

Approved April 1, 1986  
Date

MINUTES OF THE House COMMITTEE ON Judiciary

The meeting was called to order by Chairman Joe Knopp at  
Chairperson

3:30 a.~~XX~~/p.m. on March 3, 1986 in room 313-S of the Capitol.

All members were present except:

Representatives Luzzati and Teagarden were excused.

Committee staff present:

Jerry Donaldson, Legislative Research Department  
Mary Torrence, Revisor of Statutes Office  
Jan Sims, Committee Secretary

Conferees appearing before the committee:

Rep. Ed Rolfs  
Marjorie Van Buren, Judicial Administrator's Office  
Phil Magathan, Kansas Association of Court Services Officers  
Don Stumbo, Crime Victims Reparation Board  
Rep. Clint Acheson

HB 2907 - An act concerning crimes and punishments; relating to sentencing and the ordering of restitution.

Rep. Ed Rolfs appeared before the committee in support of this bill and explained the provisions of it. He said current law does not allow orders of restitution unless the defendant is being released on probation. This bill allows ordering of restitution even if a person serves the maximum term of imprisonment. Rep. Rolfs responded to questions by committee members concerning mixing civil and criminal procedures to accomplish restitution.

Marjorie Van Buren of the Judicial Administrator's Office appeared before the committee and handed out a copy of Supreme Court Administrative Order 41 regarding the current manner in which restitution is handled (Attachment 1). She was asked what "hammer" is held over a parolee ordered to pay restitution under the current system and responded that there is probably none.

HB 2924 - An act concerning crimes, punishments and criminal procedure; relating to restitution.

Rep. O'Neal explained the provisions of HB 2924 to the committee and explained that the courts have upheld restitution orders where it is tied to the defendant's freedom. Otherwise it has to stand on its own and becomes subject to a constitutionality challenge. If the court does not order restitution at the time of sentencing and the question of restitution comes up at the time of a parole hearing, it becomes a provision of parole. The Adult Authority makes it a part of parole, but many times the victim is by then gone and it is more difficult to determine the amount to be restored. At the time of the parole hearing the defendant may no longer be represented by the same attorney he had in the criminal proceeding and it is more difficult to protect the defendant's rights at that time. These problems could be avoided if restitution was made a part of the journal entry of sentencing. Rep. O'Neal suggested the Crime Victims Reparation Board act as a clearing house for cases where more than one county is receiving funds from the same defendant (Attachment 2). He offered amendments to the bill and presented a balloon (Attachment 3).

Phil Magathan of the Kansas Association of Court Service Officers appeared before the committee in opposition to HB 2924 (Attachment 4). He said many times it is not known by the time of sentencing what the total restitution should be in that medical services may be ongoing, etc. He also pointed out that things may change relative to recovery of property, etc. between the time of sentencing and parole hearing. He also stated that it is impossible for the crime victims reparation board to collect, monitor and distribute all payments of restitution.

Don Stumbo of the Crime Victim Reparation Board appeared before the committee in opposition to HB 2924 stating that as Mr. Magathan said it would be impossible for his board

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Judiciary,  
room 313-S, Statehouse, at 3:30 ~~xxxx~~ a.m./p.m. on March 3, 19 86

to monitor all restitution payments. He presented a fiscal note for the bill. (Attachment 5)

HB 2927 - An act concerning crimes; relating to disposition of certain moneys received as a result of the commission of a crime.

Rep. Clint Acheson appeared before the committee in support of HB 2927 (Attachment 6). He explained the provisions of the bill would preclude those who commit crimes from capitalizing on their criminal activities. He presented a written statement from Rep. Martha Jenkins in support of the bill. (Attachment 7). Reps. Acheson and Jenkins both pointed out that other states have enacted legislation similar to this bill.

