

Approved: 3/15/94  
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 23, 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:

Paul Morrison, District Attorney, Johnson County  
Jim Blaufuss, Schmidt Task Force  
Detective Sergeant Craig Hill, Leawood Police  
Howard Snyder, Kansas Alliance for Mentally Ill  
Jim Karlin, SW Guidance Center, Liberal  
Walter Thiessen, Community Mental Health Division of Prairie View, Inc., Newton  
Joyce Lile, Christian Center for Prisoners Rights  
Lynn Stemm, Victim Assistance Coordinator, Kansas District Attorney  
Raymond L. Spring, Distinguished Professor, Washburn University School of Law  
Carla Dugger, American Civil Liberties Union

Others attending: See attached list

SB 666--fraudulent representation on employment application  
SB 667--inmates sentenced to custody of secretary  
SB 525--sexually violent offense

Paul Morrison, District Attorney, Johnson County testified in support of SB 525 and provided written testimony (Attachment No. 1). He said we should try to target those sexual offenders who have the propensity to reoffend and this could be done through the adoption of civil commitment procedure.

Detective Sergeant Craig Hill, Leawood Police testified in support of SB 525 and provided written testimony (Attachment No. 2).

Mr. Morrison introduced Greg Canova, Chief Deputy Attorney General for the state of Washington who provided via telephone conference call testimony regarding the sexual predator bill in Washington. He has been involved in their state's litigation and overseeing the program in Washington. Mr. Canova said this bill applies to a very small group of offenders. There has been an average of 300-400 convicted sex offenders per year since this bill went into affect in June, 1990. After screening, there has only been 111 referred to the Attorney General's Office since 1990. Out of the 111, they filed on 28. He said they developed a standard that before they file a civil commitment petition against a person they must have more than one prior conviction and a provable pattern of prior sexually violent. Mr. Canova said the Washington law was found to be constitutionally permissible in August, 1993 when the Supreme Court of Washington upheld the statute in a 6 to 3 opinion.

Paul Morrison, District Attorney, Johnson County recommended amendments to SB 525, to add language requiring filing a petition within 30-45 days.

Jim Blaufuss, member of the Schmidt Task Force testified in support of SB 525 and provided written testimony (Attachment No. 3).

Howard Snyder, Kansas Alliance for Mentally Ill testified in opposition to SB 525 and provided written testimony (Attachment No. 4).

## CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY, Room 514-S Statehouse, at 10:00 a.m.  
on February 23, 1994.

James Karlan, South West Guidance Center testified in opposition to SB 525 and provided written testimony (Attachment No. 5)

Joyce Lile, Christian Center for Prisoners Rights testified in opposition to SB 525 and provided written testimony (Attachment No. 6).

Walter Thiessen, Community Mental Health Division of Prairie View, Inc., Newton testified in opposition to SB 525 and provided written testimony (Attachment No. 7).

Lynn Stemm, Victim Assistance Coordinator, Kansas District Attorney provided written testimony in support of SB 525 (Attachment No. 8).

Raymond L. Spring, Distinguished Professor, Washburn University School of Law provided written testimony regarding SB 525 (Attachment No. 9).

American Civil Liberties Union provided written testimony in opposition to SB 525 (Attachment No. 10).

Meeting adjourned at 11:00 a.m.

The next meeting is scheduled for February 23, 12:30 p.m., Room 531-N., 1994.

# GUEST LIST

COMMITTEE: Senate Judiciary Committee

DATE: 2/23/94

NAME (Please Print)	ADDRESS	COMPANY/ORGANIZATION
Jeff Euston	Lawrence	U. of Ks
Arnie Barcume	3623 SW K10WA	SRS. Personnel
GREG DARTMOUTH	COLUMBUS KS	EMPIRE DISTRICT ELEC
Karen Howell	Topeka	KHS
Jeff Soudick	Topeka	KNLS
Sgt Craig Hill	OLATHE	LEAWOOD POLICE DEPT
Stuart M. Frager, PhD	Topeka	T.S.H.
Terry Larson	Topeka	Kansas AMI
MICHAEL PRESSATONI	Topeka	Ks AMZ Intern
TONI WHEELER	Topeka	SEN KARR'S OFF.
Susan Lyon	Topeka	Concerned Citizen
Kelly McLafferty	Lawrence	SOS
John Clark	Topeka	KCDAA
Marisa Larson	Topeka	KTKA
Randy Proctor	"	SKS/MHRS
WALTER THIESSEN	NEWTON, KS	PRAIRIE VIEW INC.
JAMES KARLAN	P.O. BOX 2945, LIBERAL, KANSAS	SOUTHWEST GUIDANCE CTR.
Ellen Pickalkiewicz	Topeka	ASSOC. of Community Mental Health Centers
GENE SCHMIDT	LEAWOOD, KS	S.O.S.
Rebecca Schmidt	Leawood, KS	S.O.S.
Carla Stoval	Topeka	SDS - public
Julene Maske	Topeka	AG office
Dale Stephens	"	KPOH



## GUEST LIST

**COMMITTEE:** Senate Judiciary Committee

DATE: 7/23/14

[illegible]



#1

COMMENTS TO MEMBERS OF SENATE JUDICIARY COMMITTEE

RE: SEXUAL PREDATOR ACT - SENATE BILL #525

FEBRUARY 23, 1994

I'm here today to testify in support of Senate Bill Number 525. Much attention has been given recently to the question of how best to keep the public safe from sex offenders. As we struggle with this question, one fact becomes absolutely clear; a small number of offenders commit the vast majority of criminal activity.

As can be seen from the attached article from the September, 1991, Journal of Interpersonal Violence, active sex offenders commit an incredibly high number of crimes in comparison to their arrests. For example, the 1985 study by Freeman-Longo of self-reporting of sex offenders in a forensic mental health program indicated that the 53 offenders reported a total of over 25,000 sex offenses that they had perpetrated. While the child molesters in the group average 1.5 arrests per man, their self-reports yielded over 20,000 sex offenses. Other studies have buttressed these findings.

I feel the best way to deal with this small but persistent group of offenders is through a civil commitment procedure such as the Sexual Predator Act. This act is designed to apply to very few offenders. However, those offenders, once incarcerated, should make a big difference in victimization rates. In the State of Washington, where this has been law since 1990, approximately 30 people are in various stages of the program. In August of 1993, the Supreme Court of Washington approved the

*Senate Judiciary*  
*2-23-94*  
*attachment 1-1*

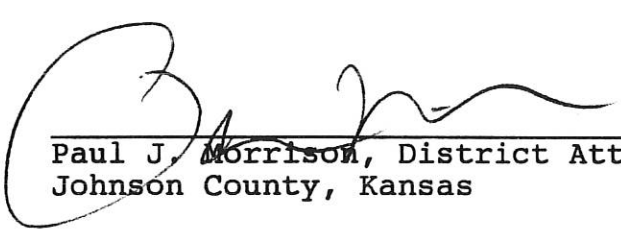
constitutionality of this law.

The advantages of this bill are that it incapacitates those who truly oppose the greatest danger to society. As such, it is much less expensive than massive across the board sentence increases for sex offenses. This is the new type of legislation which "targets" specific offenders for removal from society. The down side, however, is that because it is so new it is largely untested nationally. As such, as in Washington, there is some risk of legal problems. It is, however, a step forward. I truly believe it is a good piece of legislation that needs to be passed by this body.

Attachments:

1. Excerpt from the Journal of Inter-Personal Violence, September, 1991
2. Confiscated letter from an inmate serving time with the Kansas Secretary of Corrections for attempted child molestation to another inmate discussing their plans upon release.

Thank you for your time.



Paul J. Morrison, District Attorney  
Johnson County, Kansas

Hi Dude;

Hey man, I don't mean to be harsh, but, don't ever address mail to me by                      always use my name. You started an investigation as to why I never told these assholes what my nickname is!! I know you didn't realize what you were doing, just don't let it happen again, okay?

Anyway, enough of that. I'm glad you were interested in that book. I read Kevin's some more of what he did. After he had kidnapped this young girl, he slowly trained her to be his own personal wife. He taught her to suck his dick, exactly the way he liked it done. And how to fuck him by showing her porno flicks everyday and slowly working her into it until she thought of nothing else. When he first got her he put her in a room and never turned on the lights, total darkness. He would go into the room and eat her pussy and slide his fingers into her cunt & asshole until she got used to it. Then he started showing her the porno flicks. Everyday, since he first snatched her, he told her in a gentle caring voice, time after time, that he was her husband and that she had to please him and satisfy his desire until she was old enough to live by herself. And that is pretty much how the whole book went. There were some other little tricks he used with her that I'll tell you about later. I

am going ask you some questions. As you can see they are numbered given your answer in your letter, don't do anything except write 1 then your answer, 2 then answer. I've got a copy of the questions. That reason I'm asking these questions is so I can start planning as to what type of 'wife' to find for you and how to train her. I sure hope you are tearing these letters up. Any time you see a black dot • after your name on the envelope, you have to make sure no one reads that letter and make sure you tear it up. Like this Ken & Anyway the questions start on the back, answer them truthfully and it will be alot easier to get what you want when it comes. 1-3



All that is a little ways into the future. The first thing is business. When you get out, there are a few things you need to do and get. A super max van and <sup>rent</sup> a trailer or small house in or out of state, somewhere out in the country or rural area. Don't rent in town and don't buy a trailer. After 1 year we will be moving either to another state or into a 30-40 foot mobile home. Maybe to Canada. I will train you on exactly how to get your wife. Don't do anything before I get out. They are going to be watching you because you already have a record of approaching & enticing strange children. Be very careful of what you do, go to work then go home. No "business" either. Just relax and take it easy, when I get out, we will start on getting what we both want. The real thing. Man, I love that tight hot young pussy. I think I'll even show you how to "watch" them in their school locker room showers. You know, I'd better quit now, I'm working myself up!

