

Approved 2/11/86
Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Senator Edward F. Reilly, Jr. at
Chairperson

11:00 a.m./~~noon~~ on February 7, 1986 in room 254-E of the Capitol.

All members were present ~~except~~

Committee staff present:

- J. Russell Mills, Jr., Legislative Research
- Emalene Correll, Legislative Research
- Mary Torrence, Assistant Revisor of Statutes
- June Windscheffel, Committee Secretary

Conferees appearing before the committee:

Elwaine Pomeroy, Chairman, Kansas Parole Board

The Chairman told the Committee that there were a number of matters for consideration as proposals to be introduced by the Committee to the Legislature.

The first related to abortion and imposing certain conditions and requirements on abortions performed on minors. (Attachment 1) (5 RS 2262)

Senator Martin moved that the proposal be introduced. Seconded by Senator Daniels. Motion carried.

The next proposal dealt with an act concerning corrections, relating to chief physicians for correctional institutions. (Attachment 2) (5 RS 2280) Senator Anderson moved that the proposal be introduced. Seconded by Senator Vidricksen. Motion carried.

The Chairman said that he had had a request from John P. Wolf, Assistant Dean, The University of Kansas, Division of Continuing Education. Dean Wolf's letter of request is attached. (Attachment 3) It asks for an increase in docket fees.

Senator Daniels moved that the proposal be introduced. Seconded by Senator Vidricksen. Motion carried.

Attachment 5
The next request for legislation was from Leavenworth County. The Chairman told the Committee about request from Sheriff Terry L. Campbell, of Leavenworth, which stated the unfairness for the taxpayers of Leavenworth County to bear the burden of other jurisdictions' fugitives. (Attachment 4). The Chairman also distributed a copy of a draft of 5 RS 2282, by Representative Graeber, which deals with this matter of extradition. This has been introduced in the House, and the Chairman would like to introduce a similar bill in the Senate; he does not think they need to be identical. The Chairman said the intent is to find out what must be done to get the burden off the county.

Senator Martin moved that the proposal be introduced. Seconded by Senator Daniels. Motion carried.

SB401, establishing the Kansas comprehensive criminal justice commission to study and make recommendations regarding the improvement of the criminal justice system; and SB410, establishing a commission to review, evaluate and make recommendations regarding correctional facilities and services and policies impacting thereon.

The Chairman introduced Elwaine Pomeroy, Chairman of the Kansas Parole Board. Chairman Pomeroy said he supports the concept of both bills. He said that any time representatives from various agencies get together you can get things done.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS,
room 254-E, Statehouse, at 11:00 a.m. ~~p.m.~~ on February 7, 1986.

He said his personal bias should be on the table concerning any sentencing or parole guidelines. He said if the bills would envision a system such as Minnesota and the Federal guidelines in sentencing, he would be very much opposed to it. He stated that the problem with Federal guidelines is that everything is decided at the time of sentencing. They do not take into account the programs in which the inmates participate or in their disciplinary reports. Chairman Pomeroy would hate to see that "it is set in stone" at the time of sentencing and nothing considered after that.

Chairman Pomeroy said he is also concerned about placing the appropriate limit on future prison capacity. He said if we keep someone out instead of going to prison because there is not room, that can mean that someplace in the future we might start putting more people in because there are beds.

To summarize he said he thinks the concept of getting the representatives from the various groups together to discuss the common problem and work out ways of increasing understanding is a fine idea.

Senator Daniels then made her presentation concerning SB401. She said that she had begun work on this comprehensive commission last spring before the legislature adjourned, so it was already to go when the interim committee proposal was made to Federal and State Affairs. The state did not have any long term planning set aside looking to the future of corrections. What we do today affects five years from now. Senator Daniels wants the long term planning to stay, and that is exactly what this bill does. It is long term comprehensive planning. It does not sunset in two years. It goes on annually and evaluates and examines and gives a prison update in Kansas.