Phil Magathan appeared in support of this bill stating that the President's Task Force on Victims of Crime presented at a recent national conference on crime victims proposed state level legislative recommendations including the enactment of legislation of this type. He stated that as a professional probation officer working with offenders he can state that unjust enrichment from their offense does not benefit the rehabilitation of the offender. He said Kansas is one of the leading states in the area of victim compensation, restitution and pre-sentence victim impact statements and this legislation would continue those efforts. *Atch. 8*

Don Stumbo of the Crime Victims Reparations Board appeared before the committee stating that HB 2986 is a bill dealing with the same subject matter.

HB 2773 - An act concerning juvenile offenders; relating to the use of secure detention therefor.

Rep. Fuller moved that HB 2773 be amended to change "facility" to "juvenile detention facility" wherever "facility" appears in the bill. Seconded by Rep. Duncan. Motion carried on a voice vote. Rep. Fuller moved to report HB 2773 as amended favorable for passage. Seconded by Rep. Whiteman. Rep. O'Neal made a substitute motion to amend line 97 to add "or there is probable cause that the juvenile will not appear." Seconded by Rep. Vancrum. Substitute motion carried on a voice vote. Rep. O'Neal made a substitute motion to amend line 111 by adding "or has absconded from a nonsecured placement". Seconded by Rep. Vancrum. Substitute motion carried 7 votes to 6. Rep. Bideau made a conceptual substitute motion to have the court services officer in each district be available for consultation by the arresting officer as to placement of the juvenile detained. Seconded by Rep. Duncan. Substitute motion failed on a voice vote. Rep. Fuller's motion carried on a voice vote.

The Chairman adjourned the meeting at 5:20 P.M.

IN THE SUPREME COURT OF THE STATE OF KANSAS

Administrative Order No. 41

Re: Reparation and Restitution pursuant to K.S.A.  
1983 Supp. 21-4610(4)(a) or 38-1663(a) or (b)

1. In cases in which reparation or restitution is ordered pursuant to the requirements of K.S.A. 1983 Supp. 21-4610 or 38-1663, the total amount of reparation or restitution, the manner of payment if designated by the court, the names and addresses of the persons to whom restitution is to be made, and the amount to be paid each shall be journalized.

2. Imposition of restitution and determination of the amounts, recipients and manner of payment shall be a judicial function which shall not be assigned or delegated to the court services staff of the district court.

3. If, at the time reparation or restitution is ordered, the sentencing judge completes and files with the clerk of the district court a copy of the attached restitution order form (OJA-52) for each person being ordered to make reparation or restitution, the requirements of paragraph one of this order are satisfied.

4. It shall be the duty of the clerk of the district court to receive, disburse, account for and keep running balances of reparation and restitution payments coming into the court. The court services staff of the district court shall have access to the court's reparation and restitution payment records for the purpose of monitoring timely payment.

5. Unless otherwise required by law and except as otherwise directed by the court, moneys received from persons ordered to make reparation or restitution through the district court shall be credited to the following, in the order indicated, as applicable:

- a. Docket fee, costs and fines.
- b. Reparation or restitution.
- c. Reimbursement ordered pursuant to K.S.A. 1983 Supp. 21-4610(4)(b) for expenditures by the State Board of Indigents' Defense Services.

6. Court services staffs of the district courts shall monitor timely payment of reparation or restitution ordered. The Judicial Administrator shall develop a set of procedures for monitoring timely payment of reparation and restitution and recommend the procedures to the judges of the district courts and assist in the implementation of the procedures upon request of the district courts.

BY ORDER OF THE COURT this 6th day of March 1984.

  
ALFRED G. SCHROEDER  
Chief Justice

Attachment

Attachment 1  
House Judiciary  
March 3, 1986

(CAPTION)

Case No. \_\_\_\_\_

RESTITUTION ORDER

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, IT IS ORDERED that the above-named (defendant) (respondent) pay restitution in the total amount of \$\_\_\_\_\_ through the Office of the Clerk of the District Court to the persons and in the amounts and manner stated below:

<u>Name</u>	<u>Address</u>	<u>Amount</u>
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Restitution shall be paid in the following manner:

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\_\_\_\_\_  
(Judge)

## RESTITUTION

Restitution has created a major problem for the Criminal Justice System, and the people it is designed to help; the victim.