Anyway, answers those questions and I get started. I'll write more later. You can write me questions just be damn careful what you write.

Sincerely  
Your Partner

P.S. My name is  
Not

OKay?

2. Blonde

4. B., G.,

Question

Your Answer - follow the codes given.

1. what age - write a youngest age and an oldest age example 7--10
2. what color hair -
3. what race - white, black, vietnamese, etc.
4. Boy or girl - B., G.,
5. pubic hair or None - yes, NO
6. Do you like to eat pussy, Finger them or fuck - e.p., f.t., f. or all
7. anal or pussy - A., P.,
8. Forced or cooperation - F., C.,
9. Do you like to watch someone else - yes, NO
10. Three <sup>People</sup> ways - yes NO - you and me and her?
11. Watch porn flicks - yes, NO

12. Listen, I know these are really explicit but ~~but~~ using the codes, tear this up and no-one will catch on. Unfortunately they read my incoming mail so don't ask me anything about this, okay? Here are my likes & dislikes.

1. 7-12
2. Blonde, or Brown
3. any but black
4. G.
5. yes
6. all - e.p., f.t., f.
7. A., P.,
8. C..
9. yes
10. sometimes
11. yes
12. yes - for them

answer just like this, okay? Don't call any attention to us or when we do it they can get us for premeditation which adds 10 yrs! I need to know this information so I can get started.

As for any questions you have, when you write them down, act like you read it in a book. Just like I did, "I read this book and this guy did this or that, what do you think." when this is happening, please listen to what I tell you, this isn't the first time I've done this. There is a lot of psychology involved and it has to be done just right or she will go off and possibly get away. Also, she will be the only one for a long time, no house keepers, after a year or so

*Using a computer-administered interview, self-reports of past criminal behavior were obtained from 99 institutionalized sex offenders. The sample contained both rapists and child molesters who had been mandated to receive specialized treatment. Offenders disclosed an enormous amount of undetected sexual aggression, a finding consistent with other self-report studies. Also striking was the high rate and variety of nonsex offenses. According to interview responses, nearly 20,000 nonsex crimes were committed during the year prior to institutionalization, with rapists contributing a disproportionate share. Still, child molesters, including those whose only known crime was incest, were very active in assault and property crime. The potential for utilizing sex offender self-reports in empirical research is discussed. Preliminary evidence of validity is presented.*

## ***Self-Report of Crimes Committed by Sex Offenders***

**MARK R. WEINROTT**

*Oregon Social Learning Center*

**MAUREEN SAYLOR**

*Western State Hospital*

*Although crime statistics and victim surveys can be useful in evaluating overall trends in the amount and reporting of crime, they provide no dependable information about the distribution of crimes among known offenders. It is a foregone conclusion that in the realm of sexual aggression, the number of offenses committed by most perpetrators exceeds those documented in law enforcement files. Indeed, it has been shown that many rapists and child molesters are chronic perpetrators and have avoided apprehension for dozens — and in some cases, hundreds — of sex crimes (Abel et al., 1987; Freeman-Longo, 1985; Groth, Longo, & McFadin, 1982).*

*This finding is based on perpetrator self-report, a promising method of obtaining offense histories. Intuitively, it seems unlikely that anyone would disclose illegal acts that have gone undetected. However, when individuals know that the information is obtained anonymously or held confidential from legal authorities, self-report has often proved to yield valid measures, initially*

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JOURNAL OF INTERPERSONAL VIOLENCE, Vol. 6 No. 3, September 1991 286-300  
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with juvenile delinquents have been used to a official record check self-reported (Erickson & Peterson-Jones, 1961); (b) two or more groups (Erickson & Empey, 1980); (c) comparison of 1966, 1970) or truth-telling polygraph examination (Clark & Tiffet, 1961; Monroe, 1961; Farrington, 1961; Farabee, 1961; Short, 1957). Based on self-reports of sex offenders will either be true or false.

Following the procedure of Wyle (1947), favoring self-reports over inventories has been used in etiological studies (Jensen, 1977; Farrington, 1976; Nye & Shaffer, 1976). This technique has been used in (Dunford, Osgood, & Labin, 1977) and (Weinrott, Jones, & Saylor, 1982).

Three self-reports of sex offenses showed a higher frequency of offenses than official records. In a sample of 54 child molesters, self-reports of offenses were higher than anonymous questionnaires as compared to official records. Those who had been convicted of sexual offenses per man. In a self-reported the high group summary. The offenses may actually be higher than official records.

Using the same method as obtained self-reports of sex offenses, forensic mental health professionals have been used to a official record check self-reported (Erickson & Peterson-Jones, 1961); (b) two or more groups (Erickson & Empey, 1980); (c) comparison of 1966, 1970) or truth-telling polygraph examination (Clark & Tiffet, 1961; Monroe, 1961; Farrington, 1961; Farabee, 1961; Short, 1957). Based on self-reports of sex offenders will either be true or false.





The present research differs from other self-report studies of sex offenders in several important respects. First, it employs an automated interview rather than a personal interview with a researcher. Binik, Westbury, and Servan-Schreiber (1989) have shown that individuals may be more willing to disclose sensitive sexual information when interviewed by a computer than in face-to-face situations. Ultimately, some variation of the interview might constitute a useful criterion measure for evaluating sex offender treatment programs because reliance on official recidivism measures is replete with flaws (Furby, Weinrott, & Blackshaw, 1989). Second, an attempt was made to incorporate modest validity checks. Other surveys of sex offenders have failed to appraise the psychometric integrity of the measures extracted from their questionnaires or interviews. Third, it sought information on both sex and nonsex offenses. Fourth, inquiries were made about the use of force, weapons, and substance abuse in connection with sex offenses. Finally, the present study critically examined the common practice of classifying sex offenders on the basis of their commitment (or instant) offense, given that those who have committed multiple types of sex offenses might be more the rule than the exception (Abel et al., 1987).

Respondents were recruited from the Western State Hospital (WSH) because the prison selected because the prison required self-disclosure of prior sexual offenses. The general psychiatric hospital had 175 men, typically coming from the prison. Approximately two thirds of the men in this study, men were coming from the prison proceeding. All sex offense cases were on a chopathy petition has been filed with the 90-day observation period. Briefly, "sex psychopaths" specialize in sexual misbehavior, lack of control, and who would not be treated for a criminal Personality Disorder. Individuals with a criminal history do not have any responsibility of the correctional system.

All residents were given information about the computer-assisted survey. They were assured that their responses would be confidential and that their self-reports would not be used to identify them. For each respondent, a small monetary incentive was provided as a bonus for each group of 10 residents who completed the survey within 14 days.

At the time of recruitment, 130 (87%) of the men who admitted difficulty reading were eligible; 130 (87%) of the men were granted admission to the study. Interest in the items they contributed to the high co-

**Presenter:**

Detective Sergeant Craig Hill  
Supervisor of Criminal Investigations  
Leawood, Kansas Police Department

President: The Lost Child Network  
National Child Resource Center  
*Dedicated to the Education, Awareness, and Recovery of  
Children Victimized by Criminal Abduction and Sexual  
Exploitation.*

Age: 44 Years of Service: 24

I extend my warmest thanks to all of the members of this committee  
for allowing me to make this presentation.

I appear before you today as police officer with over 24 years of  
service, and as the President and Co-founder of a Nationally  
recognize Child Resource Center. Unfortunately, I have  
experienced the devastation of Criminal Sexual Assault,  
Rape, Sodomy, and Murder in recent investigations such as Stephanie  
Rene Schimdt, and through my involvement with the Polly  
Klaas, Sara Wood, Andre Parsons and Stephanie Crane cases.

Each tragedy destroyed the lives of entire families.....and in each case  
the suspect was a paroled sex offender.

*Snate Judson*  
*2-23-94*  
*attach 2-1*



Every year many Kansans are forced to face the fear that when a son or daughter disappears, they might never see their children again.

We all spend our lives teaching our families not to be afraid....., only to be careful. ***But being careful is not working.***

Unfortunately we live in frightening times. We educate our children to beware of those individuals that prey upon them, posing as teachers, day care center operators, scout leaders, or religious counselors.

These pedophiles infest our communities looking for the opportunity to sexually assault a child.

They are organized, they have legal representation, and many pedophile organizations such as NAMBLIA or the RENE GUYON SOCIETY have turn to lobbyist in an effort to convince the Legislators in some states, to reduce the age limits for legal consent.

How, as a society, are we to react when one of our children is raped or sodomized by someone they've learned to trust?

What can I say to a parent after telling them a man confessed to sodomizing each of their six children?

How do I convince them to allow our legal system to take responsibility when they learn the same man was released after raping another child at gun point?

How do I convince myself to trust the justice system when I've entered our court rooms only to try the technicalities and not the truth?

How, as a professional law enforcement officer, can I accept the parole of a convicted sexual offender who has acknowledge their sickness is controlling them.....even thought they may want to change?

Our wives and daughters have found it necessary to adjust their lives in order to deal with the high risk of sexual assault.....vicious confrontations with individuals who do not see punishment as a deterrent.....individuals who have confessed that their only motivation was for the lust.....control.....greed.....or violence.

