

STATE OF KANSAS
Tenth Judicial District

OFFICE OF DISTRICT ATTORNEY
STEPHEN M. HOWE, DISTRICT ATTORNEY

February 8, 2013

House Corrections and Juvenile Justice Committee
Attention: Representative John Rubin, Chairman
State Capitol, Room 151B South
Topeka, Kansas 66612-1504

Re: House Bill 2170

Dear Chairman Rubin,

Thank you for the opportunity to submit this written response in support of HB 2170. Over the last several years, Johnson County has worked with the Justice Reinvestment group to produce better outcomes for everyone in the criminal justice system. The vast majority of this bill can assist in achieving the results we all wish to have, including a safer community and reduced recidivism. There are, however, segments of this bill that jeopardizes public safety with little chance of reducing recidivism.

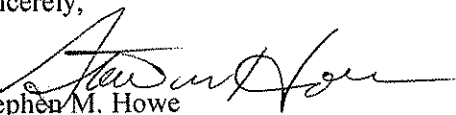
The overall theme of the bill is to provide non-prison sanctions for low level offenders in hopes of reducing recidivism. Since 1982, criminals who committed a new offense while on probation, bond or parole have faced a prison sentence and the new crimes shall be served consecutively to the prior offense. Criminals who continue to commit crimes while on probation, parole, bond, or while serving their sentence should not be provided leniency at the expense of law abiding citizens. This would occur with the proposed amendments to Section 1: K.S.A. 21-6604 f(1), (2),(3) and (5) and Section 2: K.S.A. 21-6606(c) and (d) , Section 7: K.S.A. 75-5217(c), which would take away presumptions that have been in place since 1982 L.1982, ch. 50. The proposed changes would provide relief to those career criminals who pose the greatest threat to our communities.

My second area of concern involves the provisions of Section 5: K.S.A. 22-3716(c)(1)(C)(D) and (E). These amendments take us back to the same problems we had before sentencing guidelines. The main purpose for adopting the sentencing guidelines was to provide truth in sentencing to the victims, the community, and to those in the criminal justice system. Under our current system, a sentence imposed means something. Adopting these provisions would mean reverting back to the confusing and inadequate pre-guideline laws which did not work and were the reason the sentencing guidelines were adopted. These proposed changes would also add significant costs to transporting inmates back and forth from District Court to the Penitentiary. Additionally, these provisions would result in thousands of additional court hearings and would create another level of appeals that would drive up the costs and resources of the courts and prosecutors throughout the State.

Allowing the bill to pass as written would create a huge burden on the Criminal Justice System and impact public safety. I would ask you strike the proposed amendments to the sections listed above.

I thank you for your time and would be happy to answer any questions you may have regarding the proposed legislation.

Sincerely,


Stephen M. Howe
Johnson County District Attorney