I do not think there is any need to go into the background of restitution, as I think most people in the system are aware of the problem.

In order to resolve the problem, three (3) changes are needed:

### (1). THE COURT

It should be the responsibility of the Court, at the time of sentencing, to find out what the amount of restitution is, to whom it should be paid. The Supreme Court issued an Administrative Order, No. 41, on March 6, 1984, designed to cover the restitution problem at the District Court level, (see attachment). The Court also developed a restitution form, OJA 52, to attach to the Journal Entry, (~~see attachment~~). At this point, restitution is covered in the Kansas Statutes, under 21-4610 (4a), (~~see attached~~). "Conditions of probation or suspended sentence". It is my contention that this part of the statute must be changed. If a person is not granted probation or the sentence suspended, then the court is not under any obligation to order restitution. The change in the statute would be that "The Court at the time of sentencing, would fix the amount of restitution, and to whom it would be paid. The mechanism is there to implement this. We are basically proposing that the procedure be utilized earlier, at the time of sentencing, as opposed to the time when and if probation or suspended sentence is granted. Also, under the proposed change in the statute, "if the Court fails to fix the amount of restitution at the time of sentencing, the defendant is not liable for the restitution".

### (2). THE KAA

Currently, the KAA has the power under KSA 22-3717 (g), "Parole procedure; rules and regulations; restitution as condition of parole", to impose restitution. The change we are proposing, is to strike from that section, the following: "If not specified in the Journal Entry, in an amount and manner determined by the Adult Authority". By striking this part, we feel that it will give the courts the added incentive to fix the amount of restitution, and to whom it should be paid, at the appropriate time; at sentencing.

Attachment 2  
House Judiciary  
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We do not feel it should be the responsibility of the KAA to determine the amount of restitution, and to whom it should be paid. This should be the responsibility of the court. In most cases, the KAA does not see the offender, until months or years later. To try to determine the amount of restitution and whom it should be paid to, is an impossible task and in most cases, not working. If the first part of my proposal is approved, the KAA responsibility would be to ensure that restitution is a condition of parole. The KAA would be obligated to set the amount of restitution as a condition of parole, as stipulated in the Journal Entry.

(3). CRIME VICTIM'S REPARATION BOARD

Crime Victim's Reparation Board; KSA 74-7301- 74-7318. My proposal is to expand the responsibilities of the Board. The Board would act as a clearinghouse for restitution ordered in all felony cases. The Board would maintain records of all restitution ordered in all felony cases. All payments from the offenders would be paid directly to the Board. The Board would in turn, make payments directly to the victims of record, (see attachment). Centralizing restitution would ensure that restitution is paid, and is not lost in the system. Victims would have one agency to deal with. The offender would have one agency to deal with. The Court, KAA, and DOC would have available to them, complete records, as to the amount of restitution, what has been paid, and to whom it has been paid to. The Board could, on a semi annual basis, a listing of all offenders, who are currently on probation and/or parole, who are obligated to pay restitution. The list would include all payments made during that time period. If the offender has not paid, then the agency supervising the offender can take the appropriate action, to find out why.

CRIME VICTIM'S REPARATION BOARD  
(PROPOSAL)

1. Defendant is convicted and sentenced - restitution is determined at that time and is included in the Journal Entry. If it is not included in the Journal Entry, the defendant cannot be held liable for restitution, (CVRB notified by JE).
2. CVRB set up restitution file.
3. The Court grants probation or suspends sentence. The CVRB is notified by JE (order of probation).
4. CVRB notifies the victim that they will disburse the payments to them, once received, and to keep them current, as to their address.
5. Defendant makes payments on restitution.
6. CVRB receives payment and deletes that amount from the total amount.
7. CVRB sends payment to victim and it is noted in the file.
8. Defendant's probation is revoked and is sentenced to the DOC. The Court notifies the CVRB by Journal Entry and the file is deactivated.
9. The KAA notifies the CVRB that the defendant is scheduled for a parole hearing.
10. The CVRB notifies the KAA, as to the amount still owed and payments that were made.
11. The CVRB is notified by parole certificate that the defendant has been paroled, and reactivates their file, and notifies the victim.
12. The defendant resumes restitution payments.

