

Approved: March 4, 1999  
Date

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Emert at 10:11 a.m. on March 3, 1999 in Room 123-S of the Capitol.

All members were present except: Senator Petty (excused)

Committee staff present:

Gordon Self, Revisor  
Mike Heim, Research  
Jerry Donaldson, Research  
Mary Blair, Secretary

Conferees appearing before the committee:

Senator Ed Pugh  
Bill Sneed, Kansas Peace Officers Association

Others attending: see attached list

The minutes of the March 2 meeting were approved on a motion by Senator Donovan and seconded by Senator Goodwin; carried.

**SB 314--an act concerning crimes; criminal procedure and punishment; relating to prosecuting persons who are 16 or more years of age as adults**

The meeting was chaired by Senator Vratil in Senator Emert's temporary absence.

Conferee Pugh summarized **SB 314**, a bill he introduced in Committee which lowers, from 18 to 16, the age at which people would be subject to the criminal code. He stated that the bill "gives judges the tools to respond appropriately to [juveniles] misdeeds, including jail sentences and fines in the county jail." He cited examples of young people who have committed criminal acts, yet are not punished under the criminal code because they are categorized as "juvenile offenders" and are processed under the juvenile code. He further stated that for the hardened young person, punishment under the juvenile code is ineffective as a deterrent to a life of further crime and recommended **SB 314** as a solution. (attachment 1) Lengthy discussion followed and included recognition of the impotency judges feel when dealing with juvenile offenders. Conferee Pugh cited written testimony regarding this offered by Judge Don Sallee. (attachment 2) Other discussion centered on public policy, procedural, and fiscal matters.

Conferee Sneed testified in support of the "intent encompassed" in **SB 314**. He stated that, statistically, juvenile crime is increasing and that placing the enforcement of crimes enumerated in the bill in the court system with discretion and latitude will provide a deterrent in the future. (attachment 3) Discussion followed and there was consensus that staff would do a statistical research on the number of juvenile offenders between the ages of 16-18 who have been certified to be treated as an adult. Currently the law allows prosecutors to treat juvenile offenders as adults in cases of rape or murder.

The meeting adjourned at 10:54 a.m. The next scheduled meeting is Thursday, March 4, 1999.

# SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: March 3, 1999

| NAME              | REPRESENTING             |
|-------------------|--------------------------|
| Bob Jones         | KSC                      |
| Kevin A. Stah     | KSC                      |
| Renee Foy         | WASHBURN UNIVERSITY      |
| Nancy Lindberg    | Atty Gen.                |
| Steve Johnson     | Ks ASAO                  |
| Vicki Lynn Nelson | DOB                      |
| Wesley Rediger    | JJA                      |
| Anthony Gillip    | SRS-CFS                  |
| JAMES CLARK       | KC DAA                   |
| Bill Sneed        | KPOA                     |
| Kately Purver     | OJA                      |
| Mike Sheehy       | Federica Consulting      |
| Ron Smith         | Ks Bar Assoc             |
| Ron Hammock       | CCL Winfield, Ks.        |
| Dana Kuhlmann     | Emporia State University |
|                   |                          |
|                   |                          |
|                   |                          |

5 Sub  
3-3-99  
at

**EDWARD W. PUGH**  
SENATOR, 1ST DISTRICT  
625 LINCOLN AVE.  
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TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS  
MEMBER: ENERGY AND NATURAL RESOURCES  
JUDICIARY  
UTILITIES  
RULES AND REGULATIONS

March 3, 1999

TESTIMONY TO THE SENATE JUDICIARY COMMITTEE  
on  
SB 314

Mr. Chairman, Members of the Committee,

I appear before you today to advocate the passage of SB 314. SB 314 addresses a problem much discussed in this body, that of dealing with young criminals. Our present law regarding young criminals treats all persons under 18 as juvenile offenders. Juvenile offenders are processed within the system by a procedure written much like a recipe book. You have heard repeated requests for alterations and amendments to these recipes. Indeed, I have heard many, many such requests in my short time in this legislature. When we do so, we make the words sound better but we are having little impact on the real world. A significant change in course is needed.

The present procedure for dealing with young criminals is based on the premise that they are some how delicate and possessed of a youthful innocence and malleability that will be more amenable to instruction and counsel than older persons.

