of such disposition is given by the court to the division. No new or duplicate license shall be issued to any such person until such notice of disposition has been received by the division. The provisions of K.S.A. 8-256, and amendments thereto, limiting the suspension of a license to one year, shall not apply to suspensions for failure to appear as provided in this subsection (a).

(b) No person shall apply for a duplicate or new driver's license prior to the return of such person's original license which has been deposited in lieu of bond under this section. Violation of this subsection (b) is a class C misdemeanor. The division may suspend such person's driver's license for a period of not to exceed one year from the date the division receives notice of the disposition of the person's charge as provided in subsection (a).

(c) (1) In lieu of depositing a valid Kansas driver's license with the stopping police officer as provided in subsection (a), the person stopped may elect to give bond in the amount specified in subsection (d) for the offense for which the person was stopped. When such person does not have a valid Kansas driver's license, such person shall give such bond. Such bond shall be subject to forfeiture if the person stopped does not appear at the court and at the time specified in the written notice provided for in K.S.A. 8-2106, and amendments thereto.

(2) Such bond may be a cash bond, a bank card draft from any valid and unexpired credit card approved by the division of vehicles or superintendent of the Kansas highway patrol, or a guaranteed arrest

as provided in section
two of this act,

bond certificate issued by either a surety company authorized to transact such business in this state or an automobile club authorized to transact business in this state by the commissioner of insurance. ~~If any of the approved bank card issuers redeem the bank card draft at a discounted rate, such discount shall be charged against the amount designated as the fine for the offense. If such bond is not forfeited, the amount of the bond less the discount rate shall be reimbursed to the person providing the bond by the use of a bank card draft.~~ Any such guaranteed arrest bond certificate shall be signed by the person to whom it is issued and shall contain a printed statement that such surety company or automobile club guarantees the appearance of such person and will, in the event of failure of such person to appear in court at the time of trial, pay any fine or forfeiture imposed on such person not to exceed an amount to be stated on such certificate.

(3) Such cash bond shall be taken in the following manner: The police officer shall furnish the person stopped a stamped envelope addressed to the judge or clerk of the court named in the written notice to appear and the person shall place in such envelope the amount of the bond, and in the presence of the police officer shall deposit the same in the United States mail. After such cash payment, the person stopped need not sign the written notice to appear, but the police officer shall note the amount of the bond mailed on the notice to appear form and shall give a copy of such form to the person. If the person stopped furnishes the police officer with a guaranteed arrest bond certificate or bank card draft, the police officer shall give such person a receipt therefor and shall note the amount of the bond on the notice to appear form and give a copy of such form to the person stopped. Such person need not sign the written notice to appear, and the police officer shall present the notice to appear and the guaranteed arrest bond certificate or bank card draft to the court having jurisdiction of the offense charged as soon as reasonably possible.

(d) The offenses for which appearance bonds may be required as provided in subsection (c) and the amounts thereof shall be as follows:

Reckless driving.....	\$74
Driving when privilege is canceled, suspended or revoked.....	74
Failure to comply with lawful order of officer.....	49
Registration violation (registered for 12,000 pounds or less).....	44
Registration violation (registered for more than 12,000 pounds).....	84
No driver's license for the class of vehicle operated or violation of restrictions.....	44
Spilling load on highway.....	44
Overload:	
Gross weight of vehicle or combination of vehicles.....	an amount equal to the fine plus docket fee to be imposed if convicted
Gross weight upon any axle or tandem, triple or quad axles.....	an amount equal to the fine plus docket fee to be imposed if convicted
Failure to obtain proper registration, clearance or to have current certification as required by K.S.A. 66-1324, and amendments thereto.....	264
Insufficient liability insurance for motor carriers pursuant to K.S.A. 66-1,128 or 66-1314, and amendments thereto.....	114
Failure to obtain interstate motor fuel tax authorization pursuant to K.S.A. 79-34,122, and amendments thereto.....	114
Improper equipment (glass or fire extinguishers).....	44
No authority as private, contract or common carrier.....	114
No current driver's daily log.....	44
Invalid or no physical examination card.....	44
Transporting open container of alcoholic liquor or cereal malt beverage accessible while vehicle in motion.....	215

(e) In the event of forfeiture of any bond under this section, \$37 of the amount forfeited shall be regarded as a docket fee in any court having jurisdiction over the violation of state law.