This commission would be made up of people who focus especially on crime and prison problems and would be an ongoing commission. Senator Daniels said she did not intend for the commission to do anything but study and come forth with its recommendations to be adopted by the legislature. She said Kansas has the immediate problem of prison overcrowding and is trying to address that, but her concern is that not everything is being done to modify or divert the habits of criminals. With computer technology criminal personality can be determined early on. Perhaps this commission could identify that and cut down on entries. Also, she wants this commission to look closely and recommend what can be done to better prepare the incarcerated people for reentry into society.

Senator Daniels also pointed out that she had not intended to exclude people from law enforcement in the committee membership. She would also want members from the courts.

The Chairman pointed out that there have been a number of suggestions from conferees. He said there is the case of funding to be considered. The Chairman appointed a subcommittee to work on the amendments and the necessary language to the legislation. The subcommittee is to consist of: Chairman, Senator Arasmith; Members, Senators Ehrlich and Daniels. The Chairman asked the subcommittee to report back to this committee on a timely basis.

A request was made to have Staff get an update on the rate of recidivism.

Senator Martin moved that the Minutes of February 5, 1986, be approved. Seconded by Senator Arasmith. Motion carried.

The Chairman announced that the next meeting of the committee will be on Tuesday, February 10, 1986.

The meeting was adjourned at noon.

2/7/86

Attachment #1

[REDACTED] BILL NO. _____

By [REDACTED]

AN ACT relating to abortion; imposing certain conditions and requirements on abortions performed on minors; prohibiting certain acts and prescribing penalties for violations; amending K.S.A. 21-3407, 38-123 and 38-123b and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) It is the intent of the legislature in enacting this parental consent provision to further the important and compelling state interests of: (1) Protecting minors against their own immaturity; (2) fostering the family structure and preserving it as a viable social unit; and (3) protecting the rights of parents to rear children who are members of their household.

(b) The legislature finds as fact that: (1) Immature minors often lack the ability to make fully informed choices that take account of both immediate and long-range consequences; (2) the medical, emotional and psychological consequences of abortion are serious and can be lasting, particularly when the patient is immature; (3) the capacity to become pregnant and the capacity for mature judgment concerning the wisdom of an abortion are not necessarily related; (4) parents ordinarily possess information essential to a physician's exercise of the physician's best medical judgment concerning the child; and (5) parents who are aware that their minor daughter has had an abortion may better ensure that she receives adequate medical attention after her abortion. The legislature further finds that parental consultation is usually desirable and in the best interests of the minor.

New Sec. 2. For purposes of this act:

(a) "Abortion" means the use of any instrument, medicine, drug or any other substance or device with intent to terminate the pregnancy of a woman known to be pregnant with intent other than to increase the probability of a live birth, to preserve the life or health of the child after live birth or to remove a dead fetus.

(b) "Emancipated minor" means any minor who is or has been married or has by court order or otherwise been freed from the care, custody and control of the minor's parents or legal guardian.

(c) "Informed consent" means the giving of information, facts and data, either orally or in written or pictorial form, as to what would be done by the physician and the consequences of the abortion.

(d) "Minor" means any person under the age of 18 years.

(e) "Parent" or "parents" means a guardian, conservator or any person who is by law liable to maintain, care for or support the minor.

(f) "Physician" means a person licensed to practice medicine and surgery pursuant to K.S.A. 65-2873 and 65-2873a, and amendments thereto.

