

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Senator Elwaine F. Pomeroy at
Chairperson

2:30 ~~am~~/p.m. on February 23, 1983 in room 123-S of the Capitol.

All members ~~were~~ present ~~except~~ were: Senators Pomeroy, Winter, Burke, Feleciano, Gaar, Gaines, Hess, Mulich, Steineger and Werts.

Committee staff present: Mike Heim, Legislative Research Department

Conferees appearing before the committee:

M. D. McKenney, United School Administrators of Kansas
Phil Magathan, Kansas Association of Court Service Officers
Charles Hamm, Social and Rehabilitation Services
Senator Bert Chaney
Judge Robert L. Morrison

Senate Bill 105 - Amendments relating to Code for Care of Children and Juvenile Offender Code.

M. C. McKenney testified he had concerns with the area that was aluded to by Mrs. Baker and Judge Morrison this morning. He stated they favor the idea that schools must be involved in this kind of a problem, and if this bill is amended in this way, they do support the amendment.

Phil Magathan reported his organization represents 200 professionals, and their representative committee has reviewed the bill, and they fully support it. He stated they strongly support the central depository for juvenile records. Committee discussion with him followed.

Charles Hamm appeared before the committee to discuss his department's concerns and support of the bill. He testified generally SRS supports all of the amendments in the bill. Their social service staff has concerns with Sections 15 and 16 of the bill. He discussed suggested amendments. Committee discussion with him followed. Mr. Hamm will bring in his suggestions in printed form.

Senator Chaney testified the NAACP would like to have three provisions in the bill; that the juvenile can be released immediately on bond; that no juvenile be incarcerated in a facility that is basically used for adults; and provide some way to notify parents immediately after the arrest. Copies of two newspaper articles are attached (See Attachments #1, #2).

Judge Morrison addressed a problem Charles Hamm had brought up before the committee, the question of where the law enforcement officer puts a child when they can't locate the parents. He said it resolves itself down to funding. We don't have anything that says who is going to pay that bill. We are talking about the child in need of care, a problem a lot of judges are facing is the child can't be returned home and what does the law enforcement officer do with the child. Some of the judges direct that the child be delivered to the representative of SRS. If the county is to pick up that child, the counties pick up that bill. Committee discussion followed concerning shelter facilities and who pays for the detention care. Mr. Hamm stated a shelter facility is for a child in need of care, and SRS should never pay for detention care. It is strictly a money problem. It costs around \$30 to \$40 a day to keep them. Following the discussion, Judge Morrison referred the committee to Section 31 of the bill and explained that his proposed amendment would clarify the responsibility.

Senator Gaines moved to approve the minutes of February 14, 1983; Senator Werts seconded the motion, and the motion carried.

The meeting adjourned.

8, '23/83

123-5

230 PM

GUESTS

SENATE JUDICIARY COMMITTEE

NAME	ADDRESS	ORGANIZATION
ANN L. SMITH	p. 19's OFFICE SN. Co. Courthouse	Asst D.A. (SN Co. (Juvenile))
Butch Groves	Topeka	Kid Council for Children's Youth
Ken Mule	Top.	State Bd of PDS
Brenda Hoyt	Topeka	Attorney General
Marjorie VanBuren	Topeka	OSA
Chrome Boyer	Olathe	—
Wade Boyer	Olathe	KBT
Robert L. Harrison	Wichita	District Court
Ken Waide	Topeka	SRS
Gene O'Neil	Topeka	SRS
Judith Kildun	Lawrence	KAC
Jim Clark	Topeka	KCPAA
Phil Magallon	" "	K.A.C.S.O.
Alleg L. Hurlbert	"	SRS
John L. Adam	"	SRS
Heather Bussing	Lawrence	Senator Rehman
JC Nease	Top KA	Jud. Com
Nancy Parrish	Topeka	Senate

12-year-old spends three days in jail

By Mark Enoch
Staff writer 1-30-83

Kai Hill said he slept only about five hours during the three nights he was in the Reno County jail last weekend.