Many blame their childhood. Others blame society. Donald Giddeon blamed you and I..... the State.....for pushing him out into a lifestyle he wanted no part of.

It is time that Kansas takes a stand and we realize that as law makers, and law enforcers, it is our responsibility to protect the citizens of this State. No longer can we succumb to organizations who think that the rights of a convicted sex offender should be equal to a Pittsburg State College student's..... right to live.

Across this great nation, State Governments are taking the necessary steps to stop this epidemic.....

The California State Department of Justice implemented the Serious Habitual Offender Program in ten San Francisco Bay Counties. It was a program that coordinated the communication between criminal justice agencies in the identification, investigation, apprehension and prosecution for habitual sex offenders. That was later expanded to state wide and signed into law. (1989- October 2nd, 1992.)

The State of Oregon passed child sexual abuse legislation that required any employee in a child service occupation to first have a Federal background check. (1991)

Minnesota past a law requiring state registration of felons who have committed sexual crimes against children. (1991)



And in Washington State, a sexual predator act has been upheld as constitution, including civil commitment. A law designed to protect the innocent from repeat offenders.

With that in mind, let me refer to the statement made by Walter Fisher on national television after admitting to sexually assaulting between two and three thousand children over a period of ten years....

**"I will always have that urge".**

Affecting only the violent sexual offenders, this new law is a opportunity to promote the safety of all Kansans. It will provide the legal system with the ability to control individuals inflicted with this unexplainable sickness, while reducing the populations exposure to repeated sex offenders.

Ladies and gentlemen we can join together with other states in taking this stand. We can make progress in a time when some feel there is little hope.... because of all the drugs,... gangs,... hate,... and violence.

No longer should Kansans be force to live in fear.....

We can show the people of this great State that we have the courage to put an end to this sinceless violence.....

Courage is not the absence of fear.....but the ability to carry on with  
confidence in spite of it.

Ladies and gentlemen, I have confidence in you.

# LOST CHILD NETWORK

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Eight years old...  
*and wishing another year wasn't necessary*

As the eighth anniversary of the Lost Child Network approaches, Sgt. Craig Hill finds himself president of an organization he wishes wasn't necessary. He talks about things people don't want to hear and strains to keep up with the demands of a growing success story. Hill and the other five law officers that founded the Network in their off duty hours would love to go out of business. Unfortunately, with more than 1.3 million children reported missing in the United States each year, the Lost Child Network is very much needed.



*Sgt. Craig Hill meeting with President George Bush.*

The Lost Child Network works hand in hand with the National Center for Missing and Exploited Children in Washington, D.C. The Network is a non-profit organization funded strictly by donations. Each of the founding officers is a member of a law enforcement agency and offers expert assistance to other agencies across the Country, but the Network does not become involved in the actual investigation of crimes.

One of the most visible parts of the Leawood-based organization is the distribution of photos and descriptions of missing children. In 1985 the K-Mart Corporation agreed to display posters of missing children through their photo finisher, Guardian Photo. The posters were sent to every K-Mart in the Country. Half of the population visits a K-Mart each month and the missing children's pictures were seen by millions. It wasn't long before other photo finishers became involved and the Network placed posters in Safeway, Country Fair, Target and Revco stores throughout the United States. Of the children featured in the posters during the first year, seven were recovered alive.

The Lost Child Network also stays visible through a variety of education and awareness programs. Hundreds of presentations are made to schools. Universities, major police departments and community organizations each year by Hill and the other officers. Listeners are frequently shock-

ed by their presentations. Studies show that one in four girls and one in seven boys will be sexually exploited before the age of 18. Stranger abductions account for only half of one percent of the sexual abuse of children. The more common offender is a friend or relative of the child. These are incomprehensible statistics to many people.

The recent national cases of Jacob Wetterling, Amy Mihaljevic and Ann Marie Harrison, illustrated a more horrific fact. Within hours of the family's request for help, the network had inserted the children's photographs into pre-recorded television public service announcements. The tapes were then uplinked to the Tel-Star satellite system and transmitted to all (3) networks for immediate national broadcast. The efforts were valiant, but tragically late for Ann Marie and Amy, who's bodies were found. Jacob is still missing. Of the child abduction cases that will result in murder, that murder will usually occur within the first two or three hours after the abduction.

Knowing the need for speedy action, the Network takes advantage of state of the art technology. Thanks to the involvement of the National Office Machine Dealer's Association, the Ricoh Corporation and US Sprint, the Network is on-line with fax machines across the country. It can now fax pictures of missing children to any or all of the 6,000 NOMDA dealers in the United States. The dealers then fax or hand deliver the pictures to the local police and media. A missing child's photo can now be distributed nationwide in a matter of minutes.

The most recent coup for The Lost Child Network, however, has been on the national level. The U.S. Department of Justice selected the network to participate in a 1.5 million dollar grant, funding a three year study that set police procedures for investigating missing children cases and suggested methods for helping victims families, to include reunification should the child be found.

In addition, Sergeant Hill has been asked to serve on several Justice

Department and Public Service Administration committees to develop guidelines for missing children non-profit organizations across the country. It is an honor that will bring the The Lost Child Network and the Kansas City area significant national attention as leaders in the fight against crimes against children.

In a letter to the Network, President Bush wrote, "I commend the Law Enforcement Officers who founded this important organization in 1983, as well as the dedicated men and women who carry on its work today. Bringing a wealth of skills and experience to the Network, each of you is making a vital contribution to the safety of our nation's children. Through your efforts to educate parents and children, to provide specialized training to other law enforcement officers, and to distribute photos of missing youngsters, you are saving lives. On behalf of all Americans, I thank you for your generosity and concern."

*Portions reprinted from K.C. Monthly magazine*



**DETECTIVE SERGEANT CRAIG HILL**

President

The Lost Child Network



Sergeant Hill is a 21 year police veteran and supervisor of the Criminal Investigations Division for the Leawood, Kansas Police Department, a suburb of the metropolitan Kansas City area.

As President of the Lost Child Network, Sergeant Hill was appointed to the Kansas Attorney General's Task Force on Missing and Exploited Children, a committee that wrote seven new laws dealing with Child Abuse, Parental Abduction, and Sexual Exploitation.

He has spoken on the issues of abduction and sexual exploitation at the National Convention of Juvenile Court Justices in Washington, D.C.

In addition to the more than 200 lectures throughout the country, he received an invitation to Calgary, Alberta, Canada, to present issues concerning Exploited Children to Child Find, Alberta, The Medical Examiner's Office, and the Royal Canadian Mounted Police.

He was selected to coordinate one of five sites as part of a 1.5 million dollar research project for the Families of Missing Children, supported by the Office of Juvenile Justice and Delinquency Prevention of the United States Department of Justice.

Among Sergeant Hill's most meaningful invitations was to meet and discuss the plight of missing and exploited children with President George Bush. Since that time he is presently serving on committees with OJJDP of the Department of Justice and the Public Service Administration, reviewing the training needs and service guidelines for Police Departments and Missing Children Organizations.

In addition, Sergeant Hill serves as a member of the Kansas City Major Case Squad, the Metropolitan Cult Task Force, and on the Board of Directors for The Greater Kansas City Foundation for Retarded Citizens.

## *Awards and Recognition*

### **THE AWARD OF VALOR—CERTIFICATION OF APPRECIATION**

**Kansas Association of Chiefs of Police**

For the development of State Wide Crime Awareness Programs

### **DISTINGUISHED SERVICE AWARD**

**City of Leawood, Kansas**

For the development of Safety Education programs

### **FRIENDS OF EDUCATION AWARD**

**Blue Valley School District**

**Johnson County, Kansas**

For Child Awareness programs developed for area schools.

### **SERVICE TO MANKIND AWARD**

**Sertoma International**

For efforts in the area of Child Safety Education.

### **THE AWARD FOR VALOR—CERTIFICATE OF COMMENDATION**

**Metropolitan Chiefs of Police**

For his efforts as a member of The Lost Child Network in the successful recovery of two children kidnapped by strangers and missing for over two years.

Recently a young girl from the Kansas City area was found after disappearing over six years ago.\*

Never giving up hope, her father could not believe his ears when he received the call that Wednesday morning at 2:30 a.m.

**“It’s like a dream!  
You found her!”**

\*The use of age progression technology provided by the National Center for Missing and Exploited Children portrayed an accurate picture of what she looks like now.



Reuniting families, keeping children safe, and community awareness of crimes against children are what the **Education, Awareness** and **Recovery** programs of The Lost Child Network are all about.



**EDUCATION • AWARENESS • RECOVERY**

2-11



# Help us give the happy, carefree childhood that v



Growing up, most of us were afraid of the Boogey Man, checking under our beds before we went to sleep, squeezing our eyes closed when Mom turned off the light, cautiously opening one eye to peek and make sure he wasn't at the window. The thrill and terror of that imaginary game was exciting, mostly because we knew in the back of our minds that we were safe.



Today, the game isn't exciting, nor is it imaginary. The Boogey Man has become all too real for too many children. **The Lost Child Network wants you to join us in the fight to prevent crimes against our children.**

The Lost Child Network is a non-profit organization operated by police officers and volunteers from the Kansas City Metropolitan area. Dedicated to education, awareness and recovery in the area of crimes against children, The Lost Child Network provides educational programs to parents, children and law enforcement professionals, and operates a Child Resource Center to provide support to families whose children are missing. The Child Resource Center fields hundreds of calls each year, answering questions and referring callers and law enforcement officers to the correct agencies. The Child Resource Center also provides information to parents and educators about the dangers that children face in today's society. Most importantly, however, The Lost Child Network facilitates efforts to bring these children safely home.