New Sec. 3. No physician shall perform an abortion upon a minor unless:

(a) The minor is emancipated and the physician or the physician's agents have first obtained the informed written consent of the emancipated minor; or

(b) the physician or the physician's agents, or another physician (hereinafter called the "referring physician") or the referring physician's agents, have first obtained the informed written consent of both parents or the legal guardian of the unemancipated minor, except that:

(1) If the unemancipated minor's parents are divorced or if, after reasonable attempts to contact a parent, such parent is not available in a reasonable time or manner to the physician performing the abortion or the physician's agents, or to the

referring physician or the referring physician's agents, the informed written consent of the parent with custody or of the parent who is available shall be sufficient; or

(2) if the district waives the consent requirement pursuant to section 4 and the physician or the physician's agents have first obtained an informed written consent, signed by the unemancipated minor, which sets forth the date of the court order waiving consent, the case number and a statement that the minor has been informed by the physician, the referring physician or their agents of the status of the pregnancy, the development of the fetus and the physical and emotional effect that could result from the abortion.

New Sec. 4. (a) The Kansas code for care of children shall not apply to proceedings under this section except as specifically provided herein. All proceedings under this section shall be civil in nature.

(b) An unemancipated minor may petition the district court of the county where the abortion is to be performed for a waiver of the consent requirement of section 3 if:

(1) After reasonable attempts to contact the persons whose consent is required, no such person is available within a reasonable time or manner to the physician performing the abortion or the physician's agents, or to the referring physician or the referring physician's agents;

(2) the persons whose consent is required refuse to consent to the performance of an abortion; or

(3) the minor elects not to seek the consent of those whose consent is required.

(c) The district court shall ensure that an unemancipated minor is given assistance in preparing and filing a petition pursuant to this section and shall ensure that the minor's identity is kept anonymous. Subsections (a)(1) and (2) of K.S.A. 1985 Supp. 38-1506 and amendments thereto shall apply to this act. The petition shall include only the initials of the minor, her age, the address of each parent, the reasons for seeking the

abortion and the reasons for seeking a waiver of the consent requirement.

(d) The unemancipated minor shall participate in proceedings on her own behalf. The court shall advise her that she has a right to court-appointed counsel and shall provide her with such counsel upon her request.

(e) All court proceedings under this section shall be anonymous and shall be given such precedence over other pending matters as necessary to ensure that the court may reach a decision promptly, but a hearing shall be held. The court shall enter judgment granting or denying the petition within 10 days of the filing of petition, unless the time is extended at the request of the minor.

(f) The district court shall hear the merits of the petition. The court shall hear evidence about the minor's age, family, circumstances of pregnancy, gestation of the fetus, emotional and physical stability and development of the minor, the alternatives to the abortion considered by the minor, whether the minor's parents have consented, previous pregnancies and any other matter which the court considers useful in determining if the minor's petition should be granted.

(g) If the minor is under 14 years of age, the court may consider whether one or both parents of the minor should be consulted or should counsel the minor concerning the abortion.

(h) The consent requirement shall be waived if the court finds that:

(1) The minor is mature and well-informed enough to make the abortion decision for herself; or

(2) the performance of the abortion would be in the minor's best interests.

(i) An expedited anonymous appeal shall be available to any minor from a decision of the district court denying the petition. Such appeal shall be pursuant to article 21 of chapter 60 of the Kansas Statutes Annotated. A notice of appeal shall be filed within 3 days after entry of the judgment denying the petition.

The clerk of the court shall prepare the entire official file before the district court and forward it to the court of appeals within 5 days of the filing of the notice of appeal. The official file shall be the record on appeal. A hearing before the appellate courts shall be held within 10 days of the filing of appeal and an order shall be issued within 5 days of the hearing unless a longer time is requested by the minor. Any subsequent appeals shall follow these same procedures.

(j) Any court that conducts proceedings under this section shall issue written and specific factual findings and legal conclusions supporting its decision and shall order that a confidential record of the evidence be maintained.

(k) No fees or court costs shall be required of any minor who avails herself of the procedures provided by this section. Expenses for all proceedings under this section shall be paid in the manner provided by subsection (b) of K.S.A. 1985 Supp 38-1511 and 38-1593, and amendments thereto, for expenses of proceedings under the Kansas code for care of children.

(l) The judicial council shall annually report to the legislature the number of proceedings conducted pursuant to this section and the disposition of those proceedings.