"The reason I didn't get to sleep was because I was thinking about my mom and the murderer in the next cell," he said, although there are no convicted murderers in the jail.

Kai is 12 years old.

It isn't unusual for a juvenile to spend time in jail, since there is no other place in Reno County to detain them. It is unusual, though, for a child 12 or younger to be incarcerated.

A recent Juvenile Task Force report shows 342 children ages 7 to 17 were charged in juvenile cases from Jan. 1-Oct. 15, 1979. Of those, only 11 were Kai's age.

Of the 342 juveniles charged, 150 of those were jailed, and a correspondingly lower number were Kai's age.

Juvenile authorities have since been trying to find alternatives to jail: 114 children were jailed in 1982 and the Reno County Youth Shelter is scheduled to open later this year.

Kai said he was taken to jail after a confrontation with a schoolmate in the Allen Elementary School library. He said the schoolmate pushed him, so he pushed the other boy back.

"I tried to tell the teacher what happened, she told me to shut up," he said.

The reason Kai went to jail may not be that simple, suggested Richard Flores, Allen School principal.

Flores said the confrontation was not an isolated incident for Kai.

"There was a step-by-step process outlined for this child," he said. "We did what we possibly could do to assist."

Kai's mother, Michele Hill, said her son has been in trouble before, such as when he stole some batteries last year in a grocery store. She said Kai was also sent last fall to the Youth Center at Beloit for a court-ordered evaluation.

Despite past problems, Ms. Hill said she was shocked after receiving a phone call that Friday afternoon from a social worker, informing her that Kai was in jail.



By Jim Morris

Kai Hill, 12, with his mother, Michele, outside the Reno County Law Enforcement Center.

"I was a nervous wreck the whole rest of the day," she said.

Kai said he didn't do much during those three days, the first time he had been behind bars.

"Just sat there, stared at the walls," he said. "I read all the names out where they were carved on the floor and the wall."

Kai said the jailers treated him well, giving him plenty to eat. He was alone in a four-person cell.

"They took away my shoes," he complained, though. "I asked if they had any extra TVs or radios, and they said they didn't have any."

Kai said he did not like the thin mattress and he once heard someone say to somebody else, "I'm going to get you tonight."

"Every 15-30 minutes they open those little square windows and see what's happening," he said. "It got kind of scary."

"There has been murderers break out of their cells and kill other people. I kept asking them about books but they never did bring any."

Kai said he ate his meals alone in his cell and only talked to a few people — mostly the person in the next cell, another juvenile accused of voluntary manslaughter.

Ms. Hill said officials — a Social and Rehabilitation Services case worker and a juvenile probation officer — told her she could not get her son out of jail during the weekend. She said she was so upset she didn't think about calling a lawyer.

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Monday morning, she learned that former county attorney Joe McCarville was her son's court-appointed lawyer.

"The first thing he (McCarville) said is 'I don't see no sense in getting him out,'" she said.

McCarville said that is not quite what he told Ms. Hill and her brother, Mike Hill.

"I told them I wasn't going to ask a judge to release him until I found out

why he was in there," McCarville said.

McCarville said he then finished what he was doing when the Hills approached him in the courthouse — checking the file on Kai kept by juvenile authorities. When done, McCarville said he asked for a detention hearing, which took place less than 1 1/2 hours later.

Ms. Hill then got her son out of jail about noon on \$150 bond.

"Everybody I talked to was pretty upset that he was in jail," said Michele's brother, Mike Hill. "Everybody said let him out except the man who was supposed to be his attorney."

Hill said they fired McCarville and hired attorney Kerry Granger with their own money.

"I don't feel that anybody ought to be locked in places with bank robbers and murderers," Ms. Hill said.

"Kids get in fights every day," said a friend of the Hills, Charles Oliver Jr. "Does that mean every time you push and shove somebody in school you go to jail?"

Atch. 1

