Approved: 3/15/94
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY.

The meeting was called to order by Chairperson Jerry Moran at 3:00 p.m. on February 24, 1994 in Room 254-E of the Capitol.

All members were present.

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

Conferees appearing before the committee:

Ellen Piekalkiewiez, Association of Community Mutual Health Center
Terry Larson, Kansas Mental Health Coalition
Randy Proctor, Director Mental Health, Department of Social and Rehabilitation Services
Beverly L. Baker, County Clerk, Johnson County
Anne Smith, Kansas Association of Counties
Marjory Scheufler, Edwards County Commissioner and Member of the Advisory Committee on Juvenile Offender Programs
Julene L. Miller, Deputy Attorney General, State of Kansas
Dennis Jones, Kearny County Attorney, Southwest Kansas Juvenile Detention Facility Board of Advisors
Sue W. Lockett, Chairman of Advisory Committee on Juvenile Offender Programs
Linda Wood, Financial Analyst, Kansas Development Finance Authority
Carolyn Hill, Department of Social and Rehabilitation Services
T. C. Anderson, Kansas Society of Certified Public Accountants
Richard H. Mason, Kansas Trial Lawyers Association
Trudy Aron, American Institute of Architects
George Barbee, Kansas Consulting Engineers
Richard H. Mason, Kansas Trial Lawyers Association
Clifford Hacker, Sheriff of Lyon County
Lisa Moots, Kansas Sentencing Commission
Jim Coder, Kansas State Fire Marshal Department
W. Kent Harris, Fire Marshal, City of Olathe

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

Randy Proctor, Director of Mental Health, Department of Social and Rehabilitation Services testified as an opponent to SB 525 (Attachment No. 1).

Ellen Piekalkiewicz, Association of Community Mutual Health Center provided written testimony in opposition to SB 525 (Attachment No. 2).

Terry Larson, Kansas Alliance for the Mentally Ill testified in opposition to SB 525 and provided written testimony (Attachment No. 3).

SB 753--public official or agency who discloses information protected from criminal liability under certain circumstances

Beverly Baker, County Clerk, Johnson testified in support of SB 753 and provided written testimony (Attachment No. 4).

A motion was made by Senator Emert, seconded by Senator Bond to recommend SB 753 favorably. The motion carried.

SB 794--juvenile detention facilities fund

Anne Smith, Kansas Association of Counties testified in support of SB 794 and provided written testimony as well as Legislative Testimony on Juvenile Detention Facilities dated January 23, 1992 (Attachment No. 5). Ms. Smith stated the statute regarding the juvenile detention facilities fund, K.S.A. 79-4803 subpart (b), states the funds are to be used for construction, renovation, remodeling, operational costs, and retirement of debt of facilities for the detention of juveniles.

Marjory Scheufler, Edwards County Commissioner and Member of the Advisory Committee on Juvenile Offender Programs provided written testimony in support of SB 794 (Attachment No. 6).

Julene Miller, Deputy Attorney General, State of Kansas testified in support of SB 794 (Attachment No. 7) and answered questions from the Committee.

A motion was made by Senator Rock to amend SB 794 by removing the word "operations". Motion was withdrawn by Senator Rock.

Dennis Jones, Kearny County Attorney and Southwest Kansas Juvenile Detention Facility Board of Advisors testified in support of SB 794 and provided written testimony (Attachment No. 8).

Sue Lockett, Chairman of Advisory Committee on Juvenile Offender Programs testified in support of SB 794 and provided written testimony (Attachment No. 9).

Linda Wood, Financial Analyst, Kansas Development Finance Authority testified in regard to SB 794 and provided written testimony (Attachment No. 10) which included a proposed amendment.

Carolyn Hill, Youth and Adult Services, Department of Social and Rehabilitation Services testified in regard to SB 794 as a neutral position and provided written testimony (Attachment No. 11).

Chairman Moran closed the hearings on SB 794.

SB 582--limited liability partnerships

Senator Harris, Chairman of the Civil Law Subcommittee gave a subcommittee report on SB 582. He submitted testimony on SB 582 (Attachment No. 12) with suggested amendments.

A motion was made by Senator Harris, seconded by Senator Vancrum to adopt the subcommittee report to include balloon and to report SB 582 favorably. Motion carried.

SB 605--immunity from liability for architects and engineers in certain circumstances

Senator Harris, Chairman of the Civil Law Subcommittee gave a subcommittee report on SB 605 and submitted written testimony from Richard H. Mason, Kansas Trial Lawyers Association, Trudy Aron, American Institute of Architects and George Barbee, Kansas Consulting Engineers (Attachment No. 13).

A motion was made by Senator Harris, seconded by Senator Emert to adopt the subcommittee report and report SB 605 favorably. Motion Carried.

SB 743--allowing county or district attorney to collect administrative handling cost for maker or drawer of bad checks

Senator Harris, Chairman of the Civil Law Subcommittee gave a subcommittee report on SB 743.

A motion was made by Senator Harris, seconded by Senator Parkinson to adopt the subcommittee report and report SB 743 favorably. The motion carried.

SB 671--certain crimes relating to explosives

Senator Emert, Chairman of Criminal Law Subcommittee gave a subcommittee report on SB 671 with proposed changes (Attachment No. 14). No action was taken on SB 671.

SB 670--crimes and punishment related to arson and aggravated arson
SB 628--change in penalties relating to arson

Senator Emert, Chairman of Criminal Law Subcommittee gave a subcommittee report on SB 670 and provided written testimony from Clifford Hacker, Sheriff of Lyon County, Lisa Moots, Kansas Sentencing Commission, Jim Coder, Kansas State Fire Marshal Department, W. Kent Harris, Fire Marshal, City of Olathe (Attachment No. 15). Subcommittee report recommended amending SB 628 into SB 670.

A motion was made by Senator Emert, seconded by Senator Ranson to adopt the subcommittee report on SB 670. The motion carried.

A motion was made by Senator Rock, seconded by Senator Ranson to amend SB 670 regarding the issue of 5 years for battery. The motion carried.

A motion was made by Senator Bond, seconded by Senator Ranson to make technical changes in SB 670. The motion carried.

A motion was made by Senator Rock, seconded by Senator Emert to report SB 670 favorably as amended. The motion carried.

James Clark, Kansas County and District Attorneys Association submitted omnibus written testimony (Attachment No.16).

The meeting adjourned at 5:00 p.m.

The next meeting is scheduled for February 25, 1994.

GUEST LIST

COMMITTEE: Senate Judiciary Committee **DATE:** 2/24/94

NAME (Please Print)	ADDRESS	COMPANY/ORGANIZATION
Buck Baker	Olathe Ks	County Clerks Assn
Dennis Jones	LAKIN, KS	SOUTHWEST KANSAS JUV. DETENTION FACILITY
Anne Smith	Topeka	Ks. Assoc of Counties
Jim Reardon	Topeka	Ks Assoc. of Counties
Julene Miller	Topeka	AG
Randy Proctor	"	SRS/KHRS
SYDNEY HARDMAN	Lawrence	KS ACTION FOR CHILDREN
TONI WHEELER	TOPEKA	SEN. KARR
Stuart Fraser	Topeka	T.S.H.
Terry Larson	Topeka	Kansas AMI
Kyle Smith	Topeka	KBI / A.G.

#1

TESTIMONY ON S.B. 525

PRESENTED TO:

1994 SENATE JUDICIARY COMMITTEE

PRESENTED BY:

RANDY PROCTOR, DIRECTOR
SRS MENTAL HEALTH SERVICES

ON BEHALF OF:

DONNA L. WHITEMAN, SECRETARY
SOCIAL AND REHABILITATION SERVICES

SRS Mission Statement

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

Senate Judiciary
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attachment #1-1

Testimony on S.B. 525
Presented to the Senate Judiciary Committee
February 23, 1994

SRS/MHRS supports efforts to protect public safety. Kansans have a legitimate concern for safety and protection from violent sexual predatory acts. In many instances these are heinous crimes which demand severe sanctions. We hope the committee will consider a joint effort between Department of Corrections and Social and Rehabilitation Services to address this problem. This approach seems consistent with a similar law in Washington.

If civil commitment procedures are changed to accommodate the long-term care and treatment for persons determined to be sexually violent predators in a secure facility, we would recommend consideration of language similar to Washington state's law. The Washington law states: "The facility shall not be located on the grounds of any state mental facility or regional habilitation center because these institutions are insufficiently secure for this population." In Washington the Sexual Predator Program is administered and operated by the Department of Social and Health Services and is located within the Department of Corrections institutions complex. The DOC in Washington provides meals, clothing, laundry services, medical and dental services, and barber services in addition to the perimeter security.

Section 1 of S.B. 525 suggests legislative intent to very narrowly apply civil commitment procedures for the long-term care and treatment for persons determined to be sexually violent predators to those deemed to be the most dangerous. However, if the procedures outlined in S.B. 525 are more liberally implemented, the fiscal note for providing treatment and care in a secure facility could dramatically escalate in future years.

Assuming the responsibility of a new population may increase the possibility of diverting resources from the established targeted populations of adults with severe and persistent mental illness and children/adolescents with severe emotional disturbance. If this bill is enacted, SRS/MHRS recommends separate funding streams and budgets specifically targeted to this initiative.

Association of Community
Mental Health Centers of Kansas, Inc.
700 SW Harrison, Suite 1420 • Topeka, Kansas 66603-3755
Phone (913) 234-4773 • Fax (913) 234-3189

Testimony on S.B. 525
Presented to the Senate Judiciary Committee
February 23, 1994

The Association of Community Mental Health Centers opposes the passage of S.B. 525 in its current form, for the following reasons:

1. S.B. 525 inappropriately decriminalizes sexual offenses, by the use of civil commitment. Civil commitment should only be used to commit individuals who are determined to be dangerous to themselves or others because of their mental illness, but who do not possess criminal intentions or malice of forethought.