# We need your help!

Like many other charitable organizations, the unpredictable economy has affected us. Every contribution helps, whether a percentage of your charitable allotment, or a full-fledged sponsorship at one of our events. **Please fill out and return the attached Business Reply Card with your contribution.**

Thank you for helping to make our community one of happy children, living without fear.

**All contributions to The Lost Child Network are tax-deductible.**

Please return to:  
The Lost Child Network  
8900 State Line Road  
Suite 351  
Leawood, KS 66206  
(913) 649-6723  
Fax (800) 729-3463



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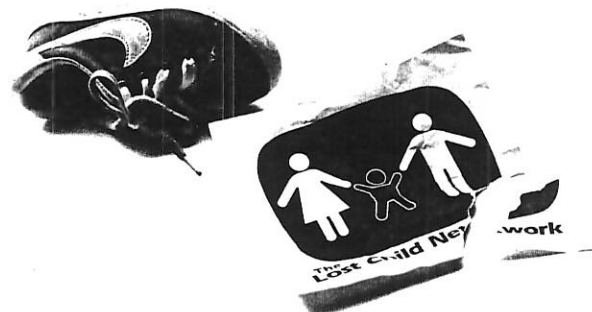
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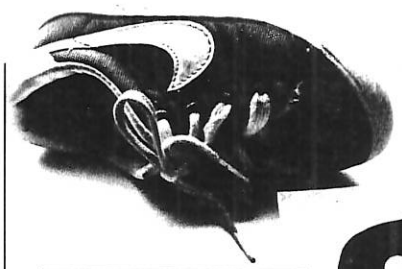
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e knew, to the kids of today.



1. **National** ... year, The Lost Child Network hosts a semi-... professionals in the law enforcement... are, social work and education fields for training in the identification of and procedures... pressing crimes against children. This highly-acclaimed event brings experts from across the nation, and draws professionals from hundreds of miles away. 2. **Officer presenting program** The Lost Child Network makes hundreds of presentations each year to parents, children and community leaders to warn them of the dangers that children face. The programs for kids are specially designed to inform them without terrifying them, encouraging safety with tips all kids can understand. 3. **Videoprinting** The Lost Child Network conducts videotaping at a Kansas City Area mall. This service gives parents an accurate record of their child, which greatly helps authorities if the child ever becomes lost or missing. 4. **Poster** The Lost Child Network joins other missing children cleanhouses in the country, including the National Center for Missing and Exploited Children, in creating and disseminating posters on missing children. Our Missing Children's Fax Network insures that information is sent out quickly, which greatly increases the chance for recovery. 5. **Ann Marie Harrison Memorial Softball Tournament** The Ann Marie Harrison Memorial Softball Tournament is a rallying point for community members to raise money for The Lost Child Network and to have some fun with America's favorite pastime.

Your donation helps our kids.

The Lost Child Network is funded strictly by donations from corporations and individuals. We hold several fundraising events each year, including our annual blackie ball and the Ann Marie Harrison Memorial Softball Tournament. However, in order to continue to offer our services to the greater Kansas City area, which include:



ANN HARRISON  
MEMORIAL  
TOURNAMENT

- Distribution of posters of missing children.
- National Fax Recovery Network.
- Creative Public Service Announcements for television.
- CD-ROM system that allows the Lost Child Network to be one of the few organizations to have a continually updated database from the National Center for Missing and Exploited Children.

- Professional seminars and workshops to educate law enforcement officials, healthcare workers, social workers and mental health professionals on identifying and dealing with crimes against children.

- 1-800 numbers to encourage the exchange of information.
- "Videoprinting" area children to provide parents with accurate records on file at home.
- Materials for educational programs in schools.
- Maintaining a Speakers Bureau for community presentations.



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8900 State Line Road  
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THE SENATE JUDICIARY COMMITTEE

TESTIMONY BY JIM BLAUFUSS FOR SENATE BILL 525 (The Sexual Predator Act)

The most effective way to protect women and children from sex offenders is to send them to prison for the rest of their life. At this time a life sentence without parole is not possible.

This Sexual Predator Bill is a reasonable solution that can be used to stop rapist and pedophiles from destroying the lives of women and children. I do not believe anyone is willing to sacrifice a loved one in the hope that a sex offender should have another chance to start a new life.

These are sex felons who have already destroyed the lives of their victims. Sex offenders are a unique group of criminals who prey on women and children. There is no known treatment that will change the behavior of these violent felons.

Pedophiles and rapists can only be stopped by the State of Kansas. These people can not be stopped by their victims, they can not be stopped by their own families and they can not stop themselves.

Most sexual assaults have no witnesses and there is little or no evidence that can be used to get a conviction. How does a person prove rape? Some people tell women to not fight. Submitting to the attack might help their chances of living. In a trial, the jury wants to see photos of a badly bruised body or a dead body. If Stephanie Schmidt, killed in July by Donald Gideon, had lived, how would she have been able to prove that she had been raped?

Most victims do not report a rape. They do not dial 911. We are talking about a crime so heinous that the victims do not want anyone to know it happened and sometimes would rather be dead than live with the memory of the attack. During the sentencing hearing for Gideon, his attorney said the State of Kansas does not consider rape and sodomy as doing great bodily harm. The harm done to a victims mind and soul by a rape is far greater than any physical harm.

*Senate Judiciary*  
*2-23-84*  
*attested 3-1*

The Schmidt Task Force, formed by Stephanie's parents, Gene and Peggy Schmidt, found there are many sex offender treatment programs. This task force did not find a single treatment program that is effective. The fact that the State wants to spend money on these programs sends a false message that somehow there is a solution that the citizens of this state can feel secure.

We teach our children to not trust strangers. Most assaults are by men known by their victims. Most sex offenders repeat their crimes until they are caught. The only way to stop them, is to lock them up and keep them from the people they will hurt. The rapes and murders involving sexual assaults that we see on the news daily are usually committed by men with a sex felony record.

Statistics show there will be 50 sexual assaults for every conviction. The cost of letting these people go free is much greater than locking them in prison. We were told the reason this bill did not pass two years ago was money. This bill could save money and lives. Repeat offenders go through our court system over and over at a great cost to taxpayers. Many times the tax payers are paying for the prosecution and the public defender, such as the case of Donald Gideon.

Because there is no effective treatment for sex offenders, this Bill may mean a life sentence for a felon that is considered a risk to women and children. SO BE IT! This Bill may cause some hardship for the convicted sex felon, but we know their many victims will live with the effects of the attack the rest of their lives.

The most common statement we have heard from rape victims is: "I wish I could be the person I was before this happened to me".

The Schmidts and I have had many visits with members of the current Parole Board. They all agree that everything possible should be done to keep these people off our streets. We know it is not possible to keep all sex offenders locked in prison, but this Bill will go a long way toward making Kansas a safer place for women and children.

Jim Blaufuss  
Member of the Schmidt Task Force

7919 Westgate Ct.  
Lenexa, Kansas 66215



913-492-6801





KANSAS ALLIANCE FOR THE MENTALLY ILL

112 S.W. 6th, Ste. 305 • P.O. Box 675  
Topeka, Kansas 66601  
913-233-0755

Testimony on SB525  
February 23, 1994

My name is Howard Snyder, and I live in Prairie Village. I am speaking today on behalf of the Kansas Alliance for the Mentally Ill, a state wide organization of families and friends of Kansans who suffer from mental illness.

It should be stated up front we strongly support the "why" behind HB 525. It addresses a problem that must be solved. But we are in opposition, yes even in shock, at the "how". On page 4, line 27, it states that these very dangerous people are to be turned over to the custody of the secretary of SRS to be held in a secure facility. There is no definition of a "secure facility", so it is conceivable that a secure facility could be any one of the state psychiatric hospitals. This means that these people could be mixed in with our very vulnerable mentally ill family members. This is like putting the fox in the hen house.

I have a 34 year old son who suffers from Schizophrenia, which is a no-fault nonecureable brain disease. From time to time, for the rest of his life he may require hospitalization as his symptoms recur. As a poor person with a pre-existing lifetime disease, he is uninsurable in the private system, therefore, he will only have access to the state hospitals. I do not want (nor do you) my son raped by a dangerous sexual predator who has been placed in a state hospital because of SB525.

We already have in front of us the tragedy of the young staff member at Topeka State who was murdered by a dangerous person who had been placed in the general hospital population after the closing of the Awle unit two years ago. We in Kansas AMI stated publically it was not right to expose the ill people in Topeka State to those dangerous persons. We were told that everything would be alright, and now we all have to live with the consequences. Have you forgotten so soon? The bill should be revised to require that sex offenders be held in a facility away from all state hospitals, preferably by the Department of Corrections which has the facilities and the expertise for holding long term high security inmates.

Another major concern of the families and friends of those Kansans who suffer from mental illness is financial. What is the cost? Where is the fiscal note? We understand that the cost has been estimated at \$8 million for the first year, but we have seen nothing in writing.

We understand that the experience in other states has been that only a few sex offenders respond to treatment (the treatment technology in this area is primitive), and that those only responded after very long term very expensive treatment. Page 7, line 3 states that the secretary of SRS is responsible for all cost of evaluation and treatment of offenders in custody. Where does the money come from for this new responsibility?

