

Approved: 3/10/94  
Date

## MINUTES OF THE SENATE COMMITTEE ON JUDICIARY.

The meeting was called to order by Chairperson Jerry Moran at 3:30 p.m. on February 21, 1994 in Room 254-E of the Capitol.

All members were present except: Senator Brady (excused)  
Senator Martin (excused)

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:

Carolyn Hill, Youth and Adult Services, Social and Rehabilitation Services  
Karen Lowery, Kansas Association of School Boards  
Jacque Oakes, Schools for Quality Education  
Sue Lockett, Kansas CASA Association  
Kay Farley, Office of Judicial Administration  
Lisa Moots, Sentencing Commission

Others attending: See attached list

### SB 656--battery against a youth center employee

Carolyn Hill, Youth and Adult Services, Social and Rehabilitation Services testified in support of SB 656 and provided written testimony (Attachment No. 1).

A motion was made by Senator Rock, seconded by Senator Ranson to amend SB 656 to read on page 1, line 21 and 22, "...while such officer or employee is engaged in the performance of such officer's or employee's duty:..." The motion carried.

A motion was made by Senator Rock, seconded by Senator Petty to recommend SB 656 favorably as amended. The motion carried.

### SB 657--notification to local law enforcement agencies and school districts of juvenile offenders being released

Karen Lowrey, Kansas Association of School Boards testified in support of SB 657 and provided written testimony (Attachment No. 2).

Carolyn Hill, Youth and Adult Services, Social and Rehabilitation Services testified in opposition of SB 657 and provided written testimony (Attachment No. 3).

Jacque Oakes, Schools for Quality Education provided written testimony in support of SB 657 (Attachment No. 4).

A motion was made by Senator Bond, seconded by Senator Ranson to report SB 657 favorably.

## CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY, Room 254-E Statehouse, at 3:30 p.m. on February 21, 1994.

The previous motion by Senator Bond, second by Senator Ranson to report SB 657 favorably was withdrawn.

A motion was made by Senator Parkinson, seconded by Senator Petty to amend SB 657, page 3, line 43 and page 4, line 1 to be consistent with where juvenile will attend school.

Senator Parkinson withdrew his previous motion to amend SB 657.

A motion was made by Senator Petty, seconded by Senator Oleen to conceptually amend SB 657 to require Social and Rehabilitation Services to notify schools and law enforcement for pending juvenile youth center placement and to notify the same parties on discharge from the youth center and requiring a discharge plan be in place prior to release of the juvenile which includes notification, copies of records and involvement of the school district to which the juvenile will be released. The motion carried.

A motion was made by Senator Petty, seconded by Senator Emert to report SB 657 favorably as amended. The motion carried.

SB 656--battery against a youth center employee

A motion was made by Senator Bond, seconded by Senator Rock to reconsider action on SB 656 for the purpose of an amendment. The motion carried.

A motion was made by Senator Oleen, seconded by Senator Bond to further amend SB 656 to include guards, officers and employees of juvenile detention facilities and to recommend the bill favorable as amended. The motion carried.

SB 660--criminal provision or permission of a juvenile

Senator Petty gave a brief description of SB 660 and said it was fashioned after the second component of the Colorado bill in terms of juvenile gun control. It creates a crime for an adult parent or guardian who makes a gun available to a juvenile through negligence or recklessness.

Lisa Moots, Kansas Sentencing Commission provided written testimony on SB 660 (Attachment No. 5).

A motion was made by Senator Petty to amend SB 660 to delete the reference to reckless so it is the intentional providing of a firearm with a barrel less than 12 inches long and to report the bill as amended favorably. Motion failed due to lack of a second.

SB 661--revocation of driving privileges for persons convicted of crimes and persons adjudicated as juvenile offenders

A motion was made by Senator Parkinson, seconded by Senator Emert to amend SB 661 by deleting any reference to adult, have it deal strictly with juveniles, and match language in SB 500, the handgun bill. The motion carried.

A motion was made by Senator Petty, seconded by Senator Oleen to recommend SB 661 favorably as amended. The motion carried

SB 663--court appointed special advocates for juvenile offenders

Carolyn Hill, Youth and Adult Services, Social and Rehabilitation Services testified in favor of SB 663 and provided written testimony (Attachment No. 6).

Sue Lockett, Kansas CASA Association testified in support of SB 663 and answered questions from the Committee.

Kay Farley, Coordinator of Children and Family Programs Office of Judicial Administration testified in support of SB 663 and provided written testimony (Attachment No. 7).

