

Approved: 2/8/94
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY.

The meeting was called to order by Chairperson Jerry Moran at 10:00 a.m. on February 2, 1994 in Room 514-S of the Capitol.

All members were present.

Committee staff present: Mike Heim, Legislative Research Department
Jerry Donaldson, Legislative Research Department
Gordon Self, Revisor of Statutes
Darlene Thomas, Committee Secretary

Conferees appearing before the committee:

Rosella E. Watson, State Board of Indigents Defense Services
Lisa Motts, Sentencing Commission
Gary Stotts, Department of Corrections
Carla Dugger, Associate Director, American Civil Liberties Union of Kansas

Others attending: See attached list

Senator Bill Wisdom appeared before the Committee to request introduction of a bill regarding domestic partnership agreements. A motion was made by Senator Brady, seconded by Senator Martin to introduce amendment to 3 RS 1948. The motion carried.

Senator Todd Tiaht appeared before the Committee to request introduction of a bill to provide for a license to carry certain concealed weapons to be fashioned after the Florida law. A motion was made by Senator Harris, seconded by Senator Martin to introduce a bill to amend 3 RS 2076. The motion carried.

A motion was made by Senator Emert, seconded by Senator Ranson to introduce a bill to amend SB 125 as amended by the House. The motion carried.

Dr. Rozella Watson was introduced to the Committee by Senator Emert as an appointee to the State Board of Indigents Defense Services (Attachment No. 1). She spoke of her background with the Board of Indigents Defense Services and answered questions from the Committee. She said that according to policy she had had KBI check. A motion was made by Senator Emert, seconded by Senator Harris to recommend Dr. Rozella Watson favorably to the full Senate for confirmation. The motion carried.

SB 552--violation of parole or post release supervision

Lisa Motts, Sentencing Commission provided testimony to amend SB 552 in regard to sentencing guidelines and answered questions from the Committee. She provided amended language to K.S.A. 22-3717(f) for the Committee to review (Attachment No. 2).

Secretary Stotts provided written testimony on SB 552 and was available to answer questions from the Committee (Attachment No. 3). Secretary Stotts stated there would always be a parole process, however, not necessarily a parole board.

A motion was made by Senator Parkinson, seconded by Senator Bond to amend SB 552 as recommended by the Sentencing Commission. The motion carried.

A motion was made by Senator Emert, seconded by Senator Petty to report SB 552 favorably as amended. The motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY, Room 514-S Statehouse, at 10:00 a.m. on February 2, 1994.

SB 551--conflict reconciliation

Gordon Self addressed the Committee on SB 551. He said in reviewing the statutes passed in regard to sentencing guidelines and judicial council revision bills he found when two versions of statutes were amended into separate bills there were several that did not get reconciled. SB 551 is a repealer. There is a version of statutes included in SB 551 already in law with a different designated numbers that carried out the Committee's intent.

A motion was made by Senator Bond, seconded by Senator Emert to recommend SB 551 favorably and place on the consent calendar. The motion carried.

A motion was made by Senator Bond, seconded by Senator Parkinson to introduce a bill to amend K.S.A. 22-2401a(4) dealing with valid arrest warrant or search warrant (Attachment No. 4). The motion carried.

SB 513--prosecuting 16 and 17 year olds as adults

Chairman Moran stated he had been told there were those on the Committee who wished to reconsider Committee action taken on February 1, 1994 on SB 513.

A motion was made by Senator Oleen, seconded by Senator Feleciano to reconsider Committee action taken February 1, 1994 on SB 513 for the purpose of discussion. The motion carried.

Chairman Moran stated SB 513 was before the Committee in amended form with Senator Petty and Senator Bond's amendment ("the judge shall review each 16 and 17 year old individually who commits a person felony to determine at the discretion of the judge, whether they be tried as an adult or juvenile") and the amendment by Senator Ranson and Senator Vancrum ("..striking the term "misdemeanor". He provided the Committee with a list of crimes that are person felonies (Attachment No. 5)

A motion was made by Senator Emert, seconded by Senator Ranson to amend SB 513 to delete the amendment made by Senator Petty and Senator Bond, leaving the amendment made by Senator Ranson and Senator Vancrum striking the term "misdemeanor". A division was requested, 7 yes; 6 no. The motion carried.