Unless new funds are made available, the new responsibility can only be paid for from existing SRS or DOC funds. If paid from the SRS budget, then it will be paid for by a few—those whose SRS services are cut. If the general population is pushing SB525 then that's who should pay for it. Any dilution of services to the mentally ill to pay for sex offenders is the equivalent of a selective tax on disabled Kansans who are already poor. What has my disabled son done to be saddled with the cost of providing care to a sexual predator?

In conclusion, consider this. The way SB525 is written, my son is put at risk of being the victim of a sexual predator while he is hospitalized, and having to pay for the predator to be there to prey on him.

Howard W. Snyder  
Affiliated with the National Alliance for the Mentally Ill

*Howard W. Snyder*  
*Senate Judiciary 2-23-94 attached 4-1*



## **SOUTHWEST GUIDANCE CENTER**

333 West 15th, Box 2945 Liberal, KS 67905-2945  
624-8171

Jim Karlan, Executive Director  
Joe Bridenburg, President of the Board

Presentation by: James Karlan, RMLP, CMHA  
Executive Director  
Southwest Guidance Center  
P.O. Box 2945  
Liberal, Kansas 67905-2945  
(316) 624-8171

Subject: S.B. 525:

My name is James Karlan. For 11 1/2 years, I have been the Executive Director of the Southwest Guidance Center (SWGC), a four county community mental health center located in Southwestern Kansas. For over 9 years, SWGC has operated a Sex Offender Treatment Program (SOTP). There are currently fifteen offenders in the program. The duration of the program is five years.

I am here today to oppose the letter but not the spirit of S.B. 525. I believe that the goal of S.B. 525, as I understand it, is laudable: that is, the effective monitoring and treatment of sex offenders so that the citizens of Kansas can experience a high degree of safety and security within their respective communities.

In my opinion this well intentioned piece of legislation will not, in its current form, achieve the objective for which it is intended.

During the first year of SOTP at the Center, Center Staff were accused by some people in our community of being "bleeding

*Sen. Judiciary*  
*2-23-94*  
*attachment 5-1*

hearts." Rather than being "soft" on sex offenders, I have found it rather ironic that the staff of the Southwest Guidance Center have been harder on and more consistent in their treatment of sex offenders over the past nine years than most of the courts, county attorneys, parole officers, and community corrections personnel, with whom the Center has associated during the history of the Center's SOTP. I have experienced within many of the systems that deal with sex offenders a sense of powerlessness, confusion, and even cynicism which has led many individuals to take a politically correct stance about sex offenders verbally while effectively feeling impotent about positively addressing the issue. This piece of legislation, in its present form, will, in my opinion, give the illusion of addressing the issue while actually allowing the overall system to continue doing "business as usual" with a few financially costly cosmetic changes.

Even more important than the potential diversion of millions of dollars from the development of services in the community for the mentally ill to the warehousing of sex offenders within the mental health system in inpatient hospitals is my firm conviction that this legislation will not make the communities of the State of Kansas appreciably safer.

I would now like to address two major points of concern which I have with regard to S.B. 525:

First, in Section 3 of the proposed legislation, the defined role of the county attorney of the county in which the sex offender has been convicted is permissive and unrealistic. I am concerned that most county attorneys would not involve themselves in such a process unless there were a public outcry because of a particularly heinous crime which has been earlier perpetrated by the particular sex offender in question. The cost in time and money that it would take to file a petition for evaluation and to carry out the subsequent trial to determine if the former offender were still a sexually violent perpetrator would cause most county attorneys to

quietly ignore the issue unless forced by local circumstances to do otherwise.

On the other, if Section 3 were enforced and a person about to come out of prison were tried and found to be a sexually violent predator (under the Section 2 definition), that person would be placed in a state inpatient psychiatric hospital under the care of the Department of Social and Rehabilitation Services (SRS). The offender would remain there until..."the secretary of the department of social and rehabilitation services determines that the person's mental abnormality or personality disorder has so changed that the person is not likely to commit predatory acts of sexual violence if released."

Recognizing the potential for a lawsuit should such an offender be released from a mental health inpatient facility and then perpetrate a sexual crime on another victim, no psychiatrist working in a state inpatient hospital will certify that someone in his or her care has essentially been "cured" of being a sexually violent predator as defined in Section 2 and recommend the offender's release into the community. As a result, state inpatient mental health facilities will begin to warehouse offenders. This will lead to at least three negative outcomes: First, the financial cost to the citizens of Kansas to warehouse these individuals will skyrocket. Second, no effective treatment will be available in the community for those less violent sex offenders who could have been treated there instead of being incarcerated; and third, state psychiatric hospitals will essentially be turned into prisons, to the detriment of the mentally ill patients within the facilities who are not sexually violent predators.

It is my opinion that Section 3 should be amended so that inpatient treatment of sexually violent predators remains within the Department of Corrections. In addition to clinical and financial considerations, there is the issue of defacto decriminalization of



a sex offender's crimes once the offender is made the responsibility of the mental health system.

The second issue which I would like to raise today regards S.B. 525's definition of a "sexually violent offense" as contained in Section 2. I will also suggest an alternative to incarceration for first time offenders of certain sexual crimes.

The definition of "sexually violent offense" contained in S.B. 525 does not recognize that there are subpopulations of sex offenders. The crime of rape, an obvious act of violence, is equated with incest. Pedophilia, a crime in which individuals prey on children and have children as their main object of sexual desire, is also equated with incest and other sexual crimes.

In my opinion, rapists and pedophiles should not be treated initially in the community but in a correctional facility. As part of their parole, they should be required to participate in an appropriate community based sex offender program for five years. Should they be violated from the community program, they should immediately be re-incarcerated in a correctional facility.

As for other felony sex offenders, including incest offenders, the issue should be to determine which of these felony sex offenders are treatable in the community and which are not. I offer the following as possible criteria for making such a determination:

- 1.) The sex offender must not have used physical violence or the threat of physical violence in the commission of his/her crime.
- 2.) The sex offender must demonstrate that he/she is sincerely motivated for treatment by admitting the offense and pleading guilty. Pleading "not guilty" or "no contest" and then requesting admittance to an outpatient program once one is found guilty is an indicator of low motivation and leaves a very poor prognosis for successful outpatient treatment.

3.) The sex offender must never have been incarcerated in a correctional facility prior to his/her arrest as a sex offender. Prior incarceration makes successful treatment of the individual in the community problematical.

4.) During the pre-sentence investigation, the sex offender must undergo a thorough psychological evaluation following his conviction as a felon. At this time, the courts would be informed whether the sex offender is considered treatable in the community.

5). The sex offender must then enter a community program of five years duration. The offender will be sentenced to the program with the understanding that, should he/she be violated out of the program by program staff, he/she will be immediately incarcerated in a correctional facility.

6.) The sex offender will pay for his/her treatment. This is not just a financial issues. It is a well-established fact at our Center that a lack of willingness to pay for such treatment indicates the offender's lack of commitment or even open resistance to invest himself/herself in "working the program."

In closing, I would like to reiterate my support for an appropriate, effective piece of legislation regarding the treatment of all sex offenders, be they violent at the present time or not.

If the citizens of Kansas are truly serious about addressing this issue, they will empower their governmental officials to develop both inpatient and outpatient services for sex offenders. Those who are truly dangerous should be kept in a correctional facility and receive treatment there for as long as is necessary. First-time sex offenders other than rapists and pedophiles who are evaluated after being convicted and are found to be treatable on an outpatient basis under strict program conditions should be treated a minimum of five years, with the understanding that they will be incarcerated in a correctional facility should they not work the program.

Now for the part that no one likes to talk about: money. The

political will of the people and their elected governmental officials on this issue will be measured by the extent to which they are willing to fund the creation and maintenance of quality inpatient and outpatient services for sex offenders. Last year the treatment of approximately 15 sex offenders at our Center cost \$89,000. Revenues totaled just over \$15,000. In one year, the Center experienced a deficit of \$74,000 in this one program alone. Even though the Center is dedicated to providing SOTP as a community service, we will not be able to continue SOTP for very long without additional financial support.

I thank you, ladies and gentlemen, for allowing me to give testimony today. I will be happy at this time to answer any questions you have.



**Christian Center for Prisoners Rights**  
**Kansas City, Missouri 64134**  
**P.O. Box 46052**  
**Phone (816) 761-5531**

**Joyce E. Lile**  
Executive Director

**Patricia Guth**  
Asst. Executive Director

OPPOSING ARGUMENT

ON

HOUSE BILL 525

"PREDATOR ACT"

*Senate Judiciary*  
*2-23-94*  
*attachment 6-1*

Ladies and Gentlemen of the House Committee:

My name is Joyce Lile and I am the director of the Christian Center for Prisoners Rights. Before I begin my presentation in opposition to House Bill 525 also known as the Predator Act, I would like to extend my deepest sympathy to the Schmidt family for the loss of their daughter, Stephanie Schmidt. However, at the same time I have mixed emotions about what the Task Force and its representatives are attempting to do. What people are failing to see is that the Schmidt family and the Task Force who has brought House Bill 525 before the legislative body are acting out of anger, bitterness, and they are out for vengeance on all sex offenders. They are trying to "pigeon hole" every sex offender as another Donald Gideon. I'm sorry but you just can not do that! The law should not be formed to satisfy the Schmidts and the Task Force desire to act with vengeance. God specifically said, "Vengeance is mine!" The Task Force and the representatives of House Bill 525 should not be taking their anger out on every sex offender because not every person is the same. They should be satisfied with just knowing that Donald Gideon will never see free life again. Why punish everybody else along with Donald Gideon?