2. The bill, in its current form, does not guarantee that sexual predators will be housed separately from individuals, including children, with mental illness. The safety of these most vulnerable people is not adequately assured in S.B. 525.

3. By including sexual predators under the diagnosis of mental illness, the bill further stigmatizes the mentally ill in our society.

4. The bill does nothing to truly correct the current system of sentencing and treating sexual offenders. Sexual offenders must have state-of-the-art sex offender programs while they are in prison and intensive aftercare programs once they are released in order to protect society.

5. The cost of treating sexual predators in the Department of Social and Rehabilitation Services (SRS) institutions could syphon limited resources from the truly needy. We question why the Legislature would reverse its visionary plan to reform the mental health system by "back filling" SRS institutions with dangerous sexual predators?

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attachment 2-1

INTRODUCTION

Especially problematic to the mental health community about S.B. 525 is the provision which mandates that violent sexual predators be civilly committed to SRS institutions after they have served their sentences in the criminal justice system. We do not disagree that society must be protected from violent sexual offenders who are without a doubt unmanageable and dangerous people. Our position is that if an individual has committed a serious and especially violent sexual crime, they should be incarcerated for life with no possibility of parole like any other exceptionally dangerous individual. If there is a concern about safety when certain individuals are released from prison and are at large in the community, the criminal justice system should provide close supervision and intensive aftercare programs.

SAFETY OF THE MENTALLY ILL IN STATE HOSPITALS

The bill mandates that once a sexual offender is classified as a sexually violent predator they are remanded to SRS custody, to be housed in a secure facility, which is not defined in the bill. We do not believe that the bill, in its present form, provides enough protection to patients with mental illness currently receiving treatment in the state hospitals. The Washington law, though quite similar to S.B. 525, provides greater protection for the truly mentally ill in state hospitals. The Washington law states that the facility for sexual offenders should not be located on the grounds of any state mental facility because these institutions are not sufficiently secure for violent sexual predators. We request that S.B. 525 be amended to include a provision that the facility to house sexual predators shall not be located at a state hospital but at a Department of Corrections (DOC) institution.

THE NEED TO REDESIGN CURRENT TREATMENT AND SENTENCING OF SEXUAL OFFENDERS

The current system of sentencing and treating violent sexual predators is broken. The criminal justice system currently does not accommodate the very special treatment and sentencing needs of sexual offenders. We would be very supportive of flexible sentencing guidelines which could sentence violent sexual predators for life with provisions for release if they undergo successful treatment.

The Community Mental Health Centers are ready to play a role in assisting DOC in developing more sophisticated treatment programs behind the walls for sexual offenders. Several of our centers have already been contacted to serve on a task force to redesign the DOC sexual offender program. We urge that the Legislature encourage DOC to look

to models that have been developed in other states as well as Canada in redesigning the prison sexual offender program. The treatment program must be introduced long before the expiration of the offender's active sentence. The Legislature, if truly committed, to making a difference, must fund state-of-the-art sex offender programs.

In addition, sexual offenders (in fact all offenders) who are released from prison must have aftercare programs (relapse prevention in the case of sex offenders) which should be closely monitored and enforced by DOC. There appears to be consensus that the treatment of the sex offender is never complete. Following a state-of-the-art intensive treatment program in prison, participants must continue in aftercare counseling. Payment for such aftercare should come from the offender themselves, but if they are unable to pay, DOC should be required to pay for the aftercare to ensure that the individual is receiving it.

In 1993, there were 330 individuals granted probation who had committed rape, indecent liberties with a minor, aggravated sodomy, enticement of a child, sexual battery, aggravated sexual battery, among other crimes. Based on what the Community Mental Health Centers have observed and experienced first-hand, these individuals are not receiving adequate, consistent, and monitored aftercare. It is no wonder that they re-offend. The system is broken! Let us not try to repair it with another quick fix that simply gives society the illusion that the problem of sexual offenders is solved. We should not act emotionally but in a rational and sensible way: first, redesign the sex offender program currently in force and second, introduce a comprehensive aftercare treatment program. If S.B. 525 is implemented in a similar fashion as it is in Washington, only 30 of the 300 sexual offenders will be civilly committed every year and that will leave 300 offenders free to terrorize communities.

Sex offenders should not be treated as one heterogeneous group. It is crucial that a presentencing assessment and evaluation take place to determine both the place for and type of treatment that will be selected for a sex offender. For example, a first-time incest offender whose offense did not include acts of violence or serious threats of violence, most likely can be better treated on an outpatient basis. However, that individual must actually be sentenced to the outpatient program with the threat of incarceration in a maximum correctional facility should he not fully comply with the outpatient program guidelines. Assessments and evaluations may find that other individuals who are repeat offenders could be treated initially in an inpatient program and then slowly worked into an outpatient setting.

FISCAL IMPACT OF S.B. 525

The current provisions of S.B. 525 have the potential to strain the mental health system of which we are a partner to the state, as part of the Mental Health Reform Act of 1990, the intent of which was to downsize the state hospitals. S.B. 525 would simply be a

backdoor method to achieve life of incarceration for the sexual predator, which we do not oppose. We do, however, strongly oppose the use of the mental health system as a dumping ground for these individuals either at the state hospitals or at the community level.

CONCLUSION

S.B. 525 improperly decriminalizes by, civil commitment, crimes, which are most criminal and heinous in nature. The crimes committed by violent sexual predators demand severe sanctions, best administered by the criminal justice system. We urge the Committee to consider redesigning the current sex offender programs (both in prison and after) and introduce stricter penalties; only in this way will the intended results of S.B. 525 of protecting society be realized.

#3

KANSAS AMI

KANSAS ALLIANCE FOR THE MENTALLY ILL

112 S.W. 6th • P.O. Box 675
Topeka, Kansas 66601
913-233-0755 • FAX 913-233-4804

Testimony

February 23, 1994

To: Senate Judiciary Committee

From: Terry Larson, Executive Director,
Kansas Alliance for the Mentally Ill &
Chair, Kansas Mental Health Coalition

RE: SB 525

No one can disagree that persons who commit sexually violent offenses ought to be removed from society. If commitment and treatment can be accomplished according to what appears to be the bill's intent, it would be difficult to oppose as long as sex offenders are totally segregated from the general psychiatric population.

However, with no funding earmarked to implement SB 525's provisions, we must oppose the bill. Further, the Governor's budget significantly cuts funding designated specifically for persons with severe and persistent mental illnesses. This includes a $730,000 cut to Mental Health Reform per the 1990 promise, a $577,000 cut from community mental health center base funding, removal of $200,000 from vocational programs (which would generate over $750,000 in federal funds), a lack of any increase to consumer-run programs and the frightening possibility of major cuts in Medicaid. These cuts by themselves will dramatically cut needed community-based services to the population with disabling mental illnesses.

Compound the cuts by adding sexually violent persons who will receive priority treatment because they would be court ordered, into an already underfunded mental health system, creates further victimization of a number of persons who, through no fault of their own, are very ill.

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If passage of SB 525 is the will of this legislature, we ask that you:

1. Guarantee separate housing for the populations.
2. Support reinstatement of all mental health cuts as reflected in the Governor's budget.
3. Fully fund implementation of this act in addition to reinstatement of the cuts.

Thank you.

#4.

TO: Senate Judiciary Committee

FROM: Beverly L. Baker, County Clerk, Johnson County
Chairman, County Clerk's Legislative Committee

RE: Senate Bill 753

DATE: February 24, 1994

Thank you for hearing this bill and allowing me to testify.

The County Clerks and other records custodians have been placed in a difficult position regarding solicitation from the property and tax rolls. K.S.A. 45-220 prohibits selling or offering for sale any property or service to persons whose names were obtained from the tax roll. It also prohibits the requester of the information from giving or selling the information to a person who will use it for prohibited purposes.

Currently, records custodians require an "Open Records Form" to be signed by the requester stating he understands the law. We are asking that, with this document signed by the requester, the records custodian cannot be subject to criminal charges. Attorney General Opinion 87-137 states that a custodian must deny access if he reasonably believes it will be used for prohibited purposes and disclosure will subject the custodian to possible criminal charges.

We ask that if we have taken every precaution available to us, we cannot be liable for criminal charges.

Solicitation and sales leads are now big business and very valuable. A Class C misdemeanor and a $500 fine is no deterrent to a national out-of-state corporation who wants the tax roll for mailing lists, etc.

Public officials must be able to maintain open records to the public but protect the taxpayers from their names being used for solicitation without the threat of criminal charges.

We respectfully request that you add subsection (c) to Section 4 of K.S.A. 45-220.

Thank you.

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attachment 4-1

Session of 1994

SENATE BILL No. 753

By Committee on Judiciary

2-10

AN ACT concerning crimes and punishment; relating to unlawful use of names derived from public records; amending K.S.A. 21-3914 and repealing the existing section.

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

Section 1. K.S.A. 21-3914 is hereby amended to read as follows: 21-3914. (a) No person shall knowingly sell, give or receive, for the purpose of selling or offering for sale any property or service to persons listed therein, any list of names and addresses contained in or derived from public records except:

(1) Lists of names and addresses from public records of the division of vehicles obtained under K.S.A. 74-2012, and amendments thereto;

(2) lists of names and addresses of persons licensed, registered or issued certificates or permits to practice a profession or vocation may be sold or given to, and received by, an organization of persons who practice that profession or vocation for membership, informational or other purposes related to the practice of the profession or vocation;

(3) lists of names and addresses of persons applying for examination for licenses, registrations, certificates or permits to practice a profession or vocation shall be sold or given to, and received by, organizations providing professional or vocational educational materials or courses to such persons for the sole purpose of providing such persons with information relating to the availability of such materials or courses; and

(4) to the extent otherwise authorized by law.

(b) Violation of this section is a class C misdemeanor.