A motion was made by Senator Ranson, seconded by Senator Emert to report SB 513 favorably as amended. A division was requested, 7 yes; 6 no. The motion carried.

Written testimony was provided by Carla Dugger, Associate Director of American Civil Liberties Union of Kansas on SB 552 and SB 513 (Attachment No. 6).

The meeting adjourned at 11:00 a.m.

The next meeting is scheduled for February 3, 1994.

GUEST LIST

COMMITTEE: Senate Judiciary Committee

DATE: 3/2/94

[illegible]

SENATE CONFIRMATION QUESTIONNAIRE
APPOINTMENTS BY GOVERNOR JOAN FINNEY

Name: Rosella E. Watson
Home Address: 1625 North Pearl - P.O. Box 188
City, State, Zip Code: Independence, Kansas 67301
Home Phone: 316 / 331-0593

Business Address: 210 East Maple
City, State, Zip Code: Independence, Kansas 67301
Business Phone: 316 / 331-2063

Date of Birth: 12-25-30 Place of Birth: Emulge, Oklahoma
Party Affiliation: Democrat

Appointed as: Indigent Defense Board Member

Effective 1993 7/2/93 for the 3 yr term

ending 1996 7/1/96 Succeeding myself

Salary none - mileage Statutory Authority 22-4519

Statutory Requirements - Regulate funds for attorneys who defend inmates in prison.

1. EDUCATION: High School Arkansas City, Kansas - Senior High
Year Graduated 1948

Postsecondary	Degree, etc.	Dates
<u>Southwestern, Winfield, KS</u>	<u>BA - education</u>	<u>1968-1970</u>
<u>University of Kansas - Lawrence</u>	<u>MA - Language Arts</u>	<u>1972-1973</u>
<u>University of Kansas - Lawrence</u>	<u>Ph.D. Education Administration</u>	<u>1976-1981</u>

Senate Judiciary
2/2/94
attachment 1-1

2. MEMBERSHIP BUSINESS, TRADE AND PROFESSIONAL ORGANIZATIONS DURING PAST 10 YEARS:

Dates	Name	Location
1983-1985	Adult Education	Parsons Independence, Ks.
1985-1986	Court Service	Independence, Kansas
1990-1993	Black Enterprise	Independence, Kansas
1990-1993	Wiley Associates	Independence, Kansas

3. HAVE YOU EVER BEEN ELECTED OR APPOINTED TO ANY PUBLIC OFFICE IN KANSAS? ☒ Yes ☐ No
If so, please list dates and offices held.

Date	Office
1986-1993	Selective Service Board
1990-1993	CE & C - Board
1980-1983	Executive Secretary - Human Relations Council

4. HAVE YOU EVER BEEN EMPLOYED BY OR HELD A POSITION OR OFFICE WITH ANY FEDERAL, FOREIGN STATE, OR LOCAL GOVERNMENTAL ENTITY OR AGENCY?

If so, please list dates and offices held:

1980-1983	Liason - City College Schools - Ark City, Kans
1990-1993	Director - Health Fair Program - Parsons, Kansas
1987-1993	Director - Tutoring & Counseling - Independence, Ks

5. HAVE YOU BEEN A REGISTERED LOBBYIST OR EMPLOYED A REGISTERED LOBBYIST AT ANY TIME DURING THE PAST 5 YEARS? no

If you were a registered lobbyist, did you receive any compensation?

List groups you represented or for which you employed a lobbyist:

6. EXPERIENCE OR INTERESTS WHICH QUALIFY YOU FOR THE OFFICE TO WHICH YOU HAVE BEEN APPOINTED:

Teacher & Counselor - Adult Education Court
Service Officer - Adults & Juveniles Director
of Drug Program Human Relations Council
Board Member - Active Church Member 59 years
Mercy Associate

7. SUMMARY OF BUSINESS OR PROFESSIONAL EXPERIENCE:

Teacher at elementary, secondary college level -
Court Service Officer - Small Minority Business
Director Tutoring Center (Drug Abuse Involvement) Suspended
School Children - Homeless Transients United Church Women
Coordinator - President Business & Professional Women -

