

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

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

12:30 ~~am~~/p.m. on March 5, 1985 in room 519-S of the Capitol.

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

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:

Senate Bill 168 - Community corrections, chargebacks, custody.

Copy of a letter from Judge James J. Noone concerning the bill is attached (See Attachment I). Committee discussion was held.

Senator Gaines moved to amend the bill by adopting Judge Noone's proposal and add "the honor camps". Senator Burke seconded the motion.

It was the consensus of the committee not to take action on the bill until after a matter is checked with Judge Noone.

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

The committee reconsidered the actions on Senate Bill 282.

Senator Burke moved to amend the bill by incorporating Senate Bill 169 into this bill and including language proposed by Elwaine Pomeroy. Senator Gaines seconded the motion. The motion carried.

Senator Burke moved to report Senate Bill 282 favorably as amended. Senator Langworthy seconded the motion. The motion carried.

Senate Bill 169 - Consecutive sentences; determination of beginning, release eligibility.

Senator Burke moved to report the bill adversely. Senator Winter seconded the motion. The motion carried.

Senate Bill 35 - Kansas Comparative Fault Act.

Following committee discussion, it was the consensus of the committee the chairman write a letter to request an interim study on the subject.

Senate Bill 261 - Contract for attorney fees incurred in foreclosure of mortgage.

Senator Gaines moved to report the bill favorably. Senator Burke seconded the motion.

Senator Talkington made a substitution motion to amend the bill by striking "first". Senator Winter seconded the motion.

The motions were withdrawn.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,  
room 519-S, Statehouse, at 12:30 ~~xx~~/p.m. on March 5, 1985.

Senate Bill 261 continued

Senator Winter moved to amend the bill in line 41, Subsection (b), by striking "first" and inserting "notwithstanding" in Subsection (a). Senator Burke seconded the motion. The motion carried.

The meeting adjourned.

3-5-85  
10 pm

**ADMINISTRATIVE OFFICES OF THE DISTRICT COURT**  
**EIGHTEENTH JUDICIAL DISTRICT**  
ROOM 1136 11TH FLOOR  
525 N. MAIN  
WICHITA, KANSAS 67203



**James J. Noone**  
**Administrative**  
**Judge**

(316) 268-7302

February 22, 1985

Senator Robert G. Frey  
Senate Judiciary Committee  
State Capitol Building  
Topeka, Ks. 66612

Re: Senate Bill #168

Dear Senator Frey:

Pursuant to our telephone conversation February 22nd, I wish to express the following opinions regarding New Section 1 of S.B. 168.

Sedgwick County does have a community corrections program in place. The judges do utilize this program as an alternative to incarceration and probation. Generally, individuals who are placed in community corrections are those first found to be ineligible for probation. Some are placed in community corrections as a condition of probation (or suspended sentence).

The proposed New Section 1 of S.B. 168 would, in effect, mean that all individuals in community corrections programs were either on probation or suspended sentence. The judges in this district feel that individuals placed in community corrections should in fact be in the custody of the Secretary of Corrections (except those who are specifically required to attend some community corrections program as a condition of probation).

Since most of the individuals we place in community corrections have already been determined by the Court after presentence investigation to be a poor risk for probation, New Section 1 would leave the judge with the option of incarceration in the state system, or placing on probation an individual he has already found to be a poor risk for probation. I am confident that adoption of New Section 1 would tend to decrease the number of individuals placed in community corrections.

3/5/85 PM  
Attach. I

As an alternative concept I would like to suggest the following:

The sentencing court should be authorized to sentence an individual to the Secretary of Corrections and further provide, in a given case, that with the approval of the Secretary of Corrections the sentence could be served in a community corrections program, and that successful completion of such program would constitute satisfaction of the sentence imposed. This concept would require an amendment to K.S.A. 21-4603. Under those circumstances New Section 1 of S.B. 168 should provide that an individual placed in the community corrections program would be in the custody of the Secretary of Corrections if he/she were placed there by the Court to serve a sentence, but would not be if placed there as a condition of probation or conditional release.

*the honor  
comps*

Respectfully,

  
James J. Noone  
Administrative Judge

JJN/er

*Attch. I*