New Sec. 5. The requirements of sections 3 and 4 shall not apply when, in the best medical judgment of the physician based on the facts of the case, a medical emergency exists that so complicates the pregnancy and would so impair the health of the minor as to require an immediate abortion.

New Sec. 6. Failure to obtain informed written consent when required under this section is prima facie evidence of failure to obtain informed consent and of interference with family relations in appropriate civil actions. The law of this state shall not be construed to preclude the award of exemplary damages in any appropriate civil action relevant to violations of this section. Nothing in this section shall be construed to limit the common law rights of parents.

Sec. 7. K.S.A. 21-3407 is hereby amended to read as

follows: 21-3407. (1) (a) Aggravated criminal abortion is the purposeful and unjustifiable termination of the pregnancy of any female other than by a live birth.

(2) A person licensed to practice medicine and surgery is justified in terminating a pregnancy if he believes there is substantial risk that a continuance of the pregnancy would impair the physical or mental health of the mother or that the child would be born with physical or mental defect, or that the pregnancy resulted from rape, incest, or other felonious intercourse, and either:

(a) Three persons licensed to practice medicine and surgery, one of whom may be the person performing the abortion, have certified in writing their belief in the justifying circumstances, and have filed such certificate prior to the abortion in the hospital licensed by the state board of health and accredited by the joint commission on accreditation of hospitals where it is to be performed, or in such other place as may be designated by law, or

(b) An emergency exists which requires that such abortion be performed immediately in order to preserve the life of the mother.

(3) For the purpose of this section pregnancy means that condition of a female from the date of conception to the birth of her child.

(4) For the purpose of subsection (2) of this section all illicit intercourse with a female under the age of sixteen (16) years shall be deemed felonious any of the following acts:

(1) The performance of an abortion by any person other than a person licensed to practice medicine and surgery; (2) the performance of an abortion without first obtaining the informed written consent required by section 3; (3) the performance of an abortion after the first trimester of pregnancy in any place or location other than a licensed hospital or licensed ambulatory surgical center, as defined by K.S.A. 65-425 and amendments thereto.

~~(5)~~ (b) Aggravated criminal abortion is a class B B felony.

New Sec. 8. (a) Criminal abortion is the failure of any person to perform any act which is required by the laws regulating abortion but which is not an act which constitutes a felony.

(b) Criminal abortion is a class A misdemeanor.

(c) This section shall be part of and supplemental to the Kansas criminal code.

New Sec. 9. (a) It is a complete defense to a charge of aggravated criminal abortion, as defined by K.S.A. 21-3407 and amendments thereto, or a charge of criminal abortion, as defined by section 8, that a medical emergency existed or that the informed written consent could not be obtained because the medical condition of the woman upon whom the abortion was performed prohibited or made the obtaining of such consent impractical and impossible.

(b) This section shall be part of and supplemental to the Kansas criminal code.

Sec. 10. K.S.A. 38-123 is hereby amended to read as follows: 38-123. Except as provided by section 3 and notwithstanding any other provision of the law to the contrary, an unmarried pregnant minor ~~where,~~ if no parent or guardian is available, may give consent to the furnishing of hospital, medical and surgical care related to her pregnancy, and such consent shall not be subject to disaffirmance because of minority. Except as provided by section 3, the consent of a parent or guardian of an unmarried pregnant minor shall not be necessary in order to authorize hospital, medical and surgical care related to her pregnancy, ~~where~~ if no parent or guardian is available.

Sec. 11. K.S.A. 38-123b is hereby amended to read as follows: 38-123b. Except as provided by section 3 and notwithstanding any other provision of the law to the contrary, any minor ~~sixteen-(16)~~ 16 or more years of age ~~or over,~~ ~~where,~~ if no parent or guardian is immediately available, may give consent

to the performance and furnishing of hospital, medical or surgical treatment or procedures and such consent shall not be subject to disaffirmance because of minority. Except as provided by section 3, the consent of a parent or guardian of such a minor shall not be necessary in order to authorize the proposed hospital, medical or surgical treatment or procedures.