8. HAVE YOU EVER BEEN A MEMBER OF THE ARMED FORCES OF THE UNITED STATES? no

If so, please list dates of service, branch of service and date and type of discharge:

9. HAVE YOU EVER BEEN ARRESTED, CHARGED OR HELD BY FEDERAL, STATE OR OTHER LAW ENFORCEMENT AUTHORITIES FOR VIOLATION OF ANY FEDERAL LAW, STATE LAW, COUNTY OR MUNICIPAL LAW, REGULATION OR ORDINANCE (EXCLUDING TRAFFIC VIOLATIONS FOR WHICH A FINE OF \$100 OR LESS WAS IMPOSED)? no

10. DISPOSITION OF ANY INTERESTS THAT MIGHT HAVE PRESENTED A POTENTIAL CONFLICT OF INTEREST FOR THIS POSITION.

none

Return to: Mary Holladay
Appointment Secretary
Office of the Governor
2nd Floor, State Capitol
Topeka, KS 66612

Rosella Watson
Signature

FILED

MAY 24 1993

BILL GRAVES
SECRETARY OF STATE

RECEIVED

MAY 24 1993

KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT

STATEMENT OF SUBSTANTIAL INTERESTS FOR INDIVIDUALS WHOSE

APPOINTMENT TO STATE OFFICE IS SUBJECT TO SENATE CONFIRMATION

INSTRUCTIONS. This statement (pages 1 through 4) must be completed by each person whose appointment to a state position is subject to Senate confirmation (K.S.A. 46-247 and 46-248). Failure to complete and return this statement may result in a fine of \$10 per day for each day it remains unfiled. Also, any individual who intentionally fails to file as required by law, or intentionally files a false statement, is subject to prosecution for a class B misdemeanor.

Please read the "Guide" and "Definition" section provided with this form for additional assistance in completing sections "C" through "G". If you have questions or wish assistance, please contact the Commission office at 109 West 9th, Topeka, KS or call 913-296-4219.

A. IDENTIFICATION:

PLEASE TYPE OR PRINT

W	A	T	S	O	N	R	O	S	E	L	L	A							E
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Last Name

First Name

MI

V	I	R	G	I	L	W	A	T	S	O	N								
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Spouse's Name

P	O		B	O	X		1	8	8										
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Number & Street Name, Apartment Number, Rural Route, or P.O. Box Number

I	N	D	E	P	E	N	D	E	N	C	E		K	A	N	S	A	S		6	7	3	0	1
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City, State, Zip Code

3	1	6	**	3	3	1	**	0	5	9	3	3	1	6	**	3	3	1	**	2	0	6	3
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Home Phone Number

Business Phone Number

B. APPOINTED POSITION SUBJECT TO SENATE CONFIRMATION:

I	N	D	I	G	E	N	T		B	O	A	R	D												
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List Name of Agency, Commission or Board

B	O	A	R	D		M	E	M	B	E	R														
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Position

* The last four digits of your social security number will aid in identifying you from others with the same name on the computer list. This information is optional.

*

2	6	8	8
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- C. **OWNERSHIP INTERESTS:** List any corporation, partnership, proprietorship, trust, joint venture and every other business interest, including land used for income in, which either you or your spouse has owned within the preceding 12 months a legal or equitable interest exceeding \$5,000 or 5%, whichever is less. If you or your spouse own more than 5% of a business, you must disclose the percentage held. Please insert additional page if necessary to complete this section.
- If you have nothing to report in Section "C", check here ____.

BUSINESS NAME AND ADDRESS	TYPE OF BUSINESS	DESCRIPTION OF INTERESTS HELD	HELD BY WHOM	PERCENT OF OWNERSHIP INTERESTS
1. Non-profit - Independence Tutoring Center	Tutoring & Counseling	Volunteer Non-paid	____ You ____ Spouse ____ Jointly	
2.			____ You ____ Spouse ____ Jointly	
3.			____ You ____ Spouse ____ Jointly	
4.			____ You ____ Spouse ____ Jointly	
5.			____ You ____ Spouse ____ Jointly	
6.			____ You ____ Spouse ____ Jointly	
7.			____ You ____ Spouse ____ Jointly	

- D. **GIFTS OR HONORARIA:** List any person or business from whom you or your spouse either individually or collectively, have received gifts or honoraria having an aggregate value of \$500 or more in the preceding 12 months.
- If you have nothing to report in Section "D", check here ☒.