This concept might have once had more credence than it does today. The youth of today, especially those prone to criminal activity, take on the life of an adult at an earlier age. My peers practicing law and serving on the bench tell me that the word is out, the word is out amongst juveniles that the system cannot touch them in any meaningful way. They in effect flip off the system, knowing that they do not have to pay a price to society for their misdeeds, no matter how overt their acts. There is little a judge can do - his hands are tied by the recipe book.

SB 314 would lower from 18 to 16 the age at which people would be subject to the criminal code. No longer would this age group, transitioning into the big-time criminal world, be immunized from paying for their actions. The immediate impact of lowering the age to 16 is that it gives judges the tools to respond appropriately to misdeeds, including jail sentences and fines in the county jail. My assistant has told me tales of young men in the Navy whose lives were turned around when they decided, after several days in the brig, that always living one step away from more brig time was not worth it. The same direct and prompt application of society's unhappiness with criminal actions applies also to the civilian world.

Thank you for this opportunity to testify. I stand for questions.

Sen Pugh  
3-3-99  
att 1

S-218  
3-3-99

DON SALLEE  
District Magistrate Judge  
22<sup>nd</sup> Judicial District  
Troy, Kansas

Honorable Tim Emert  
Chairman Senate Judiciary Committee  
State Capitol  
Topeka, Kansas

Mr. Chairman, Committee Members

I apologize for being unable to be present in person to testify on SB314, but very much appreciate the opportunity to at least offer some thoughts in writing. The problem with Juveniles is increasing somewhat by the fact that we are seeing younger people doing what is usually seen in someone older. It isn't that the 16 and 17 year olds are doing better. It is that the 11 to 15 year olds are becoming worse. Small Judicial Districts and Counties have quite a problem when the Court decides that a Juvenile should be held. It costs \$150.00 a day to detain a Juvenile in a center. You have to transport that person quite a distance and can only hold them a short time until you have another hearing to decide to continue holding them. The first time only 48 hours, and then every seven days. It cost less to place someone in a nursing home then it does to place a Juvenile in a center. There are not a large percentage of these people that you need to do this to, but in the 16 and 17 year olds especially, if they have been before the Court perhaps several times at an early age, they are the people that may be dangerous or be heavy into drugs and know they really don't have much to fear from the Court. I believe in those cases if they knew they could be placed in the County Jail it would be a deterrent. I have experienced their attitude about losing their freedom and know that it is what they consider most precious. You can take away their drivers license and they still drive. You can order curfew and they really pay very little attention.

Sen. Judd  
3-3-99  
att 2

You can assess fines and order community service and much of the time they don't pay or do their time. Some are already a parent and accept none of the responsibility. It is a very frustrating problem for everyone involved. When they pride themselves in criminal adult behavior, they need to be treated as adults. We have some very costly programs and agencies in place to supposedly deal with the problem, but the outcome is not any better. I have experienced first hand the reaction to losing freedom and it really helps both with adults and children. I fully support SB314 and urge each of you to favorably consider it.

Thanking you in advance.



Don Sallee  
District Magistrate Judge  
22<sup>nd</sup> Judicial District

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3-3-99  
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# Kansas Peace Officers' Association

INCORPORATED

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## MEMORANDUM

TO: Senator Tim Emert  
Senate Judiciary Committee

FROM: William W. Sneed  
Kansas Peace Officers Association

DATE: March 3, 1999

RE: Senate Bill 314

Mr. Chairman, members of the committee, my name is Bill Sneed and I appear today on behalf of the Kansas Peace Officers Association (KPOA). KPOA, the largest professional law enforcement organization in Kansas, thanks the Committee for the opportunity to express its views concerning Senate Bill 314.

As the Committee is aware, in today's society more and more "juveniles" are committing more and more crimes as demonstrated by the national crime statistics. Due to these increases, our Association supports the intent encompassed in SB 314. Because of the majority of crimes enumerated in SB 314 are of such nature that we believe placing the enforcement in our court system with discretion and latitude will provide a deterrent in the future.

We recognize that the committee may wish to analyze each crime enumerated in SB 314 and determine its appropriateness in reducing the age. That, along with the review of what this bill may do to our confinement system are public policy issues that we believe are best left to the legislative body. However, we believe the intent of the bill is a worthy one and encourage the committee to work this bill.

*In Unity There Is Strength*

*Sen. Jud  
3-3-99  
att 3*

We appreciate the opportunity to present this testimony and if you have any questions, please feel free to contact me.

Very truly yours,



William W. Sneed

WWS/pk