(f) None of the provisions of this section shall be construed to conflict with the provisions of the nonresident violator compact.

(g) When a person is stopped by a police officer for any traffic infraction and the person is a resident of a state which is not a member of the nonresident violator compact, K.S.A. 8-1219 *et seq.*, and amendments thereto, or the person is licensed to drive under the laws of a foreign country, the police officer may require a bond as provided for under subsection (c). The bond shall be in the amount specified in the uniform fine schedule in subsection (c) of K.S.A. 8-2118, and amendments thereto, plus \$37, which shall be regarded as a docket fee in any court having jurisdiction over the violation of state law.

(h) When a person is stopped by a police officer for failure to provide proof of financial security pursuant to K.S.A. 40-3104, and amendments thereto, and the person is a resident of another state or the person is licensed to drive under the laws of a foreign country, the police officer may require a bond as provided for under subsection (c). The bond shall be in the amount of \$54, plus \$37, which shall be regarded as a docket fee in any court having jurisdiction over the violation of state law.

New section 2. (a) Clerks of the district court and court trustees authorized to transact financial matters for a district court, subject to conditions set out in this section, are authorized to accept payment of fees, docket fees, child support, maintenance, fines, restitution, and collateral for cash bonds by bank card draft from any valid and unexpired credit card issued by a bank card company approved by the office of judicial administration.

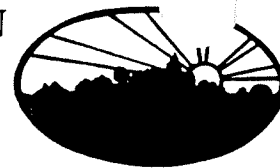
(b) If any of the approved bank card issuers redeem the bank card draft at a discounted rate, such discount shall be charged against the portion of the payment allotted to clerk's fees, state, or, if the payment is in the nature of support the discount shall be paid from the court trustee's operating fund if one has been established in the county. If any cash bond posted by bank card draft is not forfeited, the person posting the bond shall have the person's bank card account credited for the amount posted. Clerks and court trustees, subject to conditions set out in this section, may be authorized to either receive or make payments through the medium of electronic fund transfers.

(c) Implementation of the foregoing authorizations shall be phased in by announcement of the transaction category or categories in which clerks or court trustees shall accept valid bank card drafts or participate in electronic fund transfers. The office of judicial administration shall circulate approved categories as changes to the policy portion of Supreme Court Administrative Order No. 30, District Court Accounting. The judicial administrator is directed to make such changes to the accounting procedures in Supreme Court Order No. 30 as are necessary to keep the manual current with changes in state and federal law which may impact any of the authorizations set out in this section.

Sec. 3. K.S.A. 1993 Supp. 8-2107 is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

E. REST NEIGHBORHOOD IMPROVEMENT ASSOCIATION



3617 SE Pinecrest Court
Topeka, KS 66603
January 21, 1994

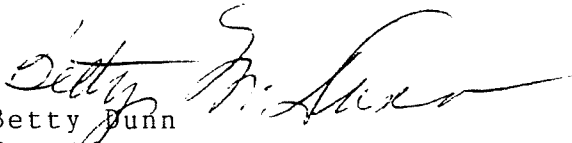
State Representative Denise Everhart
Capitol Building, 282W
Topeka, KS 66612

After the presentation made by you, Doug Mays and Rocky Nichols at our meeting yesterday, we voted unanimously to support the Juvenile Crime Package as summarized in your handout (enclosed).

While acknowledging it is preferable that the major portion of tax money be spent in ways that prevent crime, current conditions still need to be addressed. It is unfortunate that most legislation is in reaction to major problems instead of preventive to avoid them. But since the expenditure of funds for items such as truancy/attendance officers must be justified, that situation will probably not change.