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IN THE SUPREME COURT OF THE STATE OF KANSAS

Administrative Order No. 41

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1. In cases in which reparation or restitution is ordered pursuant to the requirements of K.S.A. 1983 Supp. 21-4610 or 38-1663, the total amount of reparation or restitution, the manner of payment if designated by the court, the names and addresses of the persons to whom restitution is to be made, and the amount to be paid each shall be journalized.

2. Imposition of restitution and determination of the amounts, recipients and manner of payment shall be a judicial function which shall not be assigned or delegated to the court services staff of the district court.

3. If, at the time reparation or restitution is ordered, the sentencing judge completes and files with the clerk of the district court a copy of the attached restitution order form (OJA-52) for each person being ordered to make reparation or restitution, the requirements of paragraph one of this order are satisfied.


4. It shall be the duty of the clerk of the district court to receive, disburse, account for and keep running balances of reparation and restitution payments coming into the court. The court services staff of the district court shall have access to the court's reparation and restitution payment records for the purpose of monitoring timely payment.

5. Unless otherwise required by law and except as otherwise directed by the court, moneys received from persons ordered to make reparation or restitution through the district court shall be credited to the following, in the order indicated, as applicable:

- a. Docket fee, costs and fines.
- b. Reparation or restitution.
- c. Reimbursement ordered pursuant to K.S.A. 1983 Supp. 21-4610(4)(b) for expenditures by the State Board of Indigents' Defense Services.

6. Court services staffs of the district courts shall monitor timely payment of reparation or restitution ordered. The Judicial Administrator shall develop a set of procedures for monitoring timely payment of reparation and restitution and recommend the procedures to the judges of the district courts and assist in the implementation of the procedures upon request of the district courts.

BY ORDER OF THE COURT this 6th day of March 1984.

  
ALFRED G. SCHROEDER  
Chief Justice

Attachment

Next



0045 tion of such offender and shall make its finding known to the  
0046 court in the presentence report.

0047 (2) Whenever any person has been found guilty of a crime,  
0048 the court may adjudge any of the following:

0049 (a) Commit the defendant to the custody of the secretary of  
0050 corrections or, if confinement is for a term less than one year, to  
0051 jail for the term provided by law;

0052 (b) impose the fine applicable to the offense;

0053 (c) release the defendant on probation subject to such condi-  
0054 tions as the court may deem appropriate; ~~including orders re-~~  
0055 ~~quiring full or partial restitution;~~

0056 (d) suspend the imposition of the sentence subject to such  
0057 conditions as the court may deem appropriate; ~~including orders~~  
0058 ~~requiring full or partial restitution; or,~~

0059 ~~(e) order full or partial restitution; or~~

0060 ~~(f) impose any appropriate combination of (a), (b), (c) and, (d)~~  
0061 ~~and (e).~~

0062 In imposing a fine the court may authorize the payment  
0063 thereof in installments. In releasing a defendant on probation the  
0064 court shall direct that the defendant be under the supervision of  
0065 a court services officer.

0066 ~~In ordering restitution, the court shall fix the amount thereof~~  
0067 ~~and designate the person to whom it shall be paid. If the court~~  
0068 ~~fails to order restitution at the time of sentencing, the defendant~~  
0069 ~~shall not be required to pay restitution as a condition of parole~~  
0070 ~~or conditional release. The court in committing a defendant to~~  
0071 ~~the custody of the secretary of corrections shall fix a maximum~~  
0072 ~~term of confinement within the limits provided by law. In those~~  
0073 ~~cases where the law does not fix a maximum term of confinement~~  
0074 ~~for the crime for which the defendant was convicted, the court~~  
0075 ~~shall fix the maximum term of such confinement. In all cases~~  
0076 ~~where the defendant is committed to the custody of the secretary~~  
0077 ~~of corrections, the court shall fix the minimum term within the~~  
0078 ~~limits provided by law.~~