(c) The provisions of this section shall not apply to nor impose any criminal liability or penalty upon any public official, public agency or records custodian for granting access to or providing copies of public records or information containing names and addresses, in good faith compliance with the Kansas open records act, to a person who has made a written request for access to such information and has executed a written certification pursuant to subsection (c)(2) of K.S.A. 45-220 and amendments thereto.

Sec. 2. K.S.A. 21-3914 is hereby repealed.

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

4-2

#5

KANSAS ASSOCIATION OF COUNTIES

"Service to County Government"

215 S.E. 8th
Topeka, Kansas 66603-3906
(913) 233-2271
FAX (913) 233-4830

TO: Senate Judiciary Committee
Chairman Jerry Moran

FROM: Anne Smith
Director of Legislation

DATE: February 24, 1994

RE: SB 794

The Kansas Association of Counties asked for the introduction of SB 794 because of continued problems with the funding of the operational costs of juvenile detention facilities. We want to thank the Committee and Senator Moran for hearing the bill.

We have provided testimony delivered by SRS Secretary Donna Whiteman in January of 1992 on juvenile detention facilities. The Secretary's testimony does a good job of summarizing the actions taken over the last few years regarding the juvenile detention issue.

The testimony (see Attachment B) also clearly indicates that SRS was aware of the Advisory Committee on Juvenile Offender Programs (ACJOP) recommendations. In the testimony, ACJOP recommended to SRS "...that the balance of funds in the Juvenile Detention Facilities Fund should be made available for operational purposes only to the counties named in this recommendation and to Johnson, Saline, Sedgwick, Shawnee and Wyandotte Counties, which currently have licensed juvenile detention facilities." There can be no doubt that the Secretary understood these directives, but has delayed the release of the monies from the Juvenile Detention Facilities Fund.

The Kansas Association of Counties lobbying staff met with Secretary Whiteman two years ago to discuss her intentions with the juvenile detention facilities issue. She stated that her philosophy centered on alternative programs for juvenile offenders, and that she was concerned about juvenile incarceration. We clearly stated to her that if that was her concern she should get the counties out of the plans to build juvenile detention facilities.

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The last thing KAC wanted was for counties to be mid-point in building these facilities and have the state come in and say they no longer supported the project then redirect monies earmarked for it.

The statute regarding the juvenile detention facilities fund, K.S.A. 79-4803 subpart (b), clearly states that the funds are to be used for construction, renovation, remodeling, operational costs, and retirement of debt of facilities for the detention of juveniles.

We urge the legislature to pass SB 794 as we feel it makes a strong statement to the Secretary of SRS not to impound these monies in the Juvenile Detention Facilities Fund and to proceed in a timely fashion in getting funds to the counties trying to meet this mandate.

We thank the Committee for its consideration of this bill. We are very willing to work with the legislature in getting this issue resolved.

#6

KANSAS ASSOCIATION OF COUNTIES

"Service to County Government"

215 S.E. 8th
Topeka, Kansas 66603-3906
(913) 233-2271
FAX (913) 233-4830

TO: Senate Judiciary Committee
Chairman Jerry Moran

FROM: Marjory Scheufler, Edwards County Commissioner
Member of the Advisory Committee on Juvenile Offender Programs

DATE: February 24, 1994

RE: SB 794

When I was appointed to the Governor's Advisory Committee on Juvenile Offender Programs (ACJOP) more than a year ago, I was vitally interested in juvenile offender programs, particularly the cost to counties of the detention centers mandated by the state. At the time, we were assured that 90 percent of the construction and start-up costs would be paid by the state, although being a county commissioner for 11 years has made me a little suspicious of state cooperation where money is concerned.

I now find that being on this committee has raised my frustration level to an all-time high. This committee's decisions are discounted and our advice is not heeded. It has become quite obvious that Secretary Whiteman's impression of the use of ACJOP funds is entirely different from my committee's. I am really at a loss to understand what the Secretary wants when she says she wants the funds in question to be used to encourage new programs to *prevent* juvenile delinquency. I thought the whole idea for this program of detention centers was for juveniles that are *already* delinquent. Preventing delinquency is a viable cause--and I agree with it--but this money by statute is not to be used for that purpose.

These funds have now accumulated because they could not be distributed in a timely fashion. I have a great deal of concern when I hear this money referred to as a "windfall." This "windfall" was promised by the ACJOP to the detention centers last summer, only to have our decision vetoed by Secretary Whiteman because of her concern about the mechanics of distribution.

I ask that these funds be released to the detention centers as soon as possible so that they can get on with the business of detaining juveniles. Regardless of whether you or I agree with the philosophy of this type of incarceration, you mandated the counties to build detention centers. Please don't start something and then not finish it.

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#7

STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612-1597

ROBERT T. STEPHAN
ATTORNEY GENERAL

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751
TELECOPIER: 296-6296

Testimony of Julene L. Miller
Deputy Attorney General
Before the Senate Committee on Judiciary
Re: Senate Bill No. 794
February 24, 1994

Mr. Chairman, Members of the Committee:

I am here on behalf of Attorney General Stephan to address Senate Bill No. 794 and the circumstances leading to its introduction.

In June of 1993 the Advisory Committee on Juvenile Offender Programs met to discuss the best way to utilize money that had accumulated in the juvenile detention facilities fund. The committee concluded that the money should be allocated to all facilities on a per bed basis to be expended for the purposes authorized by K.S.A. 79-4803, ie. construction, renovation, remodeling, operational costs or retirement of debt of facilities for the detention of juveniles. This recommendation was forwarded to the Secretary of Social and Rehabilitation Services for consideration. On July 21, 1993, Secretary Whiteman responded indicating that she preferred

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attachment 7-1

the money be used for programs and new community services to be provided by the juvenile detention facilities rather that for operational or other costs listed in K.S.A. 79-4803. The Advisory Committee met again on August 5 and determined, based on advise provided by the Attorney General's office, that funding programs and community services was not an appropriate use of the money in the juvenile detention facilities fund. The Committee again voted to recommend that the money be distributed by grant on a per bed basis. The Committee then received a letter from Secretary Whiteman, dated October 5, 1993, advising that she planned to delay allocation and release of the money in the fund so that she could receive guidance from the legislature "to specifically identify the purposes of these funds and to clarify budget authority for appropriations."

Attorney General Stephan believes the existing law is very clear regarding the authorized uses of money in the juvenile detention facilities fund. The statute provides that expenditures from the fund shall be for the construction, renovation, remodeling, operational costs or retirement of debt of facilities for the detention of juveniles. The legislature further expressed its intent for the expenditure of money in this fund through its appropriation to SRS for this purpose. With the approval of approximately half of the counties of this state, a lawsuit has been filed in the

district court of Shawnee county to compel the Secretary to release these funds to the counties for the purposes for which they were intended. However, the parties have agreed to delay discovery in the case in order to give the Legislature an opportunity to speak to the issue.

Attorney General Stephan recommends passage of this bill as an effort to reassure the Secretary of the Legislature's intent to provide the expeditious monetary support so desperately needed by the counties in their attempt to comply with the federal and state mandates regarding the detention of juveniles. Passage of the bill should alleviate the need to pursue the litigation.

TO: Senate Judiciary Committee
Chairman Jerry Moran

FROM: Dennis C. Jones, Kearny County Attorney
Southwest Kansas Juvenile Detention Facility Board of Advisors
Member

DATE: February 24, 1994

RE: SB 794

Mr. Chairman and members of the committee:

I am pleased to testify in support of SB 794.

The detention of juveniles in non-jail facilities was mandated upon Kansas counties by the federal government and this legislature. In response to that mandate, seventeen (17) counties in Southwest Kansas committed themselves and their resources to complying with this mandate.

Assurances were given to the counties that 90 percent of the construction and start-up costs of the project would be paid by the state.

Based on those assurances, Finney County was selected as the site of our detention center, land was purchased by the Finney County commissioners, and construction of our facility is now underway.

Although the original study conducted by the state called for a fourteen (14) bed facility, that study did not include SRS direct placements; rather, it focused only on direct court placements. Because of the foresight of our commissioners and our board a twenty-one (21) bed facility is being built.

When the building is completed, we will still need mattresses, blankets, pillows, sheets and towels. We will need desks for the staff, and paper, pencils, paper clips and other office supplies to make the facility operate. Likewise we will need handcuffs and other restraints for transporting and securing the detainees.

Those purposes are what the funds discussed in SB 794 were intended for. Never was it contemplated that a "windfall" would be created for use in prevention of juvenile offenses. The need is a pressing one, that must be dealt with now. Prevention is an honorable goal, but detention is what was mandated.

I ask that this committee lend it's unanimous support to SB 794, and that the legislature do what it promised the counties it would do, provide funding assistance for construction and start-up costs associated with our juvenile detention facility.

Thank you again for the opportunity to be heard on this very important matter.

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Attachment 8-1

#9

KANSAS

acjop

Advisory Committee on
Juvenile Offender Programs

Testimony to the Senate Judiciary on SB 794
From Sue W. Lockett, Chr-Advisory Committee on Juvenile Offender Programs

The need for secure detention beds and the need to stop putting our youth in adult jails has been a focus of the ACJOP for longer than we would would have liked. ACJOP would like to spend its time and monies on prevention strategy and become more proactive on Juvenile Justice issues but this issue keeps occupying our time.

After legislation was passed that addressed the prohibition of putting youth in adult jails the ACJOP commissioned a study to determine the need for secure detention beds in Kansas. The study recommended six regional centers providing 61 beds. These centers were in addition to the existing 150 beds.

The two detention funds were created by the legislature. One fund states that it is to be used for construction. The second fund states that it can be used for construction, renovation.The funds grew because the state and the regional centers took approximately a year longer than anticipated to come to an agreement on the contract. The committee did not address the distribution of these funds because we were focused on getting the centers started.