We, also, hope that more attention will be directed toward welfare and prison reform, child molestation and abuse laws, affordable housing, curricula options to include technical courses, in addition to college-preparatory, etc., all of which directly affect crime statistics.

As mentioned at the meeting, we would appreciate the opportunity to address the Judicial Committee to express our views when the Juvenile Crime Package is discussed.


Betty Dunn
President

Enclosure

bp

1/27/94

H.B. 2670

My Name is Betty M. Lunn,
Pres. Hi Crest N.I.A. as well
as a Parent of 3 Adult Children.
Our N.I.A. has written a letter
to Rep. Lenzle regarding totally
supporting this Bill.

We must let our Youths
know that they can no longer
commit crimes and be protected
by Closed Files. Please open all files
Regardless of race, income or family
or which side of town the child
lives in.

Youth who break the law must
be accountable for their actions.

I realize we can not legislate
Love but the blame also must
be shared by their Parents. We
want their Names, their Parents
Names, addresses and the Nature
of the Crime Known. By not
knowing this information it puts
Society at a greater risk.

Parents must realize, the Whitehouse,
Methouse, Courthouse and Schoolhouse
are not responsible for raising
their Children.

We Urge you to Pass Bill 2670.

(Youth Crime Bill)

Betty Luv ^{3.3}

H.B. 2672

1/27/94

My name is Betty M. Luna-
Pres. Hi Crest N.I.A.

We urge you to please pass this
Bill. Given the Degree of Crimes
Committed by Youth today, it is
very important that the Public
is notified when these Youth
are let out for whatever reason.
Too many violent Crimes have
been committed while the Youth
were out on Pass.

The Public is entitled to this information.

Betty M. Luna



**Testimony on H.B. 2672
before the
House Committee on Judiciary**

by

**Cindy Kelly, Deputy General Counsel
Kansas Association of School Boards**

January 27, 1994

Mr. Chairman and Members of the Committee, on behalf of our member school districts, thank you for the opportunity to express our support for HB 2672. Today school districts are often unaware that a youth entering school is a juvenile offender. The notice to school districts required by HB 2672 will provide school districts with the information necessary to better meet the educational needs of the student while providing a safer environment for all students.

We urge you to recommend HB 2672 favorably for passage.

1/27/94

My Name is STEPHEN
HIEBSCH, I HAVE WORKED @
YCAT SINCE 11/87, AND APPROXIMATELY
TWO YEARS AGO, BECAME THE CHIEF
STEWARD OF LOCAL R14-147
UNION (NAGE) AT YCAT AND I REPRESENT
BY CONTRACT AROUND 200 EMPLOYEES
53% OF WHICH INCLUDES THE
LARGEST GROUP OF EMPLOYEES AT
YCAT BEING YOUTH SERVICES.

SINCE 1988 EMPLOYEES IN
YOUTH SERVICES HAVE BEEN CONCERNED
ABOUT ATTACKS ON THEIR PERSON BY
YOUTHS BEING HELD @ YCAT.

THE TYPES OF ATTACKS
VARY FROM SPITTING / BITING TO
BEING HIT WITH CHAIRS, ATTACKED BY
MORE THAN ONE YOUTH.

SOME INCIDENTS WHICH
STILL STAND OUT AS "SERIOUS" WOULD
INCLUDE:

1) 7/89- STAFF BEATEN ALMOST
TO DEATH BY YOUTHS USING A WOODEN
TABLE LEG. (STAFF NEVER RETN TO
WORK)

4/91- STAFF HIT OVER
THE HEAD BY A WOODEN CHAIR (STAFF
NEVER RETURN TO WORK)

7/91- 2 STAFF INJURED
ONE BY AGAIN BEING HIT OVER
THE HEAD WITH A CHAIR AND
THE OTHER STABBED W/ SHARPENED
TOOTH BRUSH

MOST RECENTLY 3 STAFF
IN SEPERATE INCIDENTS WERE BITEN
ONE SEVERELY BY THE SAME YOUTH.
AND A STAFF WAS ATTACKED
AND 2 YOUTHS ATTEMPTED TO
STRANGLE HIM.