0079 (3) Any time within 120 days after a sentence is imposed or  
0080 within 120 days after probation has been revoked, the court may  
0081 modify such sentence or revocation of probation by directing that

, including orders requiring full or partial  
restitution

, including orders requiring full or partial  
restitution; or

(e)  
and (d)

If the court commits the defendant to the custody  
of the secretary of corrections or to jail, the  
court may order an amount of restitution to be  
paid by the defendant upon release on parole or  
conditional release. In ordering such

Attachment 3  
House Judiciary  
March 3, 1986

# KANSAS ASSOCIATION OF COURT SERVICES OFFICERS

## EXECUTIVE BOARD

### President

Cecil Aska  
Topeka

### Vice President

Kathy Russell  
Goodland

### Secretary

Sue Jilka  
Wichita

### Treasurer

Mark Bruce  
Parsons

### Nomination/Membership

Donna Hoener  
Olathe

### Legislative Chairperson

Phil Magathan  
Topeka

### Training Chairperson

Mark Gleeson  
Lawrence

### Parliamentarian

Nancy Trahan  
Salina

### Public Relations Chairperson

Royal Scott, Jr.  
Kansas City

### Immediate Past President

Douglas Smith  
Salina

## Testimony by Phil Magathan on House Bill 2924

Our association represents professionals working with a Kansas probation population of over 19,000 adult and juvenile offenders. In addition, we are providing Pre-sentence Victim/Impact Statements, Post-sentence Disposition Notification, and enforcement of over 8,000 court ordered restitution cases statewide for victims of crime.

The legislative committee of the K.A.C.S.O. has reviewed H.B. 2924 and is opposed to the language in this legislation.

### Specifically:

Page 2, Lines 66-69 does not allow flexibility needed to determine restitution.

Page 11, Lines 381-384 and 399-401 would be inappropriate and administratively impossible for the Crime Victims Reparation Board to collect, monitor, and disburse all payments of restitution.

Attachment 4  
House Judiciary  
March 3, 1986



STATE OF KANSAS  
CRIME VICTIMS REPARATIONS BOARD

112 W 5TH  
SUITE 400  
TOPEKA KANSAS 66603 3810  
(913) 295-2359

TO: Gary Stotts, Acting Director of the Budget  
FROM: Don Stumbaugh, Director  
DATE: February 19, 1986  
RE: HB 2924 Fiscal Impact Statement

I. Bill Summary:

The Crime Victims Reparations Board is statutorily authorized to receive payment of restitution only to the extent that reparations are awarded. Any monies received are deposited in the state treasury and credited to the state general fund. The proposed legislation would add to the existing powers and duties of the board the duty to collect, monitor and disburse all payments of restitution pursuant to order of a district court in a criminal proceeding, or order of the Kansas parole board. Each of the 105 district courts would be required to send a copy of the journal entry to the Crime Victims Reparations Board each time restitution is ordered, modified, revoked or suspended. Also the Kansas parole board would be required to send to the CVRB a copy of any restitution order issued as a condition of parole or conditional release of an inmate. If parole or conditional release is subsequently revoked, the parole board would be required to notify the CVRB. Finally, the CVRB would be required to notify the court or the Kansas parole board whenever a person fails to make restitution as required by court order or Kansas parole board order.

II. Impact on the agency; responsibilities and agency staffing:

According to the Judicial Administrator's office there are currently 19,600 persons on probation in the state of Kansas 25% of which are considered to be indigent where restitution would be waived by the court. This means that in any given month as many as 14,700 individuals would be subject to orders of restitution. In FY 85 an average of 7,710 cases per month were actively receiving restitution payments. This indicates that the CVRB would be handling 350 payments per work day which would need to be recorded, endorsed, credited to offenders account, deposited into the State Treasury, and/or disbursed to the aggrieved party. In addition the CVRB would be required to send out approximately 7,000 notices per month to the courts in cases that restitution payments were not received.

