



Kansas County & District Attorneys Association

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To: Chairman Wilborn and Members of the Senate Judiciary Committee

From: Kim T Parker, Prosecutor Coordinator: Kansas County and District Attorney's Association

Date: March 14, 2017

Re: Opposition to House Bill 2093

Good Afternoon Senator Wilborn and to your Committee,

Thank you for the opportunity to provide testimony in opposition to HB2093. Today, I am addressing you on behalf of the Kansas County and District Attorney's Association and the many Kansas prosecutors they represent. Today I would offer opposition to the proposed language of HB2093 and suggest other options that would provide greater protection for the citizens of Kansas from criminal offenders, provide greater incentive for individuals who have juvenile adjudications to remain crime free, and remain in keeping with the purpose of Kansas Sentencing Guidelines, without further erosion.

The current statute, section (4), allows for a decay of juvenile adjudications at the age of 25, regardless of the number of adjudications or convictions the individual may have accumulated prior to reoffending again. This creates an inequity by giving those who have reoffended multiple times the same benefit as those who have been law abiders for several years, simply because they turn 25yrs of age.

The new section (5) considers this inequity allowing for decay of previous adjudications to those who have no new adjudications or convictions. The problem presented by the new section comes with the shorter passage of time before an offender can reap the benefits of the decay. Under this new proposed language; if a juvenile commits a drive by shooting, sells heroin, breaks into someone home, at the age of 16-17years they can commit a new offense at age 22-23years with no accounting for their criminal history. The current decay section requires that 7years would pass, when the 17yr old reaches age 25yrs before the decay could occur. Therefore, we propose that if this new section is added that it at least require the passage of 7years or more before decay.

We urge this committee to consider rolling back the Severity Level of the crimes included. Currently felony crimes included in Severity Levels 6-10 include several crimes against a person as well as other serious offenses, for example, Aggravated Battery, Aggravated Assault, Firing at an occupied building, sale of heroin and other drugs, domestic violence and burglary to homes and business. Kansas prosecutors are responsible for keeping our citizens safe from crime and from offenders who engage in the most harmful, hurtful and dangerous behaviors. An individual's criminal history is critical to that assessment, when an individual commits another crime.



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Finally, it is important for this committee to know that juvenile offenses can be expunged under the current expungement statute. Expungements allow for individual consideration and looks at the underlying facts of a case, rather than a one size fits all approach. The expungement statute allows individual to remove their criminal history in hopes of enhancing their employment possibilities, while retaining our ability to hold repeat offenders accountable through their criminal history. Prosecutors across the state of Kansas are processing expungements for juvenile adjudications all the time.

Thank you for your time and consideration of this important matter that effects the safety of the citizens of this great state. On behalf of the Kansas County and District Attorney's Association I urge you to decline HB2093 in its current form. I am open for questions.

Respectfully submitted

Kim T Parker, Prosecutor Coordinator, 316-650-7267

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