A motion was made by Senator Bond, seconded by Senator Petty to report SB 663 favorably. The motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY, Room 254-E Statehouse, at 3:30 p.m. on February 21, 1994.

Meeting adjourned at 4:45 p.m.

The next meeting is scheduled for February 22, 1994.

## GUEST LIST

**COMMITTEE:** Senate Judiciary Committee

DATE: 2/21/94

[illegible]

KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES  
Donna L. Whiteman, Secretary

Senate Judiciary Committee  
Testimony on Senate Bill 656

February 21, 1994

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SRS Mission Statement

"The Kansas Department of Social and Rehabilitation Services empowers individuals and families to achieve and sustain independence and to participate in the rights, responsibilities and benefits of full citizenship by creating conditions and opportunities for change, by advocating for human dignity and worth, and by providing care, safety and support in collaboration with others."  
\*\*\*\*\*

Mr. Chairman, members of the committee, I am appearing today in support of Senate Bill 656 which includes the staff of state youth centers in the crime of battery against a law enforcement officer, amending K.S.A. 1991 Supp. 21-3413. The potential for injury to the staff of the state youth centers is a reality which has been experienced several times in the recent past.

By enacting this legislation I believe youth who would batter staff will be punished and held appropriately accountable for their actions through charges of a severity level seven, person felony. The youth centers are implementing Aggression Replacement Training, a model for intervention in conflictual circumstances which is non-aggressive and deescalating to the potential for attacks to staff as well as between youth. I believe the implementation of Aggression Replacement Training in combination with a greater level of charge for battery to staff will reduce the threat of attacks on staff at state youth centers.

I do have a concern about those youth placed in state youth centers with misdemeanor only offenses. In the adult system, the sentencing guidelines call for presumptive probation unless two, person felony convictions have been committed prior to the commission of a severity level seven, person felony.

Thank you for considering this testimony.

Carolyn Risley Hill  
Youth and Adult Services  
Department of Social and  
Rehabilitation Services

(913) 296-3284

*Senate Judiciary*  
*2-21-94*  
*attachment 1-1*



KANSAS  
ASSOCIATION



OF  
SCHOOL  
BOARDS



1420 S.W. Arrowhead Rd, Topeka, Kansas 66604  
913-273-3600

Testimony on S.B. 657  
before the  
Senate Committee on Judiciary

by

Karen Lowery, Coordinator of Governmental Relations  
Kansas Association of School Boards

February 21, 1994

Mr. Chairman and Members of the Committee:

My name is Karen Lowery and I represent the Kansas Association of School Boards. On behalf of our member school districts, thank you for the opportunity to express our support for S.B. 657.

Today school districts are often unaware that a youth entering school is a juvenile offender. The notice to school districts required by this bill will provide 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 S.B. 657 favorably for passage. Thank you.

*Senate Judiciary*  
*2-21-94*  
*attachment #2-1*

# 3

KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

Donna L. Shiteman, Secretary

Senate Judiciary Committee  
Testimony on Senate aBill 657

February 21, 1994

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Mr. Chairman, members of the committee, I am appearing today in opposition to Senate Bill 657, relating to notification of local law enforcement agencies and school districts of such offender's release; amending K.S.A. 38-1673, 38-1675, and 38-1676. This bill would require the state youth centers and the Secretary of Social and Rehabilitation Services to notify both local law enforcement agencies and school districts of a youth release from a state youth center and of the temporary placement of a youth pending placement at a youth center. The Department is currently required to notify the district court of the current placement of a juvenile offender and the release of a juvenile offender from a state youth center. We believe this notification requirement is sufficient to safeguard the community.

The majority of youth are placed in the Department's custody with a long history of failure in school. Many have dropped out. Many have committed an offense while on school grounds and are most unwelcome in the school. The special purpose schools at the state youth centers are a tribute to the benefits of an educational system that disallows suspension and expulsion as a disciplinary option. Most youth show an educational gain of two or more years in test scores after spending less than nine months in a state youth center special purpose school. Both area and youth center social workers attempt to link closely with local school districts about the current educational needs of a youth. The experience of social workers is that school districts are reluctant to allow youths the opportunity to demonstrate the extent to which they have been rehabilitated. I am concerned that providing formal notice to school districts regarding an offender's release and return to a school district will provide advance notice to enable a school district to begin the due process to permanently prohibit the youth's return to school, disqualifying all gains which have been made while the youth was in placement.

Thank you for considering this testimony.