Rape is a very easy accusation to make and a very easy conviction for the prosecutor. It's just the victim's word against the offender's word. The Rape Statute in the state of Kansas provides that the testimony of the victim of a rape does not have to be corroborated with testimony or evidence in order to sustain a conviction. In State vs Brown, 85 Kan. 418, 116 P. 508 Chief Justice Johnson stated: "Under the common law, evidence corroborating that of the prosecutrix was not essential to conviction." Further, in State vs Sanders, 227 Kan. 892, 610 P. 2D 633 and



State vs Lile, 237 Kan. 210,211,699 P. 2D 456 (1985), the court stated:

"There may be a conviction for rape on the uncorroborated testimony of the prosecutrix, if it is believed by the jury."

In other words, if the woman can put on a good show for the jury, the defendant in that case is going to be convicted and serve a prison term, whatever that may be, based solely upon a womans ability to win the jury over. Even after a medical expert has told the court that he could not say a rape even occurred. I have with me today a copy of the trial transcript from my husbands trial. This here will show you today that even if a medical expert says he could not say a rape had occurred and there were no signs of force, torn clothing, trauma, bruises or abrasions that still a man can be convicted of this crime just from the womans testimony through the fear of threat of force. So that brings us to the question of how many men are sitting behind bars today that did not commit the crime of rape? For example: What about the man that has intercourse with a woman and at the time he presumes it was consensual. But a few hours later the woman realizes that it was a one time thing, so what does she do-----SHE CRIES RAPE!!! What you are failing to see is that incidents like this one does happen and has happened. Often times there are no witnesses to a sex offense so its the womans word against the man. So right there the man is guilty until he can prove his innocence and how can he prove his innocence if he admits to having intercourse but does not admit guilt to a rape. See how easy it is for the courts to sustain a conviction for this type of crime. Should all persons convicted of a sexual offense have to suffer the effects of the so called Predator Act?! This is not only outrageous but unconstitutional!

Now, you are telling the people of the state of Kansas that anyone convicted of a sex offense is suffering from an incurable disease and before he can be released he must appear in a court of law and they will determine that mans future. The United States Constitution has established that no man can be twice tried for the same offense. However, the Predator Act creates an Ex post facto and violates the Double Jeopardy clause of the United States Bill of Rights and the amendments therein. Don't you think that the time they have served in prison is enough punishment or do they have to continue to owe a debt to society? What a country we have turned into if we really do feel that way. If we are going to label sex offenses a disease or a illness because only sometimes the sex offense is repeated, then we should also label burglary, theft, armed robbery etc. all a disease or illness because these crimes are sometimes repeated by the offender. Before we go on lets define the word disease - Mosby's Pocket Dictionary of Medicine Nursing and Allied Health - Disease - 1) a condition of abnormal vital functions involving any structure part or system of an organism. 2) a specific illness or disorder characterized by a recognizable set of signs and symptoms attributable to heredity, infection, diet, or environment. The ledislative body is not a body of scientist or medical experts that can change and established statute and make a determination that a sexual offense is now an incurable disease. It is classified in the Kansas Statutue Annotated that it is a crime not a disease. A good example is the rape statute: K.S.A. 21-3502 Rape is: (1) Sexual intercourse with a person who does not consent to the sexual intercourse, under any of the following circumstances:

- (A) When the victim is overcome by force or fear;
- (B) when the victim is unconscious or physically powerless;
- (C) when the victim is incapable of giving consent because of mental deficiency or disease, which condition was known by the offender or was reasonably

- apparent to the offender; or  
(D) when the victim is incapable of giving consent because of the effect of any alcoholic liquor, narcotic, drug or other substance administered to the victim by the offender, or by another person with the offender's knowledge, unless the victim voluntarily consumes or allows the administration of the substance with knowledge of its nature.

If this is the case of what a rape is then armed robbery would be the same because you are by "threat of force" telling the victim to do something they are unwilling to do, but out of fear they do what they are told. Therefore if rape is going to be construed as a disease then armed robbery or any other crime should be looked at in the same manner, as a disease. Are we just picking this type of offense to apply the Predator Act to because of the Schmidt family, the Task Force, and their representatives? It seems to me that the sex offenders are now being singled out because of the actions Donald Gideon decided to take. I would call this discrimination and very unconstitutional!!!!

Now as to the after effects of the offender and his family from the Predator Act. You are wanting to basically inform the world that a sex offender has been released from prison. You might as well sign his death bill for him. His family, meaning wife and children, will NEVER be able to live a normal life. The community we are living in now may not want us there anymore. Even though we are buying our own home and minding our own business. But still because of what the mans past history consist of he is forced to move his family to another community and hope for a better life. Are we going to stand by and wait and watch for a incident like Washington state had? For those who are not aware of what happened in Washington I will fill you in: A man just released from prison for a sex offense went home to live with his parents and to start over. But instead he and his parents were forced out of their home because the community literally

burned their house down. What if this happens to a mans family here in the state of Kansas? How will you feel if his entire family is hurt or even killed because of this Predator Act? The Predator Act will create an increase in violent and domestic crime. It is a proven fact that if you take all hope away all that is left is despair. The Predator Act will cause the community to react in a violent way towards the offender and the offenders family; it will also put the offender and his family in a position where he can not get a job because no one will hire him because of his crime. If the Predator Act is passed the offender will become the victim and society has taken the status as the offender and is now the criminal. The Predator Act will reach even as far as the scool system and bring harassment to the offenders children in school. Should our children suffer because of the offenders past crime? A court of law has already convicted and sentenced the offender to pay his debt to society, he shouldn't be made to continue to suffer once he is released, nor should his family.

Before I conclude I would like to share with you an article my husband wrote, who is the founder of Christian Center for Prisoners Rights and is currently incarcerated for a sex offense and has already served 11 1/2 years.

In concluding if the Predator Act is given any consideration I believe the Rape Statute in this state should be restructed so that innocent people do not go to prison and suffer the effects of the Predator Act based solely upon a womans allegation that she was raped. And as I mentioned earlier in my argument the Rape Statute as it is currently construed does not require the victim to produce evidence and testimony in order to sustain a conviction for rape.



Today I have used my husbands case as one example, not because I'm here to fight my husbands case but rather to show you that there are alot of injustices that exist with sex offenses. I would hope that this committee would not permit the Predator Act which is currently known as House Bill 525 to prevail and become law in this state, because to do so it would violate the civil rights of those persons it will effect which includes not only the offender but his family and friends also. The Christian Center for Prisoners Rights thanks you for your time in this matter. Thank You.

VIOLENCE IN AMERICA  
AN EXCLUSIVE LOOK AT CRIME AND PUNISHMENT IN RURAL AMERICA  
BY ROBERT G. LILE

The constitution of the United States of America was created by our forefather's well over Two Hundred years ago, although today's generation succumbs to lawlessness and every evil imaginable, it is up to each and every one of us for the sake of generations to come and the civil rights that we so enjoy, to become guardians for the preservation of society and the undiscovered country, the future. In doing so, we must respectfully submit to the dignity and protection of the law for each and every individual, whether they be free or bond.

We are living in an era in which crime has spread like a cancer to almost every City and State in America, Lawmakers are so quick to create stiffer sentences for crime. However, that along with building more prisons is not the answer, that will not detuor crime, nor will the death penalty. To continually create harsher or stiffer sentences for crime or continually warehouse people like radioactive waste will merely serve as an incubator nurturing hatred, and as a result, it is our children who will become the future victims of crime. We as a civilized society must stop looking for vengence and address the root of the problem and work together to find a solution.

I have been incarcerated for well over a decade, so I am very familiar with how the system really works.

America's prisons, jails, juvenile reformatories, and probation and parole machinery, is the part of the criminal justice system that the public sees least of and knows least about. It seldom gets into the news unless there is an escape from prison, a prison riot, or a sensational scandal involving corruption or brutality in an institution or by an official. Traditionally, society has been reluctant to address any issue concerning crime and punishment. However, now that crime has increased at such a staggering rate society wants their voice to be heard. And because society is not familiar with the judicial system, they continually cry out for vengeance and for lawmakers to create stiffer sentences or lobby to build more prisons to house more people.

Crime does not begin in prison, crime begins at home. It is not my intentions to indicate that there is no remorse for any crimes committed by criminals, instead, it is my intentions to show people how they can control crime in America. Because of societies reluctance to get involved in renovating our laws concerning crime and punishment, other laws have been enacted in which has created the foundation for the epidemic in America called "Violent Crime".

Its not about strike three your out, its not about gun control, its not about creating stiffer sentences, its not about building more prisons, its not about hiring more police officers. Its about family values, its about teaching our children responsibilities, its about setting an example for our children and breeding that example into them, its about disciplining our children when they are wrong.

In reinstating our family values we have to eliminate the obstacles that have been erected, we must eradicate the laws that have obstructed our parental authority and changed our family values. We must reinstate our family morals and values by enforcing rules of strict discipline that teach our children the most important concepts that are fundamental to life. And some of those concepts that are fundamental are responsibility, respect, trust, hope, faith and love. It is up to each and every one of us as parent's, to enforce those rules. We must declare Marshal Law within the very heart of our families, and stop the violence that has plagued America.

It is time to stand up and take a "Parental stand". I don't believe I would use the term "taking back our streets or neighborhoods from the criminals", its not criminals we have to take it from, its our own children. Because each family is different, and because not all family situations and circumstances are the same. We as parent's, must take a good long look at what must be changed in our children's lives in order to re-establish order and discipline within our family and society as a whole. And, from that point we must be prepared to enforce strict unwaivering discipline.