New Sec. 12. If any provision, word, phrase or clause of this act or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect the provisions, words, phrases, clauses or applications of this act which can be given effect without the invalid provision, word, phrase, clause or application. To this end, the provisions, words, phrases and clauses of this act are declared to be severable.

Sec. 13. K.S.A. 21-3407, 38-123 and 38-123b are hereby repealed.

Sec. 14. This act shall take effect and be in force from and after its publication in the statute book.

2/7/86
Attachment #2

[REDACTED] BILL NO. _____

By [REDACTED]

AN ACT concerning corrections; relating to chief physicians for correctional institutions; amending K.S.A. 75-5249 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 75-5249 is hereby amended to read as follows: 75-5249. The secretary of corrections shall appoint employ or contract for a chief physician for each of the correctional institutions under ~~his--or--her~~ the secretary's supervision and control. One chief physician may be made responsible for more than one such institution. It is hereby made the duty of the chief physician of any correctional institution to ~~be-in-charge-of~~ direct the operation and management of such institution's ~~hospital--Such-physician-shall-be-in-charge-and-be~~ responsible-for medical services and to supervise and coordinate all inmate care in such ~~hospital-and~~ institution. Such physician may recommend to the director of any institution the transportation of an inmate to an outside hospital when necessary to protect the health of such inmate.

Sec. 2. K.S.A. 75-5249 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.



2/7/86 #
[Handwritten signature]

THE UNIVERSITY OF KANSAS

Division of Continuing Education
Continuing Education Building
Lawrence, Kansas 66045-2602

913 864-4795

4 February 1986

Senator Edward F. Reilly, Jr.,
Chairman
Federal and State Affairs
State Capitol Building
Topeka, KS 66612

Dear Senator Reilly:

It was a pleasure to see you again last night at the Law Enforcement Legislative reception. I am sure that I am not alone in expressing my appreciation for your taking time from your busy schedule to attend.

As I told you, I am sending a copy of Senate Bill 108 which was passed by the 1985 session of the Legislature. I have indicated on it the changes necessary to increase the portion of the docket fee which supports the law enforcement training fund. Much of the rationale for this increase is contained in the performance audit report of the Kansas Law Enforcement Training Center, December, 1985, of which I believe you already have a copy.

In addition, the Board of Regents, the Kansas Law Enforcement Training Commission, the Kansas Sheriff's Association, the Kansas Association of Chiefs of Police, the Kansas Peace Officers Association, and the Fraternal Order of Police are on record as endorsing this badly needed increase. As far as we have been able to determine, there is no organized opposition to this change. I would welcome the opportunity to discuss this increase with anyone at any time.

Thank you very much for assisting us by agreeing to introduce the legislation to effect this increase which will support the training needed by our law enforcement officers. Our appreciation of your support as a friend of law enforcement in Kansas cannot be overstated.

Sincerely,

John P. Wolf
Assistant Dean

cc: Terry Campbell

86-094

Sen. Fed. & State Affairs
2/7/86 Attachment 3

CHAPTER 106
Senate Bill No. 108

AN ACT concerning docket fees; relating to the amount and disposition thereof; amending K.S.A. 1984 Supp. 20-362 and 28-172a and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 1984 Supp. 20-362 is hereby amended to read as follows: 20-362. The clerk of the district court shall remit at least monthly all revenues received from docket fees as follows:

