

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Senator Robert Frey at
Chairperson

10:00 a.m./p.m. on March 4, 1985 in room 514-S of the Capitol.

All members ~~were~~ present ~~except~~: Senators Frey, Hoferer, Burke, Feleciano, Gaines, Langworthy, Parrish, Talkington, Winter and Yost.

Committee staff present:

Mary Torrence, Office of Revisor of Statutes
Mike Heim, Legislative Research Department
Jerry Donaldson, Legislative Research Department

Conferees appearing before the committee:

Elwaine Pomeroy, Kansas Adult Authority

Senate Bill 282 - Sentencing, parole eligibility and conditions of parole.

Elwaine Pomeroy, Kansas Adult Authority, explained this bill was introduced at his request. It is designed to eliminate some confusion and some controversies that arise. The first amendment is designed to make it clear that the parole board would be able to make meaningful the consecutive sentence. Mr. Pomeroy pointed out the name of the agency is going to change on January 1, 1986, to the Kansas Parole Board. In line 41 he proposed the wording, "for conditional release", be inserted after "parole". Mr. Pomeroy presented an amendment in line 21, Section 1, K.S.A. 21-4608, and read the proposed language. He explained the amendments in the bill.

Senate Bill 222 - Reopening estates for purpose of executing or delivery deed.

Senator Talkington explained his bill. Following his explanation, Senator Talkington moved to amend the bill in Section 2, inserting "any interested party" following "Kansas,". Senator Gaines seconded the motion. The motion carried.

Senator Talkington moved to report the bill favorably as amended. Senator Gaines seconded the motion. The motion carried.

Senate Bill 282 - Sentencing, parole eligibility and conditions of parole.

Following committee discussion and review of the bill, Senator Gaines moved to amend the bill conceptually as recommended by Elwaine Pomeroy, Kansas Adult Authority. Senator Hoferer seconded the motion. The motion carried.

Senator Gaines moved to report the bill favorably as amended. Senator Langworthy seconded the motion. The motion carried.

Senate Bill 2 - Prohibition against holding juveniles in adult jail.

Committee discussion was held on the bill. A committee member explained the proposed amendments (See Attachment I).

Senator Parrish moved to amend the bill by adopting the proposed amendments in the handout and also add "one shall be a court services officer

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
room 514-S, Statehouse, at 10:00 a.m./~~pm~~ on March 4, 1985

Senate Bill 2 continued

appointed by the chief justice of the Kansas supreme court," in Section 9 of the bill. Senator Winter seconded the motion.

Senator Burke made a conceptual motion to amend the bill wherever necessary to provide juveniles have separate facilities in compliance with the federal guidelines. Senator Hoferer seconded the motion. The motion carried.

Senator Yost moved to amend the bill on page 8, line 278, changing six hours to twelve hours. Senator Hoferer seconded the motion.

Senator Yost withdrew his motion.

Senator Parrish moved to report the bill favorably as amended. Senator Hoferer seconded the motion. The motion carried.

The meeting adjourned.

Copy of the guest list is attached (See Attachment II).

Attach. I

0342 offender to the facility at the time designated by the secretary.
 0343 (b) *Actions by the secretary.* (1) After receiving notice of
 0344 commitment as provided in subsection (a), the secretary shall
 0345 give the committing court notice designating the state youth
 0346 center to which the juvenile offender is to be admitted and the
 0347 date of the admission.

0348 (2) The secretary shall not permit the juvenile offender to
 0349 remain detained in any jail for more than 72 hours, excluding
 0350 Saturdays, Sundays and legal holidays, after the secretary has
 0351 received the written order of commitment, except that, if the
 0352 commitment or another appropriate placement cannot be ac-
 0353 complished, the offender may remain in jail for an additional
 0354 period of time, not exceeding 10 days, which is specified by the
 0355 secretary and approved by the court. Except as provided by
 0356 section 6, the secretary may make any temporary out-of-home
 0357 placement the secretary deems appropriate, other than place-
 0358 ment in a jail, pending placement of the juvenile offender in a
 0359 state youth center, and the secretary shall notify the court of that
 0360 placement.

0361 (c) *Transfers.* During the time a juvenile offender remains
 0362 committed to a state youth center, the secretary may transfer the
 0363 juvenile offender from one state youth center to another.

0364 Sec. 9. K.S.A. 75-5388 is hereby amended to read as follows:
 0365 75-5388. There is hereby established, ~~within and as a part of the~~
 0366 ~~department of social and rehabilitation services,~~ an advisory
 0367 commission on juvenile offender programs. The commission
 0368 shall consist of 13 members as follows: One shall be the secretary
 0369 of social and rehabilitation services or the secretary's designee,
 0370 one shall be the commissioner of education or the commis-
 0371 sioner's designee, one shall be the attorney general or the attor-
 0372 ney general's designee, two shall be from judges of the district
 0373 court appointed by the chief justice of the Kansas supreme court,
 0374 one shall be a member of the senate appointed by the president
 0375 of the senate, one shall be a member of the senate appointed by
 0376 the minority leader of the senate, one shall be a member of the
 0377 house of representatives appointed by the speaker of the house
 0378 of representatives, one shall be a member of the house of repre-

----- (restore) within and as a part of the
 department of social and rehabilitation
 services,

Attach. I
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Attch. I

0453 shall be the duty of the advisory commission to confer, advise,
 0454 and consult with the director of juvenile offender programs with
 0455 respect to the policies governing the management and operation
 0456 of all services, programs or institutions under the jurisdiction of
 0457 the commissioner. The commission shall also consult with and
 0458 advise the governor from time to time with reference to the
 0459 management, conduct and operations of institutions and services
 0460 and programs relating to juvenile offenders. A member or mem-
 0461 bers of the advisory commission shall, from time to time, visit
 0462 each institution providing services or programs for juvenile of-
 0463 fenders for the purpose of inspecting same. Such visits shall be
 0464 made at such times and in such manner as the advisory commis-
 0465 sion shall determine at a regular meeting thereof.

0466 *The advisory commission shall oversee the implementation of*
 0467 *the mandated removal of juveniles from adult jails and shall*
 0468 *assist in the development of nonsecure local or regional alter-*
 0469 *natives to detention of juveniles. For this purpose, the advisory*
 0470 *commission shall advise and consult with local governmental*
 0471 *officials and private persons interested in developing nonsecure*
 0472 *alternatives to detention. In addition, the advisory commission*
 0473 *shall ~~administer~~ any moneys appropriated or otherwise avail-*
 0474 *able for developing or maintaining facilities or programs which*
 0475 *provide nonsecure alternatives to detention of juveniles ~~and~~*
 0476 *may apply for and accept any moneys made available for that*
 0477 *purpose. Expenditures of such moneys shall be made in accord-*
 0478 *ance with appropriation acts upon warrants of the director of*
 0479 *accounts and reports issued pursuant to vouchers approved by*
 0480 *the ~~chairperson, or a person designated by the chairperson, of~~*
 0481 *the advisory commission.*

advise the secretary of social and rehabilitation services and the commissioner of youth services in detail on the expenditures of

and transportation of juveniles to alternatives to jail

secretary of social and rehabilitation services or by a person or persons designated by the secretary.

0482 The advisory commission shall make reports at least annually
 0483 to the governor, the commissioner of education, the secretary of
 0484 social and rehabilitation services, the attorney general, the chief
 0485 justice of the Kansas supreme court and the members of the
 0486 legislature, and make such recommendations as it deems advis-
 0487 able for appropriate legislation.

0488 The advisory commission shall be charged with the task of
 0489 making recommendations to those responsible for developing a