The following is a chronological outline of decisions of the ACJOP:

June 17th-The ACJOP voted to recommend the distributtion $6500 per bed -one time only -210 beds- to existing facilities. New facilities would be limited to the bed numbers stated in the SRS contract. This recommendation vote followed a meeting with representatives from all the existing and proposed centers as to their needs.

July 21st
The ACJOP received a letter from Secretary Whiteman stating that she wanted to not distribute the funds at that time but tie them to new community services.

July 22nd
The committe, while supportive of the community services concept, did not feel that this was the intent nor possible under the statutes and asked for an Attorney General's opinion.

July 28th
AG opinion -See attached

Senate Judiciary
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August 5th

1. The ACJOP voted to recommend that the following be sought: that there be no limitations on expenditure limits or that the limitation be raised to 1.5 m or 70% of the fund balance whichever is greater.

2. ACJOP relooked at the situation and because of the late opening of several of the new facilities voted to recommend the awarding of $3800 per bed-one time only-158 beds.

September

Because of the late opening of some of the regional centers the state Rescue plan was instituted. $250,000 was earmarked-$10,000 to facilities that agreed to take youth, an additional $50 per day per diem and transportation.

October 5th

Secretary Whiteman sent a letter to the committee stating that she wanted to delay the distribution of the JDFF to the counties. She wanted the legislature to review the purposes of the funds and to clarify the budget authority.

After considerable discussion, the committee voted to recommend to the Attorney General that he pursue legal action to gain the release of the funds. A letter was sent to the Governor to suggest that she intervene and help in the solution to this problem.

It is our understanding that the SRS legal staff and AG staff met and could not come to a resolution of the problem. The Governor declined to intervene. The Attorney General filed a suit in Shawnee County.

Policy Issues Created by Funds

A state and local partnership in providing secure detention has been established for new regions by the state providing 90% funding for the new centers.

A regional philosophy was adopted but not put into statute.

The state needs to consider the equitable distribution of these funds for all centers.

Should new beds be needed how is that determined?

How much does the state want to invest in secure detention beds?

There are two classes of youth held in detention-SRS custody youth and law enforcement youth. SRS pays $49.70 per day and the counties pay approximately $150 per day.

In conclusion, the ACJOP feels that these funds are a necessary part of the operation of detention centers in the state and should be distributed to the counties for detention costs.

BACKGROUND

JUVENILE DETENTION SERVICES FOR KANSAS

Kansas joined the Federal Juvenile Justice and Delinquency Prevention program in 1978. One of the mandates of the Act is the removal of juveniles from adult jails. Congress found that juveniles in adult jails were in jeopardy of abuse and could not receive necessary services. Parallel with the development of the Federal Act, state and federal courts began to intervene in two areas: (1) the conditions of confinement for juveniles; and (2) the liability of local officials for harm to juveniles placed in adult jails and lockups. In a succession of cases in the 1970s and 1980s, courts found that the conditions of confinement in adult jails could not meet the special solicitude requirements needed by detained juveniles. Such considerations as counseling, recreation and education were simply not available in adult jails, nor were jailers trained to deal with the special needs of juveniles. Concurrently, courts found for juveniles who were harmed while in adult jails and local officials began to ask for changes in the system.

In Kansas, the Advisory Commission on Juvenile Offender Programs began to review the situation in which about 1800 juveniles a year were being held in adult jails and lockups, and in June 1983 adopted a policy of moving forward to remove juveniles from adult jails and lockups. Utilizing federal funds, the Advisory Commission started removal programs in the form of intake services or alternative housing for non-violent youthful offenders.

In 1986, the Kansas legislature, urged by the Advisory Commission, required each county to develop a plan for removing juveniles from adult jails. An analysis of those plans made clear that the rural areas of the state needed an array of services, with regional detention facilities at the top of a pyramid of services. At the time only the four metropolitan counties had detention facilities; in most instances their beds were fully occupied by in-county youth; and the transportation of youth from the most distant rural areas presented insurmountable difficulties.

During 1987 and 1988 the State began a plan to provide intake services and attendant care to some of its rural areas. Intake services had proven to be very effective in reducing the number of juveniles detained in adult jails. Utilizing federal funds, the Advisory Commission provided seed money to Lyon, Douglas, Finney, Riley, Crawford, Bourbon, Linn, Miami, Franklin, Osage, Coffey, Anderson, Ellis, Trego, Rooks and Gove Counties to initiate intake programs which have proved effective in reducing jailings in those counties. In 1988 Kansas received the first of two special discretionary grants to initiate a youth attendant care program for rural counties. This program called for a local-State partnership in which the counties locate a non-secure room and the State provides training and an hourly fee to local volunteers who sit

with youth on a one-to-one basis for a maximum of 24 hours while other arrangements are made for the youth. Some 76 counties are currently participating through 33 sites, and another 4 sites are in development. Almost 1200 youth had been provided services through June, 1992, with dramatic reductions in the number of youth placed in adult jails.

In 1989, the Advisory Commission determined to take jail removal legislation to the 1990 session of the legislature. The result was the passage of H.B. 3041, which provides that no Children in Need of Care can be held in Kansas jails after January 1, 1991 and no other categories of juveniles may be held in jails after January 1, 1993. In addition, the legislature provided approximately $700,000 per year for the construction and operation of detention centers through an increase in the docket fee and driver's license reinstatement fees. In the same year the Commission contracted with a private consultant to perform a needs assessment and preliminary planning for detention beds. The recommendations which emerged called for the creation of 59 new detention beds to be located in five rural counties. The facilities were designed to be regional in nature and were recommended to be located in Trego, Finney, Crawford, Douglas and an undesignated county in the northcentral part of the state.

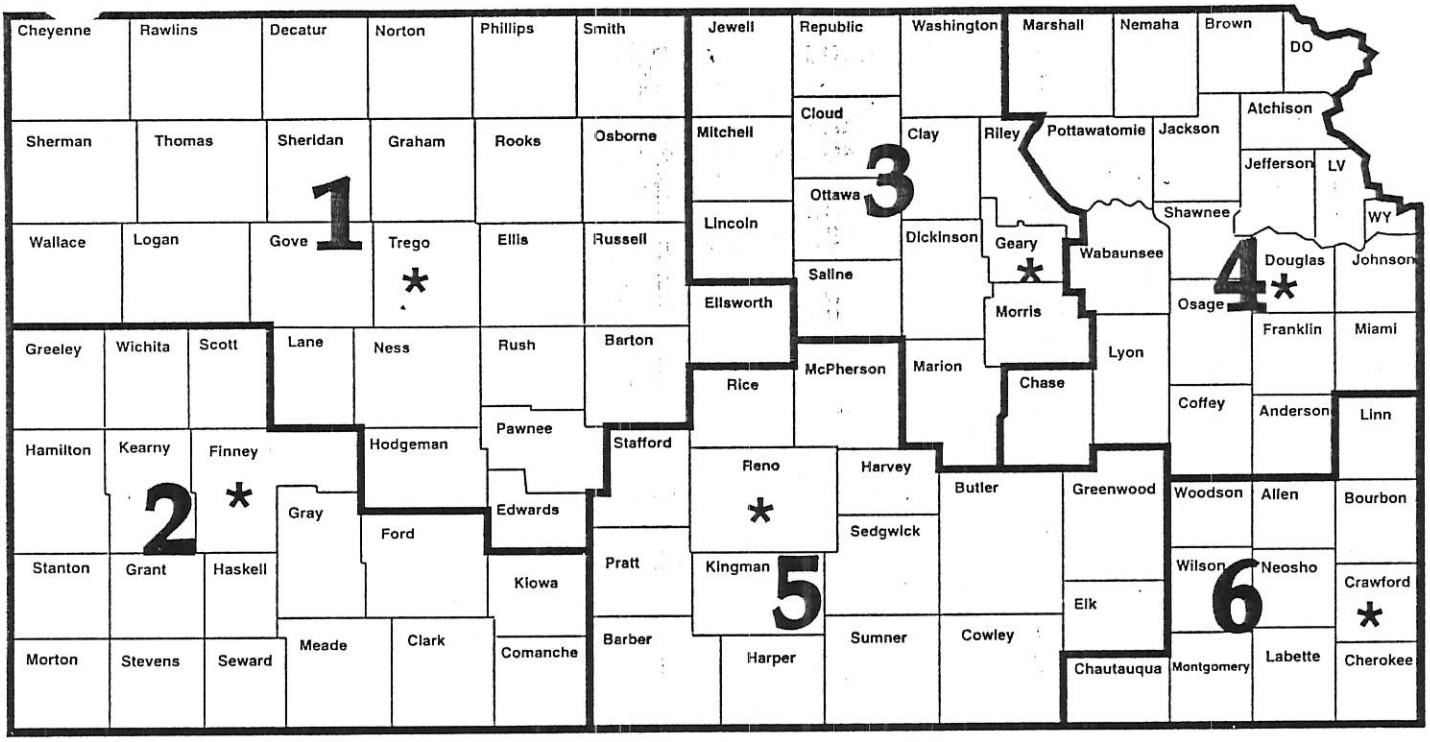
During the summer of 1990 public meetings were held in various regions of the state and the Kansas Association of Counties held a statewide meeting for county officials in Salina. This activity was followed by a public forum in October at which the Advisory Commission received input from county officials. In November the Commission made preliminary designations of Trego, Finney, Douglas and Crawford Counties as the host counties for new regional detention facilities, and a designation of the existing Reno County facility as the center for the southcentral region.

In May 1991 the Commission formally advised the Secretary of Social and Rehabilitation Services to contract with Trego County to provide a seven bed regional facility to serve the northwest; with Finney County to provide a 14 bed regional facility to serve the southwest; with Douglas County to provide a 14 bed regional facility to serve the northeast; with Crawford County to provide a 14 bed regional facility to serve the southeast; and with Reno County to make its existing 12 bed facility available as a regional facility for the southcentral counties. Designation of a host county for the northcentral area was postponed until June 1992 when Geary County was selected after several public hearings.