- (a) To the county treasurer, for deposit in the county treasury and credit to the county general fund:
 - (1) A sum equal to \$10 for each docket fee paid pursuant to K.S.A. 60-2001 and amendments thereto, during the preceding calendar month;
 - (2) a sum equal to \$10 for each \$30 docket fee paid pursuant to K.S.A. 61-2501 and amendments thereto; and
 - (3) a sum equal to \$5 for each \$10 docket fee paid pursuant to K.S.A. 61-2501 or 61-2704, and amendments thereto, during the preceding calendar month.
- (b) To the board of trustees of the county law library fund, for deposit in the fund, a sum equal to the library fees paid during the preceding calendar month for cases filed in the county.
- (c) To the county treasurer, for deposit in the county treasury and credit to the prosecuting attorneys' training fund, a sum equal to \$.50 for each docket fee paid pursuant to K.S.A. 28-172a and amendments thereto during the preceding calendar month for cases filed in the county and for each fee paid pursuant to subsection (c) of K.S.A. 28-170 and amendments thereto during the preceding calendar month for cases filed in the county.
- (d) To the state treasurer, for deposit in the state treasury and credit to the law enforcement training center fund, a sum equal

~~\$8~~
\$5
to ~~\$8~~ for each docket fee paid pursuant to K.S.A. 28-172a and amendments thereto during the preceding calendar month.

(e) To the state treasurer, for deposit in the state treasury and credit to the crime victims reparations fund, a sum equal to ~~\$1~~ \$2 for each docket fee paid pursuant to K.S.A. 28-172a and amendments thereto during the preceding calendar month.

(f) To the state treasurer, for deposit in the state treasury and credit to the state general fund, a sum equal to the balance which remains from all docket fees paid during the preceding calendar month after deduction of the amounts specified in subsections (a), (b), (c), (d) and (e).

Sec. 2. K.S.A. 1984 Supp. 28-172a is hereby amended to read as follows: 28-172a. (a) Except as otherwise provided in this section, whenever the prosecuting witness or defendant is adjudged to pay the costs in a criminal proceeding in any county, a docket fee shall be taxed as follows:

Murder or manslaughter	\$145	
Other felony	115	
Misdemeanor	85	
Forfeited recognizance	45	
Appeals from other courts	45	

148
118
88
48
48

(b) In actions involving the violation of any of the laws of this state regulating traffic on highways (including those listed in subsection (c) of K.S.A. 1984 Supp. 8-2118 and amendments thereto), any act declared a crime pursuant to the statutes contained in chapter 32 of Kansas Statutes Annotated and amendments thereto or any act declared a crime pursuant to the statutes contained in article 8 of chapter 82a of the Kansas Statutes Annotated and amendments thereto, whenever the prosecuting witness or defendant is adjudged to pay the costs in the action, a docket fee of ~~\$25~~ \$26 shall be charged. When an action is disposed of under subsections (a) and (b) of K.S.A. 1984 Supp. 8-2118 and amendments thereto, whether by mail or in person, the docket fee to be paid as court costs shall be ~~\$25~~ \$26 ~~\$28~~

\$28

(c) If a conviction is on more than one count, the docket fee shall be the highest one applicable to any one of the counts. The prosecuting witness or defendant, if assessed the costs, shall pay only one fee. Multiple defendants shall each pay one fee.

(d) Statutory charges for law library funds, the law enforcement training center fund, the crime victims reparations fund and the prosecuting attorneys' training fund shall be paid from the docket fee. All other fees and expenses to be assessed as additional court costs shall be approved by the court, unless specifically fixed by statute. Additional fees shall include, but

are not limited to, fees for service of process outside the state, witness fees, fees for transcripts and depositions, costs from other courts, doctors' fees and examination and evaluation fees. No sheriff in this state shall charge any district court of this state a fee or mileage for serving any paper or process.

(e) In each case charging a violation of the laws relating to parking of motor vehicles on the statehouse grounds or other state-owned or operated property in Shawnee county, Kansas, as specified in K.S.A. 75-4510a and amendments thereto or as specified in K.S.A. 75-4508 and amendments thereto, the clerk shall tax a fee of \$2 which shall constitute the entire costs in the case, except that witness fees, mileage and expenses incurred in serving a warrant shall be in addition to the fee. Appearance bond for a parking violation of K.S.A. 75-4508 or 75-4510a, and any amendments to those statutes thereto, shall be \$3, unless a warrant is issued. The judge may order the bond forfeited upon the defendant's failure to appear, and \$2 of any bond so forfeited shall be regarded as court costs.