FINALLY IN 10/93 A STAFF
WAS ATTACKED AND RESULTED IN
HIS HAVING TO UNDERGO SURGERY
FOR REPAIR OF A TORN PECTORAL
MUSCLE.

IN SOME INSTANCES AS
HAVE BEEN MENTIONED SOME YOUTH HAVE
MULTIPLE ATTACKS ON STAFF.

OUR CONCERN IS NOT JUST ABOUT THE ATTACKS, BUT THE PROCESS WHICH FOLLOWS THE ATTACK.

IN 1992 I WAS GIVEN THE OPPORTUNITY TO SPEAK IN SUPPORT OF THIS LEGISLATION. THE CHAIRMAN AT THE TIME POINTED OUT THAT, "AS INDIVIDUALS YSW ARE PROTECTED" UNDER CURRENT LAWS NOW IN FORCE i.e., BATTERY.

FROM OUR PERSPECTIVE IN YOUTH-SERVICES WE ARE NOT PROTECTED UNDER LAW AS CORRECTIONAL OFFICERS ALTHOUGH BY JOB DESCRIPTION WE PERFORM ALMOST, IF NOT IDENTICAL DUTIES. YET BY LAW C.O. ARE PROTECTED BY STATUTE AND YSW ARE RELAGATED TO RESPOND TO OUR ATTACKS BY HAVING TO FILE OUR OWN CHARGES, THEN WAITING TO SEE WHETHER CHARGES WILL BE FILED AND THAT ONLY MISDEAMENOR CHARGES OCCUR.

AN EXAMPLE OF THE FRUSTRATION OF THIS PROCESS AND TO PUT THIS ISSUE IN PERSPECTIVE LET ME

BRIEFLY SHARE THIS SITUATION

1) 10/92 - CHG'S FILED

2) LETTER REC'D 12/16/92 (D.A.)
STATING - TRIAL DATE SET 3/31/93
AND YOUTH BOUND OVER FOR ADULT
TRIAL. REFERRED TO A SUBPENA NOTIFICATION

3) PHONED D.A. OFFICE (APPROX 3/29/93)
REF. SUBPENA

D.A. - "DIDN'T KNOW YOU FILED CHARGES"

4) D.A. ADVISED VICTIM/STAFF THAT
TRIAL HAD ALREADY OCCURRED ON -
3/2/93

5) WHEN VICTIM ASKED WHY HE
WASN'T ALLOWED TO BE PRESENT

D.A. RESPONSE - "IT WOULD COST
TOO MUCH \$ TO PROSECUTE HIM"

SO IT FEELS LIKE OUR
SAFETY, OUR DUE PROCESS IS JUST
IGNORED.

EMPLOYEES WHO WORK
IN AREAS SUCH AS YCAT ACCEPT
THE POTENTIAL RISK INVOLVED IN
CARRYING OUT THERE DUTIES.

HOWEVER IT IS FELT THAT
WE ARE TREATED DIFFERENTLY BY
LAW, AND OUR JOB IS VIEWED BY
SOME AS NOT AS IMPORTANT AS
THOSE WHO WORK IN THE SAME/RELATED
FIELD (DOC).

THE LAST 4 YEARS I
AND OTHERS AT YCAT IN YS, HAVE
SUPPORTED THIS BILL NOW KNOWN
- AS 2668. WE HAVE BEEN DISAPPOINTED
THAT ITS PASSAGE HAS NOT BEEN
ACCOMPLISHED. BUT WE AGAIN HAVE
RENEWED FAITH THAT THIS YEAR
IT WILL PASS.

FOR THOSE I REPRESENT
@ YCAT ON THE FRONTLINE, I THANK
YOU FOR ALLOWING TO SPEAK BEFORE
YOUR COMMITTEE.

Stephen R. Hirsch