



*The Kansas District Judges' Association*



**SENATE COMMITTEE ON JUDICIARY**

**Hon. Sen. Rick Wilborn, Chair**  
**Hon. Sen. Eric Rucker, Vice Chair**  
**Hon. Vic Miller, R. M. Member**  
**February 22, 2019 at 10:30 a.m.**  
**Room 346-S**

Chief Judge Merlin G. Wheeler

Fifth Judicial District

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WRITTEN TESTIMONY IN OPPOSITION TO SENATE BILL 89

Thank you for the opportunity to present testimony in opposition to SB 89. I am Merlin G. Wheeler, Chief Judge of the Fifth Judicial District (Lyon and Chase Counties) and a member of the Executive Committee of the Kansas District Judges Association (KDJA). I also serve as one of three Legislative Co-Chairs of the association along with Chief Judge Thomas Kelly Ryan of the 10<sup>th</sup> Judicial District and Chief Judge Glenn R. Braun of the 23<sup>rd</sup> Judicial District.

One amendment to K.S.A. 74-9501 proposed by this bill extends the duties of the Criminal Justice Coordinating Council (CJCC) to the analysis of policies governing the use of therapeutic courts. Our opposition to this proposal stems primarily from the view that it unnecessarily duplicates and potentially interferes with the work of the Kansas Supreme Court as it exercises its constitutional duty to oversee and manage all of the courts in Kansas.

The Supreme Court has invested significant effort and resources into the study and management of therapeutic courts. Under these auspices, judicial districts have developed several types of specialty courts. These include Veteran's Courts, Mental Health Courts, and Home Courts (dealing with parental capacity to protect issues in Child in Need of Care and Juvenile Offender cases). It is important to note that many of these therapeutic courts deal with issues unrelated to the criminal justice system. We therefore note that inclusion of therapeutic courts exceeds the original scope of the KJCC and involves it in matters not related to crimes or punishment.

All of our therapeutic courts are required to adhere to standards established by our Supreme Court including the requirement of the use of evidence based practices. Involving this body into further study and analysis is, in our view, an unnecessary duplication of efforts which negatively impacts available resources of the court system. Finally, in addition to the negative financial impact on the Courts, the corresponding demands for information from judges operating the courts would certainly adversely impact the time available to that judge to devote to the operation and management of the specialty court.

For these reasons, KDJA respectfully opposes passage of 2019 SB 89.

Thank you,

Hon. Merlin G. Wheeler  
Chief Judge 5<sup>th</sup> Judicial District

Hon. Thomas Kelly Ryan  
Chief Judge 10<sup>th</sup> Judicial District

Hon. Glenn R. Braun  
Chief Judge 23<sup>rd</sup> Judicial District