Contact:

SRS Youth and Adult Services
Advisory Commission on Juvenile Offender Programs
913/296-2017

The contractual arrangements between the State and the counties are based upon State participation in the retirement of a bond issue for construction of the facilities. The Kansas Development Finance Authority sold an $8 million bond issue on November 1, 1992, which is to be paid off over a 20 year period. The State will be responsible for 90% of the debt payments and the counties 10%.



Kansas Detention Centers Current Status, August, 1993

These existing and developing facilities (below) are an important part of the continuum of services for juveniles in Kansas. These services will play an integral role in the counties and regions they serve and can be the "hub" for other less costly alternatives to detention.

Existing Facilities

Reno County (Southcentral Region 5)
- capacity of 12
- approximate costs $150/day
- contracts with 26 counties (14 in Southcentral region)

Johnson County
- capacity of 30 (expanding to 70 by 1995)
- approximate costs $140/day, not including indirects
- serves Johnson County

Saline County
- capacity of 5 (expanding to 8; seeking funds for expansion)
- approximate costs $90/day
- serves Saline County

Sedgwick County
- capacity of 33
- approximate costs $148/day
- serves Sedgwick County

Shawnee County
- capacity of 22
- approximate costs $130/day
- serves Shawnee County

Wyandotte County
- capacity of 48
- approximate costs/day unknown
- serves Wyandotte County

Total licensed capacity: 150

New Regional Detention Facilities

Region 1
Northwest (Trego County)
Opened June 21,1993
- capacity of 10 (expansion to 14)
- approximate costs $100/day
- serves 26 counties

Region 2
Southwest (Finney County)
Opening June 1994
- capacity of 21 (expansion to 42)
- approximate costs/day unknown
- serves 18 counties

Region 3
Northcentral (Geary County)
Opening December 1993
- capacity of 12 (expansion to 24)
- approximate costs/day unknown
- serves 15 counties

Region 4
Northeast (Douglas County)
Opening July 1994
- capacity of 15-16 (expansion to 22-23)
- approximate costs/day unknown
- serves 18 counties

Region 6
Southeast (Crawford County)
Opening May 1994
- capacity of 14 (expansion to 28)
- approximate costs/day unknown
- serves 11 counties

Total licensed capacity: 70
Combined licensed capacity: 220
(Total contracted capital city capacity: 60)

For more information contact:
Mark A. Matese
Juvenile Justice Specialist
Youth and Adult Services
300 SW Oakley, West Hall
Topeka, KS 66606 Ph. (913) 296-2017

9-6

Update on

The Juvenile Justice & Delinquency Prevention Formula Grant Programs in Kansas

By [illegible]

After Jan. 1, 1994, state and federal laws will prohibit holding juveniles in adult jails and lockups. This update provides some background on juvenile justice in Kansas and the reforms that preceded the passage of this law.

Background

In 1978 Kansas began participating in the Formula Grant Program of the Juvenile Justice and Delinquency Prevention Act of 1974. The main emphasis from 1978 to 1988 was the Deinstitutionalization of Status Offenders (DSO) and sight and sound separation of juveniles from adult offenders. In 1988 the act was reauthorized by Congress to include the removal of juveniles from adult jails and the development of strategies and services that address the Disproportionate Minority Confinement (DMC) of youth in the juvenile justice system.

Services

The main services funded through the act in Kansas have been Intake Services, a program designed to screen and place any youth who has been arrested; Attendant Care, designed to provide temporary holding/custody in lieu of jail; and Electronic Monitoring Device (EMD) home confinement. Between Oct. 1, 1991, and Sept. 31, 1992, there were 2440 youth served by Intake. Between December 1988 and April 1993, there were 1598 youth served in Attendant Care. Data on EMD services, which began after September 1992, will be available later this year.

Funding

Every three years, Kansas must submit a comprehensive state plan to the Office of Juvenile Justice and Delinquency Prevention Programs identifying the goals and objectives, budget, and strategies designed to meet the reforms of the act. The Advisory Committee on Juvenile Offender Programs (ACJOP) was established by the Governor's Executive Order No. 91-134 as the federally required body responsible for advising the state on carrying out the act. The ACJOP is staffed by SRS Youth and Adult Services, who also serve as the federally required state planning agency.

The state is currently operating in federal fiscal year 1991, and the current funding level of Formula Grant Funds for Kansas is $481,000. Of these funds, $211,000 was allocated for intake services, $42,000 for EMD's, and $46,900 for start-up of the NW Regional Detention Center (see map).

There remains approximately $120,000 in obligated funds which may be used until FY 1992 funds are secured. The FY 1992 funds of $481,000 are anticipated sometime this fall and will be start-up funds for alternatives to incarceration or jail removal initiatives. Attendant Care was started with $45,000 of JJDP resources and is now fully funded by the state at $250,000 per year.

FY 1992 funds are delayed because Kansas is out of compliance with jail removal and the state has exhausted the three waivers allowed by federal regulation. Several regions in the state were allowed an extension on the prohibition of putting criminal-type juvenile offenders in jails. The enabling legislation (K.S.A. 38-1691) was passed in 1992 and will be fully enacted on Jan. 1, 1994. This law

Mark Matese is a juvenile justice specialist with the Department of SRS, Youth and Adult Services, in Topeka.

cc: Dave O'Brien

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To	From
Sue McKenna	Nancy Lindberg
Co. SRS	Co. Atty Gen.
Dept.	Phone #
Fax # 4960	Fax # 6296

Let me know if you need more. Thanks.

STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL
2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612-1597

ROBERT T. STEPHAN
ATTORNEY GENERAL

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296 3751
TELECOPIER 296 6296

July 28, 1993

MEMO

To: Nancy Lindberg
From: Mary Feighny
Subject: interpretation of the term "operational costs" in K.S.A. 1992 Supp. 79-4803(b)

Pursuant to your request, I reviewed the legislative history of this statute to try and determine what the legislative intent was in using the term "operational costs" in 79-4803(b) and found nothing which would illuminate the reasoning behind this choice of words.

In general, operational costs in the context of a juvenile detention facility are the costs needed to run the facility which could include the costs associated with paying the phone bill and the various utilities as well as employee salaries. In short, whatever expenses are involved in operating the facility fall under the "operational costs" language used in the statute.

During our discussion with General Stephan on July 26, he concurred with this analysis and rejected any interpretation of the language which would allow SRS to use the funds to operate programs.

JUVENILE DETENTION)ING, FEBRUARY 1994

			1/31/94 actual cumulative	6/30/94 estimated cumulative	6/30/95 estimated cumulative
	ANNUAL ESTIMATED INCOME:	$719,112			
COLLECTIONS:	JDFCIF (Restricted to Construction) ($10,512 per month average)		$423,688	$476,248	$602,392
	JDFF(Unrestricted) ($49,414 per month average)		$1,928,839	$2,175,909	$2,768,877
	TOTAL:		$2,352,527	$2,652,157	$3,371,269

Obligations:	Rescue Plan	$250,000
	Saline County	$166,000
	Reno County ?	$500,000
	Operational Funding ?	$623,200
TOTAL AFTER OBLIGATIONS:		$813,327

Due Date	Debt Service	Estimated Income	Balance
FY 1995	$675,773	$719,112	$43,339
1996	$672,813	$719,112	$46,299
1997	$669,313	$719,112	$49,799
1998	$665,273	$719,112	$53,839
1999	$665,693	$719,112	$53,419
2000	$665,303	$719,112	$53,809
2001	$664,103	$719,112	$55,009
2002	$661,463	$719,112	$57,649
2003	$662,488	$719,112	$56,624
2004	$661,838	$719,112	$57,274
2005	$659,638	$719,112	$43,339
2006	$660,848	$719,112	$58,264
2007	$660,326	$719,112	$58,786
2008	$658,046	$719,112	$61,066
2009	$658,983	$719,112	$60,129
2010	$658,046	$719,112	$61,066
2011	$655,233	$719,112	$63,879
2012	$655,546	$719,112	$63,566
2013	$453,671	$719,112	$265,441
2014	$12,418	$719,112	$706,694

NOTE: THE FY 1994 LEGISLATIVE EXPENDITURE LIMITATION ON THESE ACCOUNTS F OR THE PERIOD ENDING JUNE 30,1994 IS $850,000.

#10

KANSAS

KANSAS DEVELOPMENT FINANCE AUTHORITY

Joan Finney
Governor

Wm. F. Caton
President

MEMORANDUM

DATE: February 24, 1994

TO: Senate Committee on Judiciary

FROM: Linda Wood, Financial Analyst
Kansas Development Finance Authority

RE: Senate Bill No. 794

Attached is a copy of an excerpt from a lease agreement between the Kansas Development Finance Authority (KDFA) and the Secretary of Social and Rehabilitation Services. The highlighted portion on this copy specifies that payments from the juvenile detention facility fund established at K.S.A. 79-4803(b) may be appropriated to pay certain "Lease Payments." The Lease Payments referred to are those payments necessary to service the debt on an $8,000,000 bond series issued by KDFA in 1992 to fund construction of five regional juvenile detention facilities.

KDFA is concerned that proposed amendatory language contained in SB 794 will preclude those debt service payments being made from the juvenile detention facility fund. Consequently, we propose the following clarifying language (as italicized) as a friendly amendment to the beginning of the second sentence of subsection (b):

> All expenditures from the juvenile detention facilities fund shall be *for retirement of debt of facilities for the detention of juveniles; or* for the construction, renovation, remodeling, operational costs or retirement of debt of facilities for the detention of juveniles, in accordance with a grant program which shall be: . . .

Attachment

c: Ann Smith, Kansas Association of Counties

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2-24-94
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700 S.W. JACKSON, SUITE 1000 / TOPEKA, KANSAS 66603-3758 / (913) 296-6747 FAX (913) 296-6810

Section 3.2. Lease Term.