NAME OF PERSON OR BUSINESS FROM WHOM GIFT RECEIVED	ADDRESS	RECEIVED BY:
1.		
2.		
3.		

E. RECEIPT OF COMPENSATION: List all places of employment in the last calendar year, and any other businesses from which you or your spouse received \$2,000 or more in compensation (salary, thing of value, or economic benefit conferred on in return for services rendered, or to be rendered), which was reportable as taxable income on your federal income tax returns.

1. YOUR PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR. IF SAME AS SECTION "B", CHECK HERE ____.

If you have nothing to report in Section "E"1, check here ____.

	NAME OF BUSINESS	ADDRESS	TYPE OF BUSINESS
1.	Parsons Paint Program	2215 Appleton Parsons Kansas	Summer Youth Series Citizens Homes
2.	Indigent Board	State of Kansas	Help for prisoners

2. SPOUSE'S PLACE(S) OF EMPLOYMENT OR OTHER BUSINESS IN THE PRECEDING CALENDAR YEAR.

If you have nothing to report in Section "E"2, check here ____.

	NAME OF BUSINESS	ADDRESS	TYPE OF BUSINESS
1.	Retired Packing House Worker	Marion - Arkansas City Kansas	Meat Packing
2.			

F. OFFICER OR DIRECTOR OF AN ORGANIZATION OR BUSINESS: List any organization or business in which you or your spouse hold a position of officer, director, associate, partner or proprietor at the time of filing, irrespective of the amount of compensation received for holding such position. Please insert additional page if necessary to complete this section. If you have nothing to report in Section "F", check here ____.

	BUSINESS NAME AND ADDRESS	POSITION HELD	HELD BY WHOM
1.	Independence Tutoring Centers 210 East Maple Independence Kans 67301	Director	Roseella Watson
2.			
3.			
4.			
5.			

- G. **RECEIPT OF FEES AND COMMISSIONS:** List each client or customer who pays fees or commissions to a business or combination of businesses from which fees or commissions you or your spouse received an aggregate of \$2,000 or more in the preceding calendar year. The phrase "client or customer" relates only to businesses or combination of businesses. In the case of a partnership, it is the partner's proportionate share of the business, and hence of the fee, which is significant, without regard to expenses of the partnership. An individual who receives a salary as opposed to portions of fees or commissions is generally not required to report under this provision. Please insert additional page if necessary to complete this section.
- If you have nothing to report in Section "G", check here ☒.

	NAME OF CLIENT / CUSTOMER	ADDRESS	RECEIVED BY
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			

H. **DECLARATION:**

I, Rosella Watson, declare that this statement of substantial interests (including any accompanying pages and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of all of my substantial interests and other matters required by law. I understand that the intentional failure to file this statement as required by law or intentionally filing a false statement is a class B misdemeanor.

5-20-93

Date

Rosella E. Watson

Signature of Person Making Statement

NUMBER OF ADDITIONAL PAGES ____.

Return your completed statement to the Secretary of State, State House, Topeka, Kansas 66612.

Ms. Barbara Clinkscales D (913) 625-8040 07/01/94
201 West 11th P. O. Box 722
Hays 67601
State Board of Indigents' Defense Services
First District Attorney

Mr. Norman Cooley D (316) 265-2978 07/01/95
8230 Millsap Drive
Wichita 67214
State Board of Indigents' Defense Services
Attorney/Sedgwick County Appointee

Mr. Larry Erne (316) 724-8204 07/01/95
P. O. Box 256
Girard 66743
State Board of Indigents' Defense Services
Public Member

Mr. Patrick Nichols D (913) 233-8300 07/01/96
3501 Lincolnshire
Topeka 66614
State Board of Indigents' Defense Services
Shawnee County Attorney

Mr. Harry Perry 07/01/94
1029 Meadow Lane
Topeka 66604
State Board of Indigents' Defense Services
Public Member