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The proposed legislation therefore would dramatically increase the responsibilities of the agency and would necessitate agency expansion of staff, space, and equipment.

III. Fiscal Impact:

In addressing the fiscal impact in minimal needs the agency anticipates a total expenditure the first year of \$135,873.00 broken down as follows:

Salaries & Wages: (Addition of 4.0 F.T.E.)

<u>Class</u>	<u>Class Code</u>	<u>Salary Range</u>	<u>Salary</u>	<u>Employee Benefits</u>	<u>Total</u>
Mail Distribution Clerk I	K2	10	\$11,916	\$1,320	\$14,236
Data Entry Supervisor I	K1	15	15,210	2,713	17,923
Data Entry Operator IV	K1	13	13,788	2,545	16,333
Word Processor Typist II	K2	11	<u>12,504</u>	<u>2,389</u>	<u>14,893</u>
TOTAL			\$53,418	\$9,967	\$63,385

Communication:

Additional phone service and monthly long distance -- based current level -- \$8,900.00 Postage for approximately 14,700 letters per month \$38,800.

Total category - \$47,700.00

Rents:

Additional office space of 900 sq. ft. at \$8.00 per sq. ft. \$7,200.00. Addition of 1 copier at \$94 per month \$1,128.

Total category - \$8,328.00

Stationary and Office Supplies:

Additional office supplies estimated at 3 times current level of \$1,100.00.

Total category - \$3,300.00

Capital Outlay:

4 5 Drawer Legal File Cabinets @ \$190 ea.	\$760.00
4 Desks @ \$400 ea.	1,600.00
4 Chairs @ \$200 ea.	800.00
2 Micro Computers, Hardware, Printers	<u>10,000.00</u>
TOTAL	\$13,160.00

IV. Long-range fiscal effect of the measure:

In that the proposed legislation does not provide any fiscal benefit to the agency it would seem that a negative long-range fiscal impact on the agency might fall between \$150,000 to \$200,000 per year.

TESTIMONY ON HB 2927, PRESENTED BY REPRESENTATIVE CLINT ACHESON  
TO THE HOUSE JUDICIARY COMMITTEE ON MARCH 3, 1986

My motivation for introducing this legislation didn't take place overnight but goes back more than thirty years beginning with the horrible murder of the Clutter family near Holcomb, Kansas. Herb Clutter was a friend of mine and because of that fact it was personally offensive to me that a person skilled in putting words together in an attractive manner should dwell on the misfortune, the tragedy and misery of his fellow humans to achieve fame and fortune.

Truman Capote did just that in his book "In Cold Blood" which eventually became a best seller and brought fame to the author. The fact that he died a miserable wretch is really not important. What is important is that the remaining members of the family lived this trauma once and spend the rest of their lives knowing that someone has capitalized on that traumatic experience for fame and economic gain.

The criminal mentality seems to be structured in such a way that the criminal glories in the thought that his or her name will appear in headlines and relishes the thought that his or her name will appear in print for posterity. These individuals are fair game for greedy writers who aspire for fame and economic gain as did Truman Capote.

Several other states have already enacted laws along the line of HB 2927. After the sensational "Son of Sam" murders several years ago in New York that state passed a law like this proposal. Minnesota has such a law as does Arizona, and Missouri passed a law last year. The Federal Congress has enacted such a law following the attempt on the president's life, after the accused assassin, John Hinckley, indicated he wanted to write a book about it.

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The leader of the gang committing the horrible murders in northwest Kansas, about his time last year, allegedly was approached to publish a story about the crime. There have been many others including the so-called rape case in Illinois last year.

The most recent case I can think of is the suggestion of former Senator Hess who proposes to write a book about his impropriety, for economic gain. All of the frequent news stories I have read consistantly brand him as "a former powerful leader of the Kansas Senate." It is probably safe to assume that any story Mr. Hess might write would be heavily sprinkled with his service in the Kansas Legislature to help reestablish some of his credibility. I feel such would not cast a favorable light on the Kansas Legislature and would only serve to line Mr. Hess' pockets. With these preliminary thoughts in mind, it is felt that if any contract of this nature should be made then the proceeds derived therefrom should be directed to the purpose of crime reparation. This would serve two purposes. First it would help build a fund to compensate crime victims, and second it would be a deterrent to such arrangements being made.