Because we as parent's allowed our children to go undisciplined, a lot of our children became unruly and committed crimes. That we cannot ignore. Some of our children are fortunate enough to still be alive and free, while others are either homeless, deceased or in prison. By enforcing rules of strict discipline, fortunately, we are able to help those that are still at home or homeless, but what about those that are in prison ? Beileve it or not, we can help them too.



Our children that are in prison are no longer referred to as children, instead, they are referred to as inmates. Something we must always remember - When the prison gates slam behind an inmate, he does not lose his human quality; his mind does not become closed to ideas; his intellect does not cease to feed on a free and open interchange of opinions; his yearning for self-respect does not end; nor is his quest for self-realization concluded.

Assume with me for a moment that an inmate has feelings even as you - not noble or exotic, merely the poor troubling concerns that all people share. Are we getting ahead; do the people we meet like us; are we valuable in work and happy at home; are we using our lives as well as we might? Well if your own answer to these are uncertain, you have your spouse, children, or parent's, and tomorrow is another day. But consider the inmate; to every question of personal value, he hears a resounding no! Society, his friends and neighbors among others has pronounced him evil, unfit and deserving to be isolated and castigated. So much for his past and present worth. For his future, he is suppose to improve himself through occasional socializing with other disconsolate misfits; grow intellectually through severance from books, ideas and culture; he's suppose to learn affection through seperation from loved ones; employment through idleness, and self-respect through hatred.

Many of our children incarcerated in our State and Federal Prisons will become recidivists. They go on to commit more, and often more serious crimes.

For a great many offenders, then, incarceration does not correct or rehabilitate. Indeed, experts are increasingly coming to feel that the conditions under which many offenders are handled, particularly in prisons, are often a positive detriment to rehabilitation. Life in many prisons is at best barren and futile, at worst unspeakably brutal and degrading. To be sure, the offender in such prisons are incapacitated from committing further crimes while serving their sentences, but the conditions in which they live are the poorest possible preparation for their successful reentry into society, and often merely reinforce in them a pattern of manipulation or destructiveness.

If society is serious about controlling crime and is will to work together to achieve a common goal, then we can change the pattern of manipulation and destructiveness that our government has bred into those people who are incarcerated in america's prison's.

President Clinton once said that Government language, programs and policy fail to reach to a human level. It's time to put away our vengeance and work together to make this great land a safe place to live.

If you are really concerned about restoring law and order in our communities, then contact me at the below listed address for more information.

ROBERT G. LILE  
CHRISTIAN CENTER FOR PRISONER'S RIGHTS  
P.O. BOX 46052  
Kansas City, Missouri 64134

**Testimony  
For  
Senate Bill 525**

by  
Walter Thiessen, LSCSW  
C.M.H.C. Director  
Prairie View, Inc.  
Newton, Kansas 67114

*Senat Judiciary*  
*2-23-94*  
*7-1*



TESTIMONY FOR SENATE BILL 525

As the director of the Community Mental Health Division of Prairie View Inc., in Newton, Kansas, I applaud your efforts in trying to deal with this very difficult issue of sex offenders. As a representative from a provider of mental health services to sex offenders in the community, I support the testimony that has been provided by the Association of Community Mental Health Centers in opposition to the passage of Senate Bill 525. We at Prairie View have had an intensive outpatient sex offender treatment program for almost ten years. Several of our staff have had extensive training in this area and we are concerned about what we see happening in our society. We are as concerned as you are for the safety in our communities. We believe, however, that this bill does not go far enough in dealing with the larger problems related to sex offenders. This bill, in some ways, just deals with the tip of the iceberg.

Staff at Prairie View have been working with other outpatient providers in the area to look at the whole issue of treatment of sex offenders. We have identified many problems that I believe you the legislature could help address. Our society is needing to spend more and more resources in dealing with this problem, not only in the incarceration of the offender, but also in the treatment of the victims of these offenses. It is our belief that a more comprehensive approach needs to be developed by the State to respond to this crisis.



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THIS APPROACH SHOULD ADDRESS THE FOLLOWING:

- 1) Prevention and education.
- 2) A systematic process by which persons who have sexually offended are evaluated, tested, and screened for appropriate treatment settings.
- 3) A comprehensive and coordinated array of treatment options be available across the State for this population, both outside and inside prisons.
- 4) A set of criteria and protocol be established that providers would need to meet in order to assure competency and quality in the treatment programs.
- 5) A clear understanding of responsibilities between the Department of Corrections and treatment providers to assure the safety of the community.
- 6) For persons who are evaluated and found to be "a sexually violent predator", that they be maintained in a secure setting that has been developed as part of the comprehensive plan.

Research indicates that most offenders were also victims of sexual crimes. If we, as a society, are unable to address this issue in a comprehensive manner, we will continue to create more victims and increase the number of offenders. My recommendation is that the Department of Corrections work together with treatment providers across the State to develop a comprehensive plan in dealing with sex offenders. It is only in this way, that we will begin to deal with this growing problem in our society. We at Prairie View, along with other community mental health centers, would be very interested in working with the Department of Corrections in developing such a plan.

Thank you for your time and your commitment to dealing with this very difficult issue.

*Walter Thiessen* (CSW)

Walter Thiessen, Director  
Community Mental Health Center

STATE OF KANSAS  
Tenth Judicial District

## OFFICE OF DISTRICT ATTORNEY

PAUL J. MORRISON  
DISTRICT ATTORNEY

JOHNSON COUNTY COURTHOUSE  
P.O. BOX 728, 6TH FLOOR TOWER  
OLATHE, KANSAS 66061  
913-782-5000, EXT. 5333

**COMMENTS TO THE SENATE JUDICIARY COMMITTEE**  
**Re: Senate Bill No. 525**

I welcome the opportunity to speak with you this morning about a piece of legislation you are considering, the Sexually Violent Predator Act, that will place the State of Kansas on the cutting edge in terms of dealing with offenders whose behavior has devastating and far-reaching effects. It is estimated that 1 in 3 girls and 1 in 10 boys will be sexually victimized by age 18, and that 1 in 4 woman will be sexually assaulted in their lifetime. According to the Governor's Task Force on Community Protection, the immediate monetary impact of responding to a single case of child sexual abuse is estimated to be about \$183,00, including medical and psychological care for the victim, the investigative and court expenses and the cost of incarceration, supervision or rehabilitation of the offender (Prentky and Burgess, 1989). As illustrated, the serious cost of interpersonal violence is enormous. And those cost reflect cases in which victims survive.

When considering the passage of this bill, it may be helpful to look at the numbers of inmates this act would effect. As of August, 1993, the Kansas Department of Corrections had a

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total inmate population of 6,259. Of that total, 1,091 of those inmates were serving controlling a minimum sentence for a sex offense. During fiscal year 1989, 138 sex offenders were released on parole or conditional release. One might extrapolate that in a three year period, there could be a total of approximately 450 inmates who would be released and considered under this act. Now, let's compare that number with the number reviewed in Washington since the inception of their Sexually Violent Predator Act. Since their law was enacted in July of 1990, approximately 2,000 inmates have been referred for screening. Of that total, 17 met the definition of a sexually violent predator and have been placed in a secure treatment facility, 6 are awaiting trial for determination as to their status as a predator, and 6 are currently undergoing evaluation. It is apparent when examining the numbers that Washington have reviewed and mandated treatment for that the numbers of persons who will be swept up in the net created by this law will be very small.

What kinds of offenders will, indeed, be caught up in this net? Although the numbers may be small, the damage done by these few individuals is tremendous. Consider Alvin Gaines, an offender that was convicted of kidnapping, raping, and sodomizing a 14 year old girl who was walking through her neighborhood late at night. A burglar by trade, Gaines was also an opportunist who is suspected of committing several

other sexual assaults in communities throughout Johnson County. Consider, too, Robert Philippi. Convicted twice in Missouri for kidnapping and sex crimes, he was recently sentenced in Johnson County for kidnapping and aggravated robbery, a set of circumstances in which he again preyed on a woman as his victim. Currently being prosecuted in my jurisdiction is another predator who, having been convicted of prior sex offenses against two other woman who he selected at random, has been charged with attempted rape, attempted aggravated criminal sodomy, and kidnapping. And finally consider Kenneth Hay. He is currently serving time in a Kansas State Correctional facility for luring small girls to his automobile and masturbating in front of them.

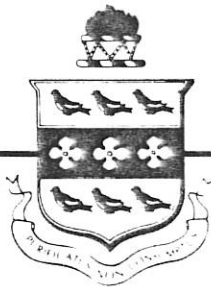
What do all of these offenders have in common? Without a doubt, it is safe to say that, although some of them have prior criminal history which can be verified, we have no way of knowing how many people each predator has victimized. In a study conducted by Gene Abel and staff at the New York State Psychiatric Institute's Sexual behavior Clinic, they found that the number of sex offenses reported were significantly higher than the numbers reported to officials or in official statistics. In this study, the sample of 411 paraphiliacs ( a term which refers to sex offenders who have compulsive thoughts and urges to carry out sexually aggressive behaviors) attempted 238,711 sex crimes and completed 218,900 of them. This included nuisance and other

low-level types of sex offenses. On the average, each offender attempted 581 crimes. As an example, although we were able to identify 8 girls who were old enough to testify in the Hay case, how many other children may have been victimized and the act went unreported.

