

Approved: May 6, 2011
Date

MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairman Pat Colloton at 1:30 p.m. on March 16, 2011 in Room 144-S of the Capitol.

All members were present

Committee staff present:

Sean Ostrow, Office of the Revisor of Statutes
Jason Thompson, Office of the Revisor of Statutes
Lauren Douglass, Legislative Research
Robert Allison-Gallimore, Legislative Research
Jackie Lunn, Committee Assistant

Conferees appearing before the Committee:

Richard Short, Kansas Organization of State Employees
Laura Calhoun, Kansas Organization of State Employees
Bruce Miller, Kansas Organization of State Employees
Commissioner Curtis Whitten, Juvenile Justice Authority
Secretary Roberts, Kansas Department of Corrections

Others attending:

See attached.

Chairperson Colloton called the meeting to order and introduced Richard Short, Kansas Organization of State Employees, to give his testimony regarding the challenges facing Corrections. Mr. Short presented written copy of his testimony. (Attachment 1) Mr. Short stated he is a Corrections Officer II at the Topeka Correctional Facility (TFC). His facility has issues with contraband and safety and violence against officers from inmates. Both these problems are intertwined and he believes can be solved through stiffer penalties for inmates who violate protocol and procedure. He feels that currently, inmates are not being held accountable for their actions. In closing, he voiced his concerns with the budget cuts and how challenging it will be if they cut some of the personnel at the Topeka Correctional Facility.

Chairperson Colloton asked the committee to hold any questions until all the representatives of the Kansas Organization of State Employees have given their testimonies.

Chairperson Colloton introduced Laura Calhoun, to give her testimony. Ms. Calhoun did not present written copy of her testimony. She stated she was an executive board member of the Kansas Organization of State Employees and she works at the Lansing Correctional Facility. She has concerns with the budget cuts in the Department of Corrections. At the Lansing Correctional Facility they are already short handed. She also stated the statutes call for 40 hours refresher training for employees each year and that has already been cut back. Cutting back on personnel and refresher training is a safety issue.

Chairperson Colloton introduced Bruce Miller, CIMI with KCI at the Hutchinson Correctional Facility (HCF). Mr. Miller presented written copy of his testimony. (Attachment 2) He stated he is frustrated with the budget cuts to the Department of Corrections. The cuts have reduced the amount of training hours and increased the amount of work hours through overtime, which in itself creates a loss of revenue. Along with that, they have increased the amount of the population that the officers handle every day. In return these officers face an increase in assaults, batteries, and the risk of getting caught up in the games that are played out within the correctional setting that the possibility of disciplinary action, time off without pay, termination, and the possibly of lawsuits and or criminal charges brought on by the above factors. In closing he stated with the thought of layoffs, furloughs, and terminations due to the stress of working with less protection and greater liability, I cannot see how they can provide an environment that is conducive to the mission statement of the KDOC.

A question and answer session followed.

Chairperson Colloton introduced Secretary Roberts, Department of Corrections, to give an update on the

Department of Corrections. Secretary Roberts stated the Department of Corrections is having a very challenging year. They took an \$8.4 million cut in their budget, which has resulted in reductions in some staff and reductions in some operating expense money. He noted that most cuts were from the Division of Budget. He also addressed the issue they are facing with over capacity populations in the correctional facilities across the state. He stated that for the last five weeks they have been 130 to 176 over. With this trend continuing, there will be a gain of 1,960 offenders over capacity in the near future. The Department of Corrections is facing budgetary downturns with the population increasing. It was noted that the Topeka Correctional Facility is facing more challenges than the other facilities. The Chair requested information regarding budget cuts to the Department of Corrections and where the cuts will have to be made along with the plan of the Department of Corrections. She would like to have the information before the budget is approved.

A question and answer session followed.

Chairperson Colloton introduced Commissioner Curtis Whitten, Juvenile Justice Authority, to request an amendment to be added to an existing bill. Commissioner Whitten offered a written copy of the amendment he would like to offer regarding high school diplomas. (Attachment 3) He stated youth assigned to the custody of either SRS or JJA are often included in high school earning credit activities but may be moved from one high school to another during their placement. Both agencies make efforts to use education as a positive goal to motivate youth toward improved behavior or life progress. However, on occasion, a youth will have earned the minimum state requirements for a high school graduation diploma but will not have a diploma issuing authority. The requested amendment would permit and direct the issuance of a diploma by an appropriate school district upon meeting the specified pre-conditions.

SB 23-- Children and minors; relating to jury trials

Chairperson Colloton called on Sean Ostrow, Office of the Revisor of Statutes, to explain where the amendment would fit into **SB 23**. Mr. Ostrow also explained the intent of SB 23 to the Committee.

A discussion followed.

Representative Kinzer made a motion to pass SB 23 out favorably, Representative Pauls seconded.

Representative Kinzer made a substitute motion to add the amendment of JJA in the appropriate section and any technical cleanup needed. Representative McCray-Miller seconded.

A discussion followed.

Chairperson Colloton called for a vote on the motion on the floor to add the JJA amendment to SB 23. Motion carried.

The discussion continued on **SB 23**.

Representative Kinzer made a motion to pass SB 23 out favorably as amended. Representative Brookens seconded. Motion carried.

HB 2322-Amendments to the Kansas offender registration act

Chairperson Colloton moved the Committee's attention to **HB 2322** (the Adam Walsh Act) stating the Committee had two empty bills and they could use one for the Adam Walsh Act.

Representative Moxley made a motion to put the Adam Wash Act which is HB 2322 into the shell of SB 37. Representative Smith seconded.

A discussion followed.

Chairperson Colloton called for a vote on the motion on the floor to put HB 2322 into the SB 37 shell. Motion carried.

Representative Pauls made a motion to pass SB 37 out favorably as amended. Representative McCray-Miller seconded. Motion carried.

HB-2031-Allowing the attorney general or the county or district attorney to request of the district court the convening of a grand jury to investigate alleged violations of serious felonies. ([more](#))

HB 2371-Amending the provisions of community corrections grants and continuing such programs in certain counties

SB 60-Crimes, criminal punishment and procedure; relating to grand juries, relating to appeals;

relating to community corrections

Chairperson Colloton moved the Committee's attention to SB 60.

A discussion followed regarding HB 2031.

Representative Kinzer made a motion to pass SB 60 out favorably. Representative Pauls seconded.

The discussion continued with Representative Kinzer making a substitute motion to put HB 2031 as it was passed by the body of the House, in SB 60. Representative Smith seconded. Motion carried.

The discussion continued regarding HB 2371.

Representative Kinzer made a motion to put HB 2371 into SB 60. Representative McCray Miller seconded. Motion carried.

Chairperson Colloton called on Sean Ostrow, Office of the Revisor of Statutes, to explain SB 60.

Representative Kinzer made a motion to pass SB 60 out as amended. Representative Smith seconded. Motion carried

Chairperson Colloton adjourned the meeting at 3:10 pm with the next meeting scheduled for Friday, March 18, 2011 in room 144-S.