Mr. Maurice Ryan (913) 573-5060 07/01/94
2701 North 102nd Street
Kansas City 66109
State Board of Indigents' Defense Services
Third District Attorney

Ms. Hilma Ungerheuer R 07/01/95
Route 1 - Box 116
Centerville 66014
State Board of Indigents' Defense Services
Public Member

Mr. Octavio Viveros, Jr. D (913) 648-0500 07/01/96
7111 West 98th Terrace Building 2 - Suite 140
Overland Park 66212
State Board of Indigents' Defense Services
Johnson County Attorney Appointee

REPORT DATE 01/11/94

BDMEMBER REPORT FOR INDIG

PAGE 2

Ms. Rosella Watson
609 North 16th Street
Independence 67301
State Board of Indigents' Defense Services
Public Member

D

07/01/96



State of Kansas
KANSAS SENTENCING COMMISSION

SENATE JUDICIARY COMMITTEE
FEBRUARY 2, 1994
SENATE BILL 552
TESTIMONY OF LISA MOOTS

During the 1994 interim legislative session, I brought to your attention the fact that the provision of the sentencing guidelines act that establishes a mechanism for converting the indeterminate sentence of a person on parole for a crime committed prior to July 1, 1993, to a specific term of months if that person is returned as a parole violator with a new guidelines sentence for a crime committed on or after July 1, 1993, included parolees whose old crime was first degree murder or treason, which are off-grid crimes that carry a life sentence under guidelines. See K.S.A. 22-3717 (1993 Supp.). The statute currently provides that the life sentence for these parolees would be converted to 36 months and would then be aggregated with the new, consecutive guidelines sentence. Perhaps of even greater concern is the fact that the postrelease supervision for these offenders upon their release from prison will be limited to the one or two year period provided for the new crime by the guidelines. The primary purpose of this conversion process was to facilitate the computation of the combined sentences of these offenders, but the conversion process was most likely never intended to include those parolees whose old crime was off-grid. Consequently, SB 552 was introduced to exclude these off-grid crime offenders from the conversion process.

In the meantime, the Kansas Department of Corrections continued to be concerned with the fact that even parolees whose old crime was much less severe than an off-grid crime might serve to benefit from the commission of a new crime that triggered this conversion process. For example, an inmate serving a 15 years-life sentence imposed under old law for a B felony can be maintained on parole by the Kansas Parole Board forever, meaning that there always exists the possibility of being returned to prison as a parole violator, perhaps for the rest of his life. However, if this inmate were to commit a Severity Level 10 crime and receive a sentence of no greater than 13 months, upon revocation of his parole his 15 years-life sentence would, under the current version of this statute, be converted to a 36 month term and added to the 13 month sentence, for a total of 49 months. After serving this sentence less good time, the inmate will be released to a one year period of postrelease supervision, after which he will be completely discharged from supervision.

In order to address these additional concerns, I want to propose a substitute amendment to the statute for that proposed in SB 522.

K.S.A. 22-3717(f) is hereby amended to read as follows:

If a person is sentenced to prison for a crime committed on or after July 1, 1993, while on probation, parole, conditional release, or in a community corrections program, for a crime committed prior to July 1, 1993, and the person is not eligible for retroactive application of the sentencing guidelines act, the new sentence shall not be aggregated with the old sentence, but shall begin when the person is paroled or reaches the conditional release date on the old sentence. If the offender was past the offender's conditional release date at the time the new offense was committed, the new sentence shall not be aggregated with the old sentence but shall begin when the person is ordered released by the Kansas parole board or reaches the maximum sentence expiration date on the old sentence, whichever is earlier. The new sentence shall then be served as otherwise provided by law. The period of postrelease supervision shall be based on the new sentence, except that those offenders whose old sentence is a term of imprisonment for life, a term imposed pursuant to K.S.A. 1993 Supp. 21-4628, or an indeterminate sentence with a maximum term of life imprisonment, for which there is no conditional release or maximum sentence expiration date, shall remain on postrelease supervision for life or until discharged from supervision by the Kansas parole board.

13

Testimony on SB 552
Submitted by the Kansas Department of Corrections
to the Senate Judiciary Committee
February 2, 1994

The Department of Corrections supports SB 552.