The offenders we are referring to are a small but highly dangerous population of sex offenders who will reoffend when released back out into the community. Just as an alcoholic is never "cured", but must continue to fight the battle of his/her addiction, so, too, is it for the sexually violent predator. Where, in our communities, can these persons be placed that they will not have access to woman and children? If you isolate these individuals in a treatment facility that will address their needs you are also addressing the needs of each of our communities, by ensuring that they will be safe from individuals who will victimize again. To wait until the offenses have stacked up against an individual to the point that they will be incarcerated until they are old is to allow the numbers of victims, the amount of destruction to stack up as well. That cost is simply too great.

Lynn Stemm  
Victim Assistance Coordinator





## WASHBURN UNIVERSITY

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Phone 913-231-1060  
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February 19, 1994

Senator Robert Vancrum  
Statehouse  
Topeka, KS

Re: SB 525

Dear Senator Vancrum:

I have received, through Gordon Self, your request that I review SB 525 and am pleased to do so. I understand the bill is scheduled to be heard on Tuesday and Wednesday of this week at 10:00 AM. It would be very difficult for me to appear at either of those times, although I would certainly attempt to arrange it if it seemed absolutely necessary. Since my comments contained herein are more in the nature of technical review than advocacy either way, I suspect they should suffice (and thus save your time in the hearings, too!). I will add, however, as I said at hearings on SB 18 two years ago, that I see nothing generally inappropriate in this legislation, and feel it is well within the legislature's constitutional authority from both a substantive and procedural examination. Since the hearings on SB 18, as you know, the Washington Supreme Court has upheld that state's sexual predator law against both substantive and procedural constitutional challenges. In re Young, 857 P.2d 989, is a well reasoned and thorough opinion and provides strong support for the proposed Kansas legislation, which is identical in most respects to the Washington law.

### COMMENTARY:

1. In Section 1, at lines 30 through 38, reference is made to the inappropriateness of the Kansas treatment act in application to sexually violent predators, since such persons would not have the opportunity to "engage in an overt act during confinement as required by the treatment act for mentally ill persons . . .". This language comes from the Washington act. Our treatment act, however, unlike Washington's, has not been interpreted to require a recent overt act to support a finding of likelihood of harm. See In re Treatment of Albright, 17 KA2d 135 (1992). The sentence beginning on line 30 and concluding on line 38 should be deleted, since it doesn't provide a legally valid reason for the legislation. In my opinion the legislative finding of necessity in section 1 is sufficient without it.

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2. Section 3 requires the agency with jurisdiction to give three months notice prior to the anticipated release of a person who may meet the criteria of a sexually violent predator to the prosecuting attorney of the county in which that person was originally charged. Except in the case of a person serving a sentence on conviction, however, the agency with jurisdiction probably would not know that far in advance. An alternative would be to provide that the agency give immediate notice at any time that the agency has knowledge of a scheduled event which could result in the release of the person within three months. An "event", of course, could be a scheduled release date or, in the case of an incompetent or insanity acquittee, a scheduled hearing.

3. Section 4 is clear enough when applied to a situation arising out of a release as described in section 3. It appears that a petition could be filed with respect to a person already in the community, however. . . . someone, in fact, who may have been released some time ago. In the normal course of events, probably that person is most likely to draw attention through some new criminal act, and thus this petition procedure would be unnecessary; the matter would be dealt with in the new criminal proceeding. It is possible to imagine, however, that in a few cases it may become apparent that a former offender who has been on the "straight and narrow" for some time appears to be demonstrating a pattern of behaviour that foreshadows a return to the old misconduct. In such a case the person may not even be residing in the county where the person was formerly convicted or charged, thus the language should probably include the prosecuting attorney of the county where the person presently resides as one who may file a petition under this section. Though I'm not convinced this process requires it, I would feel more comfortable from a procedural due process point of view if the petition were required to be accompanied either by a medical statement or an explanation why the obtaining of such a statement is not possible. The added burden and cost to the state is minimal, and the added protection to the individual considerable. This is the traditional test for procedural due process (Matthews v. Eldridge, 424 U.S. 319).

When we start reaching back into someone's former life, it gets uncomfortable, doesn't it . . . and the farther back we reach the greater the discomfort, particularly since we know the person has been branded once the petition is filed, no matter how the hearing comes out. Perhaps it would be sound legislative judgment to set a limit. The Washington Supreme Court in Young required a recent overt act to satisfy due process concerns in applying these provisions to persons in the community. Our courts might do the same, but not necessarily, since they interpreted a similar civil commitment statute differently in that respect (see Albright, above). An argument can surely be made that a person cannot be clearly adjudged risk-free until they have been in the community

for some time, since they have few if any opportunities to misbehave while in confinement. Thus a post release period of (perhaps 5?) years, after which a petition could not be filed based on the prior misconduct may strengthen the statute against constitutional attack.

4. Section 5 requires an evaluation by a person "deemed to be professionally qualified to conduct such an examination". Deemed by who? Washington's statute provides for qualification under rules established by thier equivalent of our SRS. Perhaps that goes further than necessary. Transferring the person to an appropriate facility for evaluation is probably as far as the statute needs to go.

5. Section 6 provides for trial of the issue within 45 days after the filing of the petition. The Washington statute is identical, and the Washington Supreme Court held that due process and equal protection considerations required notice and an opportunity to be heard within 72 hours after the individual is taken into custody. In re Young, supra. Under the Kansas Treatment Act, a person facing involuntary hospitalization is entitled to an adversary probable cause hearing not later than 5:00 PM on the second full day following the filing of an application for determination of a mentally ill person. K.S.A. 59-2912. Placing a similar requirement in section 5 of SB 525, following the initial ex parte determination of probable cause by the judge, would strengthen the statute in this regard. It could possibly be argued that the 45 day period before trial is too long, since the full hearing under the Kansas Treatment Act must come within 7 - 14 days following the filing of an application for determination. I believe the difference can be justified, however, if it can be shown that the longer period is reasonably necessary for the evaluation required. That, of course, is a question for medical expertise.

6. Section 6 provides for a jury trial upon demand, but does not establish the nature of the jury, or the required vote. I would suggest the addition of the following sentences at the end of section 6: Demand for jury trial shall be filed, in writing, at least four days prior to trial. Number and selection of jurors shall be determined as provided in K.S.A. 59-2917. This would provide for a jury of six, as in civil committment.

7. Sections 8 and 10 contain the substance of the Washington statutes 71.09.070 and 71.09.090, but have been rearranged in a manner that, to me, makes them difficult to follow. In part this is so, I think, because in section 8 there seems to be an assumption that the annual review is a hearing, when in fact it is not unless a petition for discharge is filed, or a waiver of rights is not filed. I believe the statute will be much clearer if everything is stricken from section 8 following the word "act" on

Vancrum, 2-19-94, p. 4

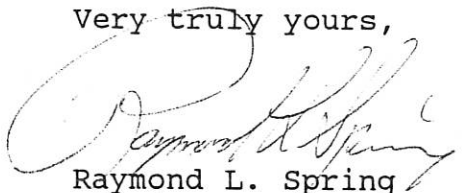
line 23 of page 5, and then section 10 is completely replaced by the language of section 71.09.090 of the Washington act, with the following changes:

a) The reference to secretary of the department of social and health services should be changed to our terminology - secretary of SRS;

b) The Washington statute sets 45 days as the time within which a hearing on a petition for release authorized by the secretary must be held, and sets no time frame for a hearing where no waiver of rights is filed with the annual report. Some statutory time frame is necessary, and 45 days seems longer than can be justified, since in this situation there should be no need for an evaluation since the individual is and has been in treatment for this condition. Under the Kansas Treatment Act, where a request for hearing is filed in connection with the required semi-annual review, the hearing on whether the patient continues to be a mentally ill person must be held within 10 days. It would appear difficult to justify a longer delay under the current proposal.

Thank you for the opportunity to review SB 525. I hope my comments will be in some degree helpful.

Very truly yours,



Raymond L. Spring  
Distinguished Professor

RLS/rs

255E

# AMERICAN CIVIL LIBERTIES UNION OF KANSAS AND WESTERN MISSOURI

706 West 42nd Street, Kansas City, Missouri 64111 (816) 756-3113

Testimony in Opposition to SB 525  
Senate Judiciary Committee, Hon. Jerry Moran, Chair  
Submitted Tuesday, February 22, 1994  
by Carla Dugger, Associate Director

The American Civil Liberties Union of Kansas opposes SB 525 for the following reasons:

-- The bill establishes a procedure for civil commitment for sexually violent offenders, and in so doing violates the entire fundamental constitutional protections of due process and proof of evidence required that is beyond a reasonable doubt.

-- The American right to due process is dependent on proof of past conduct, not possible future conduct.

-- Under this legislation, a jury would be asked, in effect, to lock up persons because they fear them. Please consider what outrages could be committed by such juries. Isn't it likely that any person of color will be feared by the average jury regardless of the "evidence?"

-- Although the bill attempts to construct an illusion of due process by allowing trial by jury, et al., the basic premise of the bill is seriously flawed. It calls for jury determination of two very vague possibilities of future behavior -- first, that the petitioner is not safe enough to be left at large, and second, if that person is discharged, they are likely to commit a sexually violent act.

-- Civil commitment should be imposed only if there is imminent danger to the petitioner himself (or herself) and to others. Vague predictions of future possibilities are tantamount to soothsaying, and deserve no validity under the law.

-- If a rapist is dangerous enough to deserve such lengthy incarceration, it would be more constitutional to ensure this through the criminal process itself, not through an additional civil commitment procedure.

Attachment #10

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