Sincerely,

Carolyn Risley Hill  
Youth and Adult Services  
Department of Social and  
Rehabilitation Services

*Senate Judiciary*  
*2-21-94*  
*attachment 3-1*



Bluemont Hall    Manhattan, KS 66506    (913) 532-5886

TO: SENATE JUDICIARY COMMITTEE

FROM: SCHOOLS FOR QUALITY EDUCATION

I am Jacqué Oakes representing Schools For Quality Education, an organization of 103 small school districts.

This would allow the school board, superintendent, and staff prior planning time to expect this student in classes if he would be attending in his home district, and it would alert the district of this juvenile's status even if he should be attending in another district.

SB 657 is one more right step as a way of keeping closer contact with kids who need caring attention.

Thank you for your time and positive consideration of this bill.

## "Rural is Quality"

Small Indulging  
2-21-94  
attacked 4-1





State of Kansas  
KANSAS SENTENCING COMMISSION

Senate Bill 660  
Senate Judiciary Committee  
February 21, 1994  
Comments of Lisa Moots

I simply wanted to point out what I would view as some possible vagueness problems with some of the language in subsection (a)(3) of this bill (such as "...aware of substantial risk..."[line 26], "...a crime of violence..."[line 31], "...a crime of violence..."[line 34]). I was actually wondering why you would need subsection (a)(3) at all. If just providing or permitting the juvenile to have the firearm makes "any person" (which would seem to include a parent or legal guardian even if it is not meant to in subsection (a)(1)), or failing to prevent the juvenile from possessing the firearm makes any parent or legal guardian guilty of this crime, why would you have a narrower subsection that vaguely requires awareness of a substantial risk that the juvenile is probably going to do something felonious with the firearm or the fact that the juvenile has a violent conviction record? If this is intended to prevent a parent or legal guardian from being criminally liable for simply providing, etc., the firearm as defined in subsection (a)(1), then I would suggest adding to that subsection the clause "...other than a parent or legal guardian,..." after the word "person"[line 18].

*Senate Judiciary*  
*2-21-94*  
*attachment 5-1*

KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

Donna L. Whiteman, Secretary

Senate Judiciary Committee  
Testimony on Senate Bill 663

February 21, 1994

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TITLE

An Act concerning the juvenile offenders code; relating to court-appointed special advocates; amending K.S.A. 38-1602 and repealing the existing section.

Mr. Chairman, on behalf of the Secretary of SRS, I am pleased to provide you with this testimony in support of Senate Bill 663 which permits a court to appoint volunteer special advocates for juvenile offenders.

PURPOSE

The function of a court-appointed special advocate (CASA) is to represent the best interest of the juvenile and to recommend to the court a permanent, safe and homelike placement whenever appropriate. In juvenile hearings attorneys represent the state and the legal rights of the juvenile but there is not a person whose sole task is to represent the best interest of the youth.

BACKGROUND

The Kansas Code for Care of Children provides for the appointment of a CASA for children before the court as a Child in Need of Care. The Juvenile Offenders Code has no such provision.

EFFECT OF PASSAGE

The CASA program for children in need of care has received wide support for its services in providing the court an independent recommendation regarding the best interest of children before the court. Adoption of this bill would provide similar services for youth adjudicated as juvenile offenders. In fact, some courts, realizing the value of CASA volunteers for juveniles, now make such appointments but without specific statutory authority. This bill would not only clarify the authority of the court to appoint CASA's, it would provide the CASA with immunity from prosecution now extended to those who work with children in need of care.

*Senate Judiciary*  
*2-21-94*  
*attachment 6-1*

SRS testimony on S.B. 663  
page 2

RECOMMENDATION

The Department of Social and Rehabilitation Services recommends passage of  
Senate Bill 663.

Carolyn Risley Hill, Commissioner  
Youth and Adult Services  
Department of Social and  
Rehabilitation Services

(913) 296-3284

#7

SENATE BILL NO. 663  
Senate Judiciary Committee  
February 21, 1993

Testimony of Kay Farley  
Coordinator of Children and Family Programs  
Office of Judicial Administration

Senator Moran and members of the committee:

Thank you for the opportunity to appear in support of  
Senate Bill No. 663.

Eighteen judicial districts currently have Court  
Appointed Special Advocate (CASA) programs, two other judicial  
districts are close to having certified programs, and several  
other judicial districts are in the early planning stages for  
such programs.

The Supreme Court Standards and Guidelines for Kansas  
Court Appointed Special Advocate (CASA) Programs allow for the  
appointment of CASA volunteers in juvenile offenders cases, in  
addition to children in need of care cases. The Administrative  
Judge in each judicial district with a CASA program determines  
the type of cases that will be referred to the CASA program.  
If juvenile offender cases are to be referred to a CASA  
program, specialized training is required before a volunteer  
can be assigned such a case.