(a) This Lease shall become effective upon its delivery, and subject to earlier termination pursuant to the provisions hereof, shall terminate upon occurrence of the earlier of June 1, 2014 (the "Lease Term"), or when the Bonds are no longer Outstanding under the Indenture; provided, however, that if any Bonds or Additional Bonds are outstanding on June 1, 2014, the Lease shall not terminate until all Bonds are no longer Outstanding. Notwithstanding the foregoing, continuation of the Lease is subject to annual appropriation by the Kansas Legislature and the Secretary shall be obligated only to pay Lease Payments and Additional Payments pursuant to the Lease as may lawfully be made from (1) funds budgeted and appropriated for that purpose by the Kansas Legislature from any lawfully available source, including but not limited to the juvenile detention facility fund established at K.S.A. 79-4803(b) and the juvenile detention facilities capital improvement fund established at K.S.A. 38-556 and any successors thereto and substitutions therefor during the State's current budget year (July 1 to June 30 of each year) (the "Fiscal Year"), or (2) funds made available from any lawfully operated revenue producing source including Sublease Payments from the Counties.

The Secretary will request the Kansas Governor to request the Kansas Legislature, on or before October 1 (or such other date as may be prescribed by Kansas law) in each Fiscal Year for which the statement required by the preceding paragraph of this Section 3.2(a) has been given, to irrevocably budget, appropriate and set aside funds in an amount sufficient to pay the Lease Payment and Additional Payments due in such Fiscal Year.

(b) If the Kansas Legislature fails to appropriate moneys sufficient to continue the Lease pursuant to subsection (a) of this Section, all of the Secretary's right, title and interest in and to the Lease and its obligations hereunder shall terminate without penalty on the last day of the Fiscal Year then in effect.

Section 3.3. Cooperation to Acquire, Construct and Equip the Facilities. The Authority and the Secretary mutually agree that as of the date of the Lease there exists no difference in each of their interpretations of the various agreements, including the Lease, the Subleases and the Assignment Agreements relating to the Authority's duty to provide the Facilities for the Secretary and the Secretary's and Counties' duties to contract, supervise, inspect and comment or consult with the Authority during the course of the acquiring, constructing and equipping of the Facilities. The Authority and the Secretary therefore agree to cooperate fully with each other or any of those parties

#11

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

Senate Judiciary Committee
Testimony on Senate Bill 794

February 24, 1994

****

SRS Mission Statement

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

****

TITLE

An Act concerning juvenile detention facilities; relating to the juvenile detention facilities fund; admininistration and expenditures; amending K.S.A. 1993 Supp. 79-4803 and repealing the existing section.

Mr. Chairman, on behalf of Secretary Whiteman, I am pleased to provide you with this testimony concerning Senate Bill 794.

It is the position of the Department the appropriate use and budgetary authority for the juvenile detention facilities fund should be clarified by the legislature.

BACKGROUND

The fund was established to pay construction costs for the new regional detention facilities. Since the funds were established, two regional facilities have opened and three are in various stages of construction. We are anticipating the remaining three will be opened by the fall of 1994.

Due to delays in establishing the original financing terms for the regional facilities, the funds have accumulated beyond the expenditure limitation of $850,000. The original bond issued for financing these new regional facilities was $8 million, to be paid off in twenty annual payments. The facility funds have accumulated to just over ~~$1.9~~ 2.3 million.

Of available funds, $250,000 has been obligated for an interim assistance plan for the regions with facilities under construction. This plan provides for existing detention centers to take youth from the regions without facilities, provides transportation, and additional daily cost of care.

Additional allocations may be needed from the fund. The Saline County detention facility has requested $166,000 for renovations to meet licensing requirements. An as yet undetermined amount may be required to formalize Reno County detention center as the host for the sixth regional detention area. Staff estimate the cost for the Reno County facility to be between $500,000 and $600,000.

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RECOMMENDATION
The committee may want to consider the following options for use of the facilities funds:

- Provide a one time grant to existing detention facilities for "operational purposes."

- Establish grant programs for the development of community based services such as alternatives to detention, or to establish additional day reporting programs to reduce the need for detention or correctional beds.

- Require the use of these funds for the specific purpose of expansion of detention beds;

- Provide a one-time grant for capital improvements and base on going operating grants on uncommitted monies remaining after annual debt services are paid.

The Department also recommends a provision requiring facilities which receive these funds to not limit the availability of beds based on reimbursement rates.

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

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#12

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February 17, 1994

T. C. Anderson
Executive Director
Kansas Society of Certified
Public Accountants
400 S.W. Croix
Topeka, Kansas 66611

RE: Senate Bill No. 582 (1994) as amended Feb. 11, 1994

Dear T. C.:

You have requested that we furnish you with answers to the following questions regarding SB No. 582 as amended by your proposed balloons on February 11, 1994:

1. Does SB 582 and the amendments thereto contained in the attached balloon adversely affect the concept that a partnership is responsible, to the extent of its assets, for the acts of its partners?; and

2. Are the liability-limiting aspects of SB 582 and the amendments thereto contained in the attached balloon stronger than those provided members or managers of a Kansas limited liability company?.

Based upon our review of Senate Bill No. 582 as amended and pertinent provisions of the Kansas Uniform Partnership Act, we believe that the amended bill will not adversely affect the liability of a partnership, to the extent of its assets, for the wrongful acts of its members. In this regard, Senate Bill No. 582 does nothing to alter or affect K.S.A. 56-313, which states that "[w]here, by any wrongful act or omission of any partner acting in the ordinary course of the business of the partnership or with the authority of his or her copartners, loss or injury is caused to any person, not being a partner in the partnership, or any penalty is incurred, the partnership is liable therefor to the same extent as the partner so acting or omitting to act." Therefore, we believe that the enactment of Senate Bill No. 582 as amended will not adversely affect the existing the general rule of partnership liability.

Based upon our review of Senate Bill No. 582 as amended and pertinent provisions of the Kansas Limited Liability Company Act,

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attachment 12-1

we believe that the liability-limiting aspects of the bill generally afford less protection to partners than is currently provided to members or managers of limited liability companies. In this regard, we direct your attention to K.S.A. 1993 Supp. 17-7620 and 17-7631. Together, these portions of the Kansas Limited Liability Company Act provide that no member or manager of a limited liability company is liable for any debts or obligations of the company to a third party, and may not be sued by a third party in any action against the company. Senate Bill No. 582 does not confer such sweeping general immunity from suit or liability to partners.

If you have any questions or require further information, please advise.

Very truly yours,

Kevin M. Fowler
FRIEDEN, HAYNES & FORBES

LAW OFFICES OF
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February 17, 1994

T. C. Anderson
Executive Director
Kansas Society of Certified
Public Accountants
400 S.W. Croix
Topeka, Kansas 66611

RE: Suggested Amendments to Senate Bill No. 582

Dear T. C.:

Pursuant to your request, we are furnishing this correspondence to separately address our suggested clarifying amendments to Senate Bill No. 582 as originally amended with your balloons on February 11, 1994.

Since the bill apparently intends to encompass foreign limited liability partnerships [see New Section 1(a)(6)], we suggest clarifying modifications to Sections 5(g) and 6(b) to avoid the potential for confusion or inconsistent interpretations regarding the scope of its application. In this regard, Section 5(g) does not currently include foreign limited liability partnerships within the definition of "registered limited liability partnership" and Section 6(b) could be construed as excluding foreign limited liability partnerships from the provisions of the Act. Section 5(g) should be amended to add the phrase "and any foreign limited liability partnership registered pursuant to New Section 1." Section 6(b) should also be amended to begin with the introductory phrase "Except as otherwise provided herein" to ensure that registered foreign limited liability partnerships are not excluded from the Act.

We further recommend that consideration be given to amending Section 7(b) of your proposed balloon language to substitute the phrase "not personally liable" for "not liable" in order to protect against any contention that the limitations on liability do not extend to partnership assets.

12-9

If you have any questions or require further information, please advise.

Very truly yours,

Kevin M. Fowler
FRIEDEN, HAYNES & FORBES

kf/ar

KANSAS
TRIAL LAWYERS ASSOCIATION
Jayhawk Tower, 700 SW Jackson, Suite 706, Topeka, Kansas 66603-3731
(913) 232-7756 FAX (913) 232-7730

February 22, 1994

TO: Senate Judiciary Sub-Committee on Civil Law

FROM: Richard H. Mason, Executive Director

SUBJECT: SB 605 - Immunity for Architects & Engineers

* *

On behalf of the members of the Kansas Trial Lawyers Association I wish to express our opposition to SB 605.

Each session there are bills introduced by various interest groups to immunize their members from liability for acts of negligence. The legislature is told this particular group has a special need for this protection.

The fact of the matter is we all would like to escape responsibility for our mistakes, but America's system of civil justice requires that we be held accountable for negligent actions that harm others.

SB 605 appears only to be addressing the possibility that some day someone might file a lawsuit against an architect or engineer that may be successful. We suggest this is a problem that does not deserve to be fixed and encourage you to reject SB 605.

Thank you for your consideration of KTLA's position on SB 605.

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2-24-94
Attachment 13-1

AIA Kansas

A Chapter of The American Institute of Architects

February 22, 1994

TO: Senator Harris and Members of the Senate Judiciary Subcommittee

FROM: Trudy Aron, Executive Director

RE: Support for SB 605

I am Trudy Aron, Executive Director of the American Institute of Architects in Kansas. I appreciate this opportunity to come before this subcommittee.

This Good Samaritan Bill gives architects and engineers liability protection when they are asked by a public official to provide voluntary structural inspection services at the scene of a declared national, state or local emergency. This bill would extend to architects and engineers the same immunity public officials, public safety officers, and city or county building inspectors receive under the state or municipal statutes as long as architects and engineers provide these services, without compensation, during times of disaster.