The amendment to K.S.A. 1993 Supp. 22-3717 proposed in this bill makes it clear that persons convicted of an off-grid crime (first degree murder and treason) will not have their sentences converted to a guidelines sentence in the event they commit a crime after July 1, 1993 while on parole, conditional release, probation, or assignment to a community corrections program. As now written, such an individual's life sentence would convert to a term of 36 months.

First degree murder and treason were always considered off-grid crimes. They were not intended to be impacted by sentencing guidelines. This amendment would leave the previously imposed life sentence in place pursuant to the law as it existed prior to July 1, 1993. This would eliminate the possibility that an individual with a life sentence could end a potential lifetime period of supervision by committing a new felony offense, thus reducing the remaining sentence to a period of only 36 months. Such a result was not intended. An individual should not receive a sentencing benefit through commission of a new crime. This amendment would end that possibility.

The Department also supports the amendment proposed today by Lisa Moots of the Kansas Sentencing Commission. Individuals should not be able to obtain a sentencing advantage by committing a new crime. The method proposed by the amendment does a better job of ensuring that an advantage does not result than does the current provision, while still providing a workable method of sentence computation for the old indeterminate sentences and the new determinate sentences.

Senate Judiciary
2-2-94
attached 3-1



#4

City Hall • 8500 Santa Fe Drive
Overland Park, Kansas 66212
913/381-5252 • FAX 913/381-9387

February 3, 1994

TO: Senator Dick Bond
FROM: Gerry Ray
SUBJ: Request For Bill Introduction

The City of Overland Park, requests the introduction of legislation to assist with a problem encountered by the Police Department.

The Kansas Court of Appeals recently issued a decision indicating that K.S.A. 22-2401a(4), authorizing law enforcement officials of any jurisdiction within a county designated an urban area, to execute a valid arrest warrant anywhere within the county, has no application to the execution of a search warrant. This decision was brought about when Overland Park detectives were issued a search warrant by Overland Park to search an apartment in Lenexa. Although Lenexa officers were requested to assist in the search, the warrant was ruled as invalid.

In an county in which multiple cities comprise the urban area it is essential that law enforcement officials have the authority to cross municipal boundaries to discharge their duties.

The City's Law Department suggests the following amendment correct this situation:

Sec. 1. K.D.A. 22-2401a(4) is hereby amended to read as follows:
(4) In addition to the areas where law enforcement officers may exercise their powers pursuant to subsection (2), law enforcement officers of any jurisdiction within a county designated an urban area by K.S.A. 19-3524 and amendments thereto may exercise their powers as law enforcement officers in any area within a county when executing a valid arrest warrant or search warrant, to the extend necessary to execute such warrants.

This bill would apply to Johnson County only.

Thank you for your consideration.

State Judiciary
2-2-94
Attachment 4-1

PERSON FELONIES
LISTED IN ORDER BY SEVERITY LEVEL
PREPARED BY THE
KANSAS SENTENCING COMMISSION
(All felonies listed are on the nondrug grid)