Currently, CASA volunteers are assigned to juvenile  
offender cases in seven judicial districts. The experience in  
these judicial districts is that the CASA volunteers provide  
the judges with valuable information and assistance.

I urge you to favorably consider this bill and codify  
existing practice.

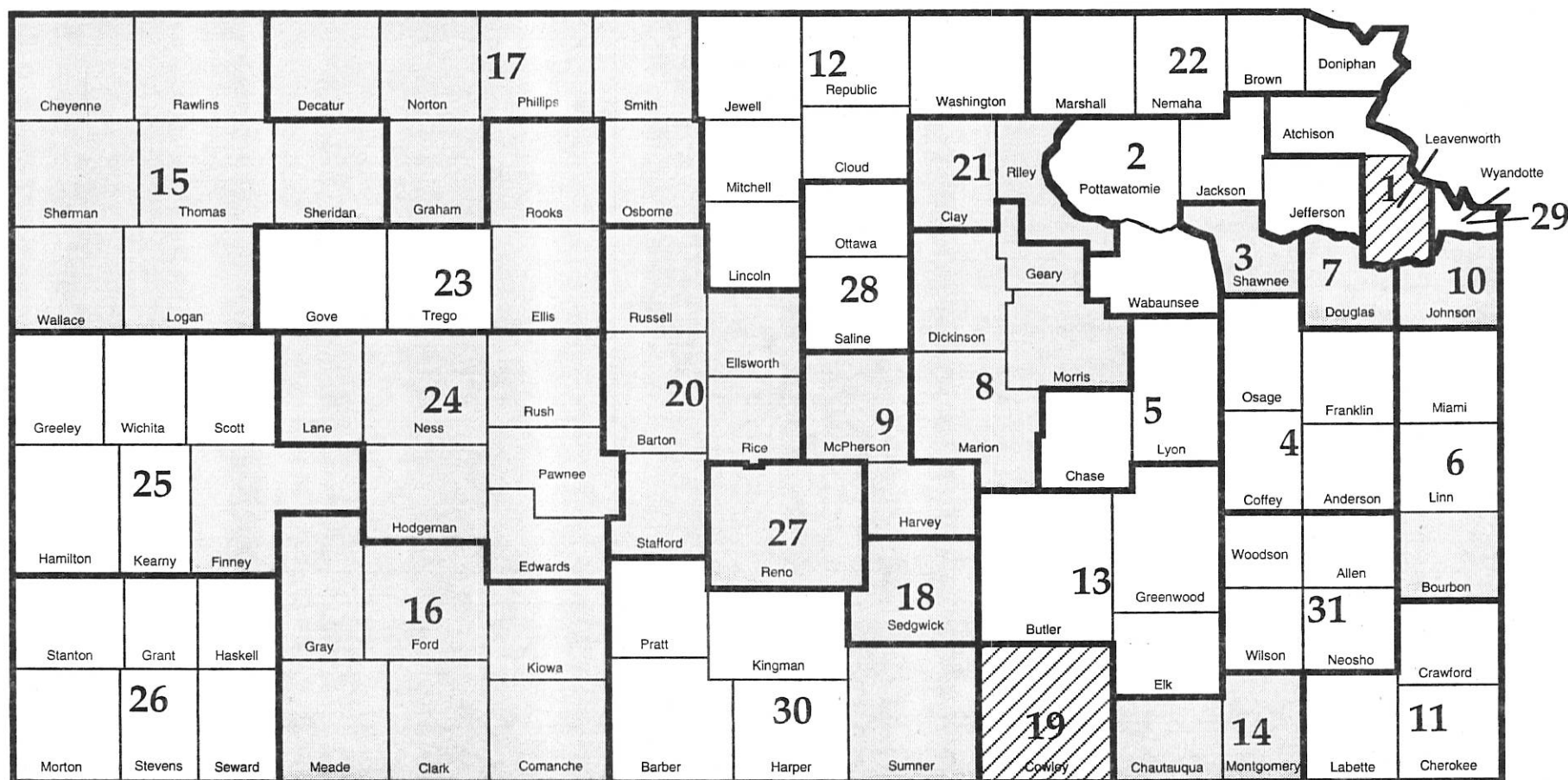
Thank you for your consideration.

*Senate Judiciary*  
*2-21-94*  
*attachment 7-1*



# Kansas Judicial Districts (31)

## CASA Programs



- ☒ Judicial Districts/Counties with certified CASA Program
- ☐ Judicial Districts/Counties without CASA Program
- ☒ Judicial Districts/Counties developing CASA Programs