I will be grateful for your approval of HB 2927.

TO: House Judiciary Committee  
FROM: Rep. Martha Jenkins  
RE: House Bill 2927

House Bill 2927 prohibits convicted persons from making a profit off their crime through publication of their "story". The bill provides that moneys owing to convicted persons for publication of their crimes be paid to the Crime Victims Reparations Board. The Board is then responsible for paying restitution to the victim of the crime; reimbursing the State Board of Indigents' Defense Services for amounts expended on behalf of the defendant and for payment of court costs assessed against the convicted person. Any money left over would be credited to the crime victims reparations fund.

Danny Remetta, one of four responsible for the Colby slayings last February, was approached to publish the story of his crime spree. Reverend Bird of Emporia has already been the subject of a published story concerning the murder of his wife and a fellow parishoner. And just this weekend, Paul Hess, convicted of embezzlement, is attempting to sell his story for a possible movie production to get back on sound financial footing!

Several states have enacted similar laws, the most recent being the State of Missouri. House Bill 2927 is a good way to fund the crime victims reparations fund while at the same time pay restitution to victims or their dependents.

Mr. Chairman, members of the committee, I ask that you consider HB 2927 favorably. Thank you.

Attachment 7  
House Judiciary  
March 3, 1986



Testimony by Phil Magathan  
on House Bill 2927

I am here today speaking not on behalf of the Kansas Association of Court Services Officers, or as a representative of the Third Judicial Court. I am here today speaking to you as a professional who has been extensively involved with establishing victim services and advocating the need for fair treatment of crime victims by the Criminal Justice System.

I recently attended a national conference on crime victims, in Orlando, Florida, that was underwritten by the U.S. Department of Justice. I was extremely pleased to learn the State of Kansas was one of the early states to pass legislation providing for victim compensation, restitution, and pre-sentence victim impact statements.

At this conference, The United States President's Task Force on Victims of Crime presented proposed state level legislative recommendations. These recommendations included enactment of legislation to "Prohibit a criminal from making any profit from the sale of the story of their crime. Any proceeds should be used to provide full restitution to the victim(s), pay the expenses of prosecution, and finally, assist the crime victim compensation fund."

As a professional probation officer working with offenders, I can tell you that it does not benefit the rehabilitation of the offender when they gain unjust enrichment from their offense.

In closing, I would encourage favorable passage of H.B. 2927, so that the State of Kansas remains a leader in enacting legislation for the fair treatment of crime victims.

Attachment 8  
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March 3, 1986

# K C A

## Kansas Correctional Association

President William Lucas  
Secretary Betsy Gillespie  
Treasurer Terri Howe

Post Office Box 1501  
Topeka, Kansas 66601

Vice President Sue Osborn-Gore  
President Elect Frank McCoy



March 3, 1986

### STATEMENT TO THE HOUSE JUDICIARY COMMITTEE IN SUPPORT OF HB 2773.

The Kansas Correctional Association is a non-partisan organization comprised of over 250 members who work in all facets of the correctional system, adult and juvenile. (By system we mean prisons, parole, jails, community corrections, local correctional facilities, detention and court services.) The K.C.A. is dedicated to improving the correctional system at all levels in the State of Kansas.

One of the organization's priorities is the removal of most juveniles from adult jails, and establishing alternative services. We are also committed to the concept that the use of secure detention should be discouraged for juveniles who allegedly commit or who commit minor offenses.

We believe that criteria should be established as state policy to determine the use of secure detention. HB 2773 addresses this issue.

We urge your support of HB 2773.

Thank you for the opportunity to appear before you today.

Ann Hebbenger, Lobbyist  
Kansas Correctional Association