

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on January 31, 2007 in Room 313-S of the Capitol.

All members were present except:
Kevin Yoder- excused

Committee staff present:
Jerry Ann Donaldson, Kansas Legislative Research
Athena Andaya, Kansas Legislative Research
Jill Wolters, Office of Revisor of Statutes
Duston Slinkard, Office of Revisor of Statutes
Cindy O'Neal, Committee Assistant

Conferees appearing before the committee:
Don Jordan, Chairman, Sex Offender Policy Board
Roger Werholtz, Secretary, Kansas Department of Corrections
Tim Madden, Kansas Department of Corrections
Representative Shirley Palmer
Rhonda Allen, Citizen

The committee received a briefing on the recommendations of the Sex Offender Policy Board from its chairman, Don Jordan. Some of the recommendations are listed below. (For a complete copy of the report contact the Kansas Criminal Justice Coordinating Council.)

- Utilization of Electronic Monitoring for Sex Offenders
 - Electronic monitoring, when used alone will not change the behavior or provide security of the communities.
 - While technology continues to improve, and the usage grows it will be important to continually have discussions and develop policy for using such devices.
 - Electronic monitoring can be used on selective population of sex offender.
- Public Notification Pertaining to Sex Offenders
 - Over the next three legislative sessions, Kansas should take steps to fulfill the requirements for compliance with the Adam Walsh Child Protection and Safety Act of 2006. States can be penalized a 10 percent reduction in Edward Byrne Memorial Justice Assistance Grant funds if they do not comply.
 - There should be community education as to what is on the registry and how to effectively use it.
- Management of Juvenile Sex Offenders
 - A standardized risk-assessment tool should be adopted and used at several stages.
 - Appropriate training for juvenile sex offender treatment providers is imperative and family participation is crucial to effective treatment.
 - Adolescent sexual offenders need to face appropriate legal consequences and be held responsible for their acts
- Restrictions on Residence of Released Sex Offenders
 - While resident restrictions have strong public support, the Board found no evidence to support its efficacy.
 - The legislature should make permanent the moratorium on residential restrictions, but should allow for local units of governments the ability to regulate through zoning the location of congregate dwellings for offenders such as group homes.

Roger Werholtz, Secretary, Kansas Department of Corrections, informed the committee that current prison population is below the Kansas Sentencing Commission projections for capacity levels. ([Attachment 1](#))

Secretary Werholtz touched on four strategies that the Department is considering which will provide relief

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for prison population by changing sentencing options (Attachment 2):

1. Increase good time credits. (Currently an inmate can receive up to 15%, prior to receiving funds from VOI/TIS they could earn 20%, prior to the enactment of sentencing guidelines they could earn up to 50% good time credits.)
2. Give "awards" for completion of specific treatment and education programs
3. Review of sentencing system for proportionality
4. Lower revocations from probation and community corrections through additional community based resources and statutory changes.

The hearing on **HB 2190 - granting the secretary of corrections the discretion to dismiss conditional release violations**, was opened.

Tim Madden, Kansas Department of Corrections, appeared in support of the proposed bill which would provide clear statutory authority to the secretary or his designee to cancel the revocation proceedings initiated against a person on parole, conditional release, or post-release supervision. (Attachment 3)

The hearing on **HB 2190** was closed.

The hearing on **HB 2191 - unlawful sexual relations by volunteers in correctional institutions**, was opened.

Tim Madden, Kansas Department of Corrections, appeared as a proponent of the bill. It would expand current law to prohibit volunteers of the department and its contractors from engaging in unlawful sexual relation with inmates and those released under the volunteer's direct supervision and control. (Attachment 4)

Representative Shirley Palmer appeared before the committee to request an amendment to K.S.A. 21-3520 that would make it illegal for a teacher to enter into a relationship with any student who is enrolled in school(K-12) and is age 18 or younger. (Attachment 5)

Rhonda Allen, Citizen, appeared before the committee and relayed her family's story where her daughter was age 18, but still in high school, and became impregnated by a teacher. The district attorney would not file charges because she was 18 and it was consensual. (Attachment 6)

Tim Madden suggested that by striking the age of 16 there might not be the ability to charge an individual for statutory rape.

The hearing on **HB 2191** was closed.

The hearing on **HB 2193 - person committing new felony while on pretrial release for felony in another jurisdiction to be treated as the same as a person on release for a felony in Kansas**, was opened.

Tim Madden, Kansas Department of Corrections, explained that the proposed bill would permit a Kansas judge to sentence a defendant to prison if that defendant committed a new felony crime while out on bond for a felony charge pending in any other state. (Attachment 7)

The hearing on **HB 2193** was closed.

HB 2073 - fee increase authority for Sedgwick & Johnson county law libraries

Representative Ward made the motion to report HB 2073 favorably for passage. Representative Watkins seconded the motion.

Representative Ward made the substitute motion to amend the bill on page 1, line 43 (f) ..."such additional library fee shall be considered a docket fee for the purpose of K.S.A. 60-2001." and allow for revisors technical amendments in lines 23 & 26. Representative Watkins seconded the motion. The motion carried.

Representative Ward made the motion to report HB 2073 favorably for passage, as amended. Representative

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Watkins seconded the motion. The motion carried.

HB 2161 - counties; enforcement of county codes and resolutions

Representative Roth made the motion to report **HB 2161** favorably for passage, and because of its non-controversial nature, be placed on the consent calendar. Representative Crow seconded the motion. The motion carried.

The committee meeting adjourned at 5:00 a.m. The next meeting was scheduled for February 1, 2007.