Each year Kansas experiences a number of tornadoes and other disasters. Sometimes these disasters are of such magnitude that the local building inspector at the location of the disaster does not have the personnel to inspect damaged buildings and determine their condition (from those which need no repair to those which are so heavily damaged that they require demolition). Architects and engineers are often needed to help the local building inspector supplement his/her staff in the inspection and determination of the condition of damaged structures.

Architects and engineers are protected by liability insurance for their errors and omissions. These policies do not cover design professionals when there is no contract. In a disaster, it is often impossible to find the owner before the inspection team visits a structure, let alone get a release from the owner. It is crucial that all potentially damaged buildings be inspected. Until these buildings can be inspected and tagged as to their safety, the community cannot start the rebuilding process.

AIA Kansas and the Heart of America Chapter of the International Conference of Building Officials (ICBO) have worked together to develop a Disaster Assistance Program which was accepted by the Kansas Division of Emergency Preparedness as part of the Kansas Disaster Plan. In the event of a disaster in which the local building inspector needs assistance, he/she will notify the Kansas Division of Emergency Preparedness office which will notify AIA/ICBO to contact the number of volunteers (architects, engineers, and/or building officials) needed at the disaster site. All volunteers must attend a training session prior to assisting at the site of a disaster. AIA Kansas has just received a grant which will enable us and our program partners ICBO to print and distribute the "Kansas Uniform Disaster Building Damage Assessment, Inspection and Recovery Plan" to each of Kansas' 105 counties. In addition to the plan, each county will receive a kit which will include all the forms, model ordinances, model news releases, identification signs, markers, etc. needed for inspections of structures.

This Good Samaritan bill is needed to protect architects and engineers who volunteer their services in times of disaster. We urge you to support this bill. Thank you.

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Statement to
Senate Subcommittee on Judiciary
Senate Bill 605

Mr. Chairman and members of the committee my name is George Barbee appearing today on behalf of the Kansas Consulting Engineers in support of Senate Bill 605.

Engineers perform their services with a high exposure to professional liability negligence suits from clients and third parties. They find themselves forced to carry professional liability insurance that costs about 4% of their annual gross billings. A firm with $1,000,000 in annual gross billings will pay about $30,000 to $40,000 in premium for a "claims made" policy issued for a one year period.

Engineers and architects are fearful of providing "free" services when it may have the effect of increasing their annual premium due to exposure by performing services without a contract. It certainly increases their exposure to claims for property damage or personal injury. They want to help when a disaster strikes our state. They are the ones who can make an informed assessment of the life safety to occupy a tornado damaged school, courthouse, hospital, etc. or to determine the safety of a flood damaged bridge.

The response to requests by public officials needs to be quick and as accurate as possible because of time restraints. This increases the possibility of negligence and the professionals reluctance to perform these services can only be alleviated with immunity to liability as offered in Senate Bill 605.

We all recall the terrible hurricane Andrew that struck southern Florida. After the hurricane the Florida Legislature passed "Good Samaritan" legislation to extend immunity to liability not only for architects and engineers, but a broad range of volunteers.

We are suggesting that Kansas not wait until the need has passed, but be prepared for the need of the future and act favorably on Senate Bill 605 to allow architects and engineers to step forward as volunteers when requested by public officials in the aftermath of a disaster.

Thank you for allowing us to appear on this bill as we urge you to act favorably on Senate Bill 605.

Session of 1994

SENATE BILL No. 671

By Senator Emert

2-3

AN ACT concerning crimes and punishment; relating to explosives; penalties therefor; amending K.S.A. 1993 Supp. 21-3731, 21-4209 and 21-4209a and repealing the existing sections.

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

Section 1. K.S.A. 1993 Supp. 21-3731 is hereby amended to read as follows: 21-3731. *(a)* Criminal use of explosives is the possession, manufacture or transportation of ~~any explosive or combustible substance with intent to use such substance to commit a crime, or the knowing delivery of such substance to another with knowledge that such other intends to use such substance to commit a crime~~ *commercial explosives; chemical compounds that form explosives; incendiary or explosive material, liquid or solid; detonators; blasting caps; military explosive fuse assemblies; squibs; or electric match or functional improvised fuse assemblies. For purposes of this section, explosives shall not include class "c" fireworks and legally obtained and transferred commercial explosives by licensed individuals.*

~~Criminal use of explosives is a severity level 8, person felony.~~

(b) Criminal use of explosives as defined in subsection (a) is a severity level ~~7,~~ person felony. Criminal use of explosives as defined in subsection (a) if the possession, manufacture or transportation is intended to be used to commit a crime or is delivered to another with knowledge that such other intends to use such substance to commit a crime ~~is a severity level 3, person felony. Criminal use of explosives as defined in subsection (a), if~~ a public safety officer is placed at risk to defuse such explosive~~, is a severity level 4, person felony. Criminal use of explosives, if~~ the explosive is introduced into a building in which there is another human being, is a severity level ~~5,~~ person felony.

Sec. 2. K.S.A. 1993 Supp. 21-4209 is hereby amended to read as follows: 21-4209. (a) Criminal disposal of explosives is knowingly selling, giving or otherwise transferring any explosive or detonating substance to:

(1) A person under ~~18~~ *21* years of age; or

(2) a person who is both addicted to and an unlawful user of a

Proposed Amendments to SB 671

8

,

or

6

Emert Attachment 14-1 2-20-94

controlled substance; or

(3) a person who, within the preceding five years, has been convicted of a felony under the laws of this or any other jurisdiction or has been released from imprisonment for a felony.

(b) Criminal disposal of explosives is a ~~class A nonperson misdemeanor~~ *severity level 10, person felony*.

Sec. 3. K.S.A. 1993 Supp. 21-4209a is hereby amended to read as follows: 21-4209a. (a) Criminal possession of explosives is the knowing possession of any explosive or detonating substance by a person who, within five years preceding such possession, has been convicted of a felony under the laws of this or any other jurisdiction or has been released from imprisonment for a felony.

(b) Criminal possession of explosives is a severity level ~~9, nonperson 8, person~~ felony.

(c) This section shall be part of and supplemental to the Kansas criminal code.

Sec. 4. K.S.A. 1993 Supp. 21-3731, 21-4209 and 21-4209a are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

14-2

TO: Senate Judiciary Committee

REF: Senate Bill No 671 - relating to explosives

Chairman; Members

My name is Clifford Hacker. I am Sheriff of Lyon County and a member of the Kansas Peace Officers Association. I am here to testify on behalf of the KPOA in favor of Senate Bill No 671. We believe this bill more clearly defines criminal use of explosives and indicates who can have and use explosives legally.

While we do not object to the 4 different severity levels, we would prefer to see the last 3 levels all be considered as severity level 3, person felonies. We believe to seriously endanger any person on purpose with an explosive is the same severity as intent to commit a crime.

Thank you for your consideration.

Clifford Hacker

Clifford Hacker
KPOA

Senate Judiciary
2-24-94
Attachment 15-1

TO: Senate Judiciary Committee

REF: Senate Bill No 628 - Relating to Arson

Chairman; Members

My name is Clifford Hacker. I am Sheriff of Lyon County and a member of the Kansas Peace Officers Association. I am here to testify on behalf of the KPOA in favor of Senate Bill No 628. We believe any arson to a residence should be considered at the highest severity level assigned to the crime of arson.

While subsection (b) indicates the severity level, we would ask for clarification in lines 32 through 36 to show arson to a residence would be a severity level 4, person felony with no consideration of the dollar amount of damage.

Thank you for your consideration.

Clifford Hacker

Clifford Hacker
KPOA

TO: Senate Judiciary Committee

REF: Senate bill no 670 - relating to Arson and Aggravated Arson

Chairman; Members

My name is Clifford Hacker. I am Sheriff of Lyon County and a member of the Kansas Peace Officers Association. I am here to testify on behalf of the KPOA in favor of Senate Bill No 670. We strongly agree that any arson or aggravated arson in which a person is killed should be an off-grid person felony. We believe this should include any person in the building or any person attempting to rescue, put out or investigate the arson or aggravated arson.

We would like to see this Bill combined with Senate Bill No 628 to create 2 levels for property damage of above and below $50,000. with the severity level set in Senate Bill No 628.

Thank you for your consideration.

Clifford Hacker

Clifford Hacker
KPOA

15-3

State of Kansas

KANSAS SENTENCING COMMISSION

Senate Bills 628 and 670
Senate Judiciary Committee
February 21, 1994
Comments of Lisa Moots

These bills involve significant increases in the severity levels of arson, aggravated arson, and related crimes. A significant increase in prison population can be expected as a result of these changes, particularly because the lowest severity level of arson (Damage resulting in loss of less than $25,000; Severity Level 7) is currently a presumptive probation crime for all offenders except in the two highest criminal history categories, and the proposal is to raise it to severity level 6 or 4 (depending on the extent of property damage), which would make it a presumptive prison crime except for offenders in the two lowest criminal history categories and which would also call for substantial prison sentences, particularly at level 4. This would also make arson where there is property damage of $50,000 or more a higher severity level crime than aggravated arson resulting in no substantial risk of body harm, which is only raised to severity level 5 in SB 670.

While I cannot at this point be all that specific about the possible impact of the proposed increases in the severity levels of these crimes, I can at least tell you this: In the 1989 sample conducted by the Sentencing Commission, there were twenty arson convictions, twelve at severity level 5 and eight at severity level 7. Assuming that the sample size (3280) was approximately 30% of the total convictions for that year, the result was a total of forty convictions at severity level 5 and twenty-seven at severity level 7, or a total of sixty-seven arson convictions that year; while the 1989 sample showed no aggravated arson convictions, we looked at the Department of Corrections 1992 admissions data and found seven total admissions for aggravated arson at severity level 3. This information indicates that the elevation of the least serious version of arson from severity level 7 to 6 alone will move at least thirty offenders a year from a presumptive probation to a presumptive prison part of the grid to serve an average sentence (criminal history category F) of 27 months.