21-3401	Murder in the first degree	F	A	P	Offgrid
21-3801	Treason	F	A	P	Offgrid
21-3401	Attempted murder in the first degree (21-3301)	F	-	P	1
21-3402(a)	Murder in the second degree (Intentional)	F	B	P	1
21-3421	Aggravated kidnapping	F	A	P	1
21-3801	Treason; Attempted (21-3301)	F	A	P	1
21-3401	Conspiracy to murder in the first degree (21-3302)	F	-	P	2
21-3402(b)	Murder in the second degree (reckless)	F	B	P	2
21-3801	Treason; Conspiracy (21-3302)	F	A	P	2
21-3502(a)(1)	Rape; sexual intercourse with a person who does not consent; overcome by force, fear, etc.	F	B	P	2
21-3502(a)(2)	Rape; sexual intercourse with a child <14 yoa	F	-	P	2
21-3506(a)(1)	Aggravated criminal sodomy; sodomy with a child <14 yoa	F	-	P	2
21-3506(a)(2)	Aggravated criminal sodomy; causing a child <14 yoa to engage in sodomy with a person or animal	F	-	P	2
21-3506(a)(3)	Aggravated criminal sodomy; sodomy with person who does not consent; overcome by force, etc.	F	-	P	2
21-3401	Solicitation to murder in the first degree (21-3303)	F	-	P	3
21-3403	Voluntary manslaughter	F	C	P	3
21-3415	Aggravated battery on LEO - Intentional, great bodily harm (see 21-3414a1A)	F	B	P	3
21-3420	Kidnapping	F	B	P	3
21-3427	Aggravated robbery	F	B	P	3
21-3719	Aggravated arson; substantial risk of bodily harm	F	B	P	3
21-3801	Treason; Solicitation (21-3303)	F	A	P	3
21-3504(a)(1)	Aggravated indecent liberties w/child; ≥14 yoa, but <16 yoa; sexual intercourse	F	-	P	3
21-3504(a)(3)	Aggravated indecent liberties w/child; <14 yoa; lewd fondling or touching	F	-	P	3
21-3505(a)(2)	Criminal sodomy; sodomy with a child ≥14 yoa, but <16 yoa	F	-	P	3
21-3505(a)(3)	Criminal sodomy; causing child ≥14 yoa, but <16 yoa to engage in sodomy with a person or animal	F	-	P	3
21-3414(a)(1)(A)	Aggravated battery - Intentional, great bodily harm	F	C	P	4
21-3504(a)(2)	Aggravated indecent liberties w/child; ≥14 yoa, but <16 yoa; lewd fondling or touching	F	-	P	4
21-3404	Involuntary manslaughter	F	D	P	5
21-3426	Robbery	F	C	P	5
21-3518	Aggravated sexual battery; Intentional touching, without consent, who is ≥16 yoa; force, fear, etc.	F	D	P	5
21-3604a	Aggravated abandonment of a child; involves child <16 yoa resulting in great bodily harm	F	E	P	5
21-3609	Abuse of a child; involves child <18 yoa; intentional torture, cruelty beating, etc.	F	C	P	5
21-3716	Aggravated burglary	F	C	P	5
21-4219(c)	Criminal discharge of a firearm at occupied dwelling or vehicle resulting in bodily harm	F	C	P	5
21-3414(a)(2)(A)	Aggravated battery - reckless, great bodily harm	F	C	P	5
21-3503(a)(1)	Indecent liberties w/child; child ≥14 yoa, but <16 yoa; lewd fondling or touching	F	-	P	5
21-3503(a)(2)	Indecent liberties w/child; child ≥14 yoa, but <16 yoa; soliciting to engage in lewd fondling, etc.	F	-	P	5
21-3516(a)(1)	Sexual exploitation of a child; employing, etc. child <16 yoa to engage in sexually explicit conduct	F	D	P	5
21-3516(a)(2)	Sexual exploitation of a child; possessing visual medium of child <16 yoa engaging in such conduct	F	D	P	5
21-3516(a)(3)	Sexual exploitation of a child; guardian permitting child <16 yoa to engage in such conduct	F	D	P	5
21-3516(a)(4)	Sexual exploitation of a child; promoting performance of child <16 yoa to engage in such conduct	F	D	P	5
21-3603(a)(2)(A)	Aggravated incest; Otherwise lawful sexual intercourse or sodomy with relative ≥16 yoa, but <18 yoa	F	-	P	5
21-3411	Aggravated assault on law enforcement officer	F	C	P	6
21-3415	Aggravated battery on LEO - Intentional, bodily harm or physical contact (see 21-3414a1B/C)	F	B	P	6
21-3511(a)	Aggravated indecent solicitation of a child; <14 yoa to commit or submit to unlawful sexual act	F	D	P	6
21-3511(b)	Aggravated indecent solicitation of a child; <14 yoa, inviting, etc. to enter secluded place	F	D	P	6
21-3513(b)	Prostitution; Promoting prostitution when prostitute is <16 yoa	F	D	P	6
21-3719	Aggravated arson; <u>no</u> substantial risk of bodily harm	F	B	P	6
21-3742(d)	Throwing objects from bridge or overpass; resulting in injury to a passenger of vehicle	F	D	P	6
21-3810(b)	Aggravated escape from custody; escape is facilitated by the use of violence or threat of violence	F	E	P	6
21-3829	Aggravated interference with conduct of public business	F	D	P	6
21-3833	Aggravated intimidation of a witness or victim	F	E	P	6
21-3410	Aggravated assault	F	D	P	7