The other provisions of SB 670 seeks an increase in the severity level of arson and aggravated arson when a person, including a public safety officer, is injured. However, such injuries would already be covered by the aggravated battery statutes; consequently, a better approach might be a specific provision that includes firemen or other public safety officers within the statutory definition of a law enforcement officer so that the

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stricter penalties for the crime of aggravated battery on a law enforcement officer (as compared to other aggravated battery) would be triggered when a firefighter is injured.

The other proposed amendments in SB 670 would make the death of a person as a result of an arson or aggravated arson an off-grid felony. However, this crime is already an off-grid crime, because it is covered by the felony murder provision of the first degree murder statute. See K.S.A. 21-3401 and 21-3436.

"Where Fire Safety Is A Way Of Life"

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Joan Finney
Governor

Edward C. Redmon
Fire Marshal

TESTIMONY OF
JIM CODER
ASSISTANT ATTORNEY GENERAL
KANSAS STATE FIRE MARSHAL'S OFFICE
BEFORE SENATE JUDICIARY SUBCOMMITTEE ON CRIMINAL LAW

FEBRUARY 21, 1994
SENATE BILL 670

On behalf of the State Fire Marshal I want to thank Senator Emert for introducing SB 670 and 671 for our office and for scheduling these hearings. We were not involved in SB 628, however we do not mind the provisions of that bill if the sections we requested regarding death and injury to firefighters and other emergency response personnel was included.

I would like to explain our philosophy on this bill. First, we are requesting that arson be considered a person crime. Unlike other "property" crimes, like theft, theft of services, forgery and the like, with arson over 95% of the time, there is an emergency response. Every time those red lights and sirens are used on those big red trucks, public servants, many of whom are volunteers put their lives in danger, and despite what some people say, firefighters are people too. For 1992, the latest data we have available, in the State of Kansas there were 2,445 identified incendiary fires. These fires caused 35 firefighter injuries, 7 civilian injuries, and 2 civilian deaths. The data base from which these figures were pulled does not differentiate between arson and aggravated arson, but it is clear that peoples lives are placed in danger whether it be arson or aggravated arson.

Secondly, there is a perception problem. For some reason, arson has not historically been viewed as a serious, dangerous crime. When arson was classified as a non-person crime, it helped to perpetuate that perception problem. Nationwide arson cost over $1.5 billion. It is serious. For some reason arson has been viewed as something between the perpetrator and the insurance company. However, the latest figures I have seen indicate that out of every $1.00 of fire insurance premium you and I pay, 25 cents goes to pay for fraudulent arson claims. That's the same as if someone held a gun on us and took our wallet.

We upped all the severity levels for all the various classes of crimes. Here again, we are not necessarily sold on the less than $25,000 the $25,000 to $50,000 or the over $50,000 distinctions. If the committee likes the levels that are proposed in SB 628 we certainly don't have a problem with that. We added a level of sentencing for injuries to anyone,

including firefighters. We think that is important for the sake of the fire service, plus it helps point out the arson is dangerous business. Similarly we have requested language for the death of a firefighter or anyone else during the commission of this crime. It is not clear whether a firefighter who dies in the line of duty at an arson fire is covered under the current felony murder rule. I think it probably is, but there is some question.

Finally, I just want to show you exactly why the office of the State Fire Marshal feels the way we do. I am going to show you pictures of just one of the fires we worked. This happened in Melrose in May 1992. Basically what happened was that a man couldn't sell his house so he decided to burn it down. In the process of trying to burn it down, he ended up blowing it up, which directly resulted in the house next door burning. An elderly couple barely escaped from that house. The explosion damaged every building in that small community. All told he was charged with 31 counts. He was convicted of just the one count of arson. AND HE GOT PROBATION! I defy you to look at these pictures or talk to anyone from Melrose and claim that arson is a non-person crime. Under the current sentencing guidelines he still would have gotten probation.

On behalf of the State Fire Marshal and all the fire departments and law enforcement agencies who deal with the crimes of arson and aggravated arson I urge you to support Senate Bill 670 and help us make arson a crime which people won't commit.

City of Olathe

TESTIMONY OF
W. KENT HARRIS
FIRE MARSHAL/HAZARDOUS DEVICES TECHNICIAN
OLATHE FIRE DEPARTMENT
BEFORE SENATE JUDICIARY SUBCOMMITTEE ON CRIMINAL LAW

FEBRUARY 21, 1994
SENATE BILL 671

On behalf of Fire and Law Enforcement personnel in Kansas, I would like to thank the Kansas State Fire Marshal's office for their efforts in the areas of Arson & Explosives prosecution.

I am before this subcommittee as a Fire Marshal and Law Enforcement officer. Our daily response to calls for assistance is answered without reservation, and for the protection of our citizens. Why I am here today is simple. The explosive prosecution laws of this state are inadequate for the protection of the citizen as well as the emergency responder.

As a bomb technician, I now want to take you on a few calls, and if you will, place you at this level of emergency response. The call is to a house fire, and first arriving crews advise fire showing and numerous explosions. This location is one block from the Johnson County Court House, Olathe. Once the fire is extinguished, you investigate the crews reports of large quantities of ammunition stored in the house. After securing the search waiver, you find not only ammunition, but hand grenades and live fuzes, pipe bomb components, and enough powder to fill all devices. Then there is the marijuana growing room.

Under Kansas Law, I can not file any charges for the hand grenades, fuzes, or pipe bomb components. This person will be placed on probation for the controlled substance only. The fire department and bomb squad was placed in life threatening danger to extinguish the blaze, and to render the devices safe as not to hurt any citizen or ourselves.

In another case, a report of an explosion occurs and crews find a male and two female occupants of a duplex severely injured. Upon investigation, a pipe bomb factory is found

by fire crews in the garage. The bomb squad responds and works sixteen hours to make the duplex safe. Over seventy pounds of explosives are recovered and stored. The investigation shows complete records of all sales and where chemicals were purchased to make these devices. When it comes time to file our hopeful felony charges, there is no Kansas Statute that will allow any prosecution. Again, endangered are emergency responders as well as the bomb squad while they render the devices safe for removal.

The most recent event is the Federal Court House bombing in Topeka, and the bombing in Oskaloosa, Kansas which was related. At the end of this day, the Olathe Fire Department Bomb Squad had rendered seven pipe bombs safe in Oskaloosa, and the Topeka area squads had attacked numerous devices in the court house.

We as Fire and Law Enforcement emergency response teams, are urging changes in Kansas Statutes that allow us to prosecute persons, that use fire and explosives for criminal acts. We urge you to make the mere possession of these devices a serious crime and allow us the chance to make the public safe.

"Where Fire Safety Is A Way Of Life"

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TESTIMONY OF
JIM CODER
ASSISTANT ATTORNEY GENERAL
KANSAS STATE FIRE MARSHAL'S OFFICE
BEFORE SENATE JUDICIARY SUBCOMMITTEE ON CRIMINAL LAW

FEBRUARY 21, 1994
SENATE BILL 671

This is another bill which our office requested. We are attempting to solve several problems. Quite frankly, the explosives laws in this state are woefully inadequate. You will hear some horror stories from Kent Harris, the fire marshal for the City of Olathe and a bomb tech on ATF's national response team. Under the current law, unless you can prove a criminal intent to use the explosives it is not illegal to possess. In other words, I could make a pipe bomb and have it sitting right here in front of me, and unless someone could prove I intended to make criminal use of that pipe bomb, it is not illegal.

We also have requested that we have a couple of sentencing levels added to the explosives laws to account for various intents. As proposed simple possession is severity level 7. If there is criminal intent which can be proven, it is a severity level 3. If a public safety officer, like Kent is put in danger defusing the weapon it would be a severity level 4 felony. Finally if the explosive is introduced into an occupied building it would be a severity level 5 felony.

Other than licensed individuals as taken into account in Section 1 of this bill, there is no reason in the world for anyone to have these types of explosives.

A perfect example of the problems with the current explosives laws was the rampage at the Federal Courthouse last summer. Our office received a call about a pickup explosion in Oskaloosa. Our chief investigator headed in that direction from here in Topeka. Somewhere between here and there, he met and passed Gary McKnight. Had there been an APB out on Mr. McKnight and had the investigator been able to stop him, the only explosive law he had violated at that point was Criminal possession, because he was a felon in possession of explosives. Under the current sentencing guidelines he would have received 8 to 10 months of probation.

Here are some of the pictures of a few of the explosive devices Mr. McKnight used in the Federal Courthouse. Again, and I think Kent will reiterate much of this. There is no

reason for anyone to be able to possess these kinds of explosive devices. They are easy to make though and under current law they can be made and possessed with impunity. We urge you to make mere possession of this type of device the serious crime which it is.

Kansas County & District Attorneys Association

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OMNIBUS WRITTEN TESTIMONY OF THE KANSAS COUNTY AND DISTRICT ATTORNEYS ASSOCIATION FOR MEMBERS OF THE SENATE JUDICIARY COMMITTEE

In recognition of the fact that the press of bills before the Judiciary Committees of both Houses has both limited the time allotted for individual presentations, and created scheduling conflicts for our government relations staff, KCDAA has prepared this omnibus written testimony on bills of interest to our members, as follows:

SB 525, commitment proceeding for sex offenders, SUPPORT.

SB 628, arson penalties, SUPPORT.

SB 648, concealed weapons licensure, OPPOSE.

SB 660, juvenile in possession of firearms, SUPPORT, if penalty reduced to misdemeanor.

SB 661, revocation of driving privileges, SUPPORT.

SB 670, increase arson penalties, SUPPORT, if off-grid penalty removed (covered by felony murder rule).

SB 671, explosives, SUPPORT if other penalties relating to explosives are raised.

SB 806, adding violations of ordinances and resolution to juvenile offender code, SUPPORT.

Senate Judiciary
2-24-94
attachment 16-1