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44	Aggravated interference with parental custody	F	D	7
21-3513	Prostitution; Promoting prostitution when prostitute is ≥16 yoa, second or subsequent conviction	F	E	7
21-3713(a)	Burglary; building used as a dwelling	F	D	P 7
21-3742(c)	Throwing objects from bridge or overpass; resulting in injury to a pedestrian	F	E	P 7
21-4219(b)	Criminal discharge of a firearm at occupied dwelling or vehicle	F	D	P 7
21-3413(a)(2)	Battery against a correctional officer	F	E	P 7
21-3414(a)(1)(B)	Aggravated battery - intentional, bodily harm	F	C	P 7
21-3414(a)(1)(C)	Aggravated battery - intentional, physical contact	F	C	P 7
21-3510(a)(1)	Indecent solicitation of a child; ≥14 yoa & <16 yoa to commit or submit to unlawful sexual act	F	-	P 7
21-3510(a)(2)	Indecent solicitation of a child; ≥14 yoa & <16 yoa, inviting, etc. to enter secluded place	F	-	P 7
21-3603(a)(1)	Aggravated incest; Marriage to person <18 yoa, who is a known relative	F	-	P 7
21-3603(a)(2)(B)	Aggravated incest; Lewd fondling and touching described in 21-3503 with relative ≥16 yoa, but <18 yoa	F	-	P 7
21-3612(a)(5)	Contributing to a child's misconduct; causing, encouraging child <18 yoa to commit a felony	F	D	P 7
21-3604	Abandonment of child; involves child <16 yoa	F	E	P 8
21-3731	Criminal use of explosives	F	E	P 8
21-4105	Incitement to riot	F	D	P 8
21-4301a	Promoting obscenity to minors; second or subsequent offense	F	D	P 8
21-3414(a)(2)(B)	Aggravated battery - reckless, bodily harm	F	C	P 8
21-3612(a)(4)	Contributing to a child's misconduct; sheltering or concealing a runaway child	F	E	P 8
8-1568(b)	Fleeing or eluding a law enforcement officer - third or subsequent conviction	F	E	P 9
21-3406	Assisting suicide	F	E	P 9
21-3419	Criminal threat	F	E	P 9
21-3610b	Furnishing alcoholic beverages to a minor for illicit purposes; child <18 yoa	F	E	P 9
21-4301	Promoting obscenity; second or subsequent offense	F	E	P 9
21-3422(c)	Interference with parental custody in all other cases	F	E	P 10
21-3520	Unlawful sex relations between DOC personnel and inmate	F	-	P 10
21-3602	Incest	F	E	P 10

Testimony in Opposition to SB 552 and 513
by Carla Dugger, Associate Director
American Civil Liberties Union of Kansas
(816) 756-3113

Before the Senate Judiciary Committee, Hon. Jerry Moran, Chair
Monday, January 31, 1994

The American Civil Liberties Union of Kansas opposes SB 552 for the following reasons:

-- The bill would reverse the retroactivity found in the recently passed comprehensive Sentencing Guidelines for crimes committed while on probation or parole, making those crimes punished according to the old sentencing guidelines. There is strong evidence that there was racial and arbitrary discrimination based on where persons charged under the old guidelines were sentenced. This bill would reimpose those discriminatory sentences rather than impose newer and more fair sentences under the new guidelines.

-- There may be constitutional problems in reinstating a longer sentence on some offenders *ex post facto*.

The American Civil Liberties Union of Kansas opposes SB 513 for the following reason:

-- There are already provisions for making case-by-case decisions as to whether a juvenile offender should be prosecuted as an adult or juvenile. We believe this ability is appropriate for juveniles, and would note that while some 16 year-olds behave more like adults, others have a maturity level closer to 12 year-olds. Please keep the judicial discretion necessary to recognize the latter. ACLU opposes all efforts to incarcerate 16 and 17-year olds with adult offenders.

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