Sec. 3. K.S.A. 1984 Supp. 20-362 and 28-172a are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 10, 1985.

2/7/86
Attachment #4
86 Sessions



Leavenworth County Sheriff Department

503 S. THIRD

LEAVENWORTH, KANSAS 66048

TELEPHONE (913) 682-5724

December 11, 1985

Terry L. Campbell
Sheriff

Senator Edward F. Reilly, Jr.
5th & Delaware
Leavenworth, Kansas 66048

Dear Senator ~~Reilly~~ *Ed*:

As we have previously discussed, I am enclosing a copy of the current law in Pennsylvania that addressed the cost problem of extradition of prisoners released from a federal institution.

It is unfair for the taxpayers of Leavenworth County to bear the burden of other jurisdiction's fugitives. The enclosed legislation limits that burden, due to the ability to transfer the wanted individual to the Department of Corrections immediately after their hearing before the District Court.

I know that the ~~Department of Corrections~~ *State Dept* will feel this unfair, however it seems more realistic to share the cost, of holding extradition prisoners, throughout the entire state, rather than just Leavenworth County. After all, it is a request from one governor to another governor to deliver the wanted fugitive to their custody.

Your assistance in proposing this type of legislation would benefit the taxpayers of Leavenworth County to the extent of some \$50,000 per year.

I would be happy to discuss this further with you at your convenience.
Thank you.

Sincerely,

Terry L. Campbell
Terry L. Campbell
Sheriff

TLC:jn
cc: Rep. Clyde Graeber
enclosure

\$50,000 to \$10,000 in Leavenworth County Subsidized as part of Indiana

No. 1980-83

AN ACT

SB 323

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for costs and expenses involving extradition of certain persons and making an appropriation.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Title 42, act of November 25, 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated Statutes, is amended by adding a section to read:

§ 9144.1. Payment of expenses, costs and fees.

All costs and expenses shall be paid out of the county treasury in the county wherein the crime is alleged to have been committed: Provided, however, That all costs and expenses incurred by a county in extraditing a person who, upon release from a Federal prison, is apprehended on a writ of detainer issued by a state other than Pennsylvania, shall be reimbursed by the Department of Justice. Reimbursable costs and expenses incurred in any extradition proceeding shall include, but not be limited to, apprehending, securing, transmitting and maintaining the prisoner, as well as food, court fees and counsel fees. Any person released from a Federal prison for whom extradition proceedings have been initiated and who is apprehended on a writ of detainer issued by a state other than Pennsylvania, shall be transferred to the Bureau of Correction as soon as possible until such extradition occurs or until he is released by the court. The Commissioner of Correction shall accept such transfer. The Bureau of Correction shall make every effort to be reimbursed for all costs and expenses from the state which is seeking extradition.

Section 2. The sum of \$10,000, or as much thereof as may be necessary, is appropriated to the Department of Justice in order to carry out the provisions of this act.

Section 3. This act shall take effect immediately and shall be retroactive to December 2, 1976.

APPROVED—The 2nd day of July, A. D. 1980.

DICK THORNBURGH

Attachment #5

HOUSE BILL NO. _____

By Representative Graeber

AN ACT concerning extradition of certain persons; relating to custody and expenses thereof.

Be it enacted by the Legislature of the State of Kansas:

Section 1. All costs and expenses incurred by a county in extraditing a person who, upon release from a federal prison, is apprehended on a writ of detainer issued by a state other than Kansas shall be reimbursed by the department of corrections. Reimbursable costs and expenses incurred in any extradition proceeding shall include, but not be limited to, apprehending, securing, transmitting and maintaining the prisoner, as well as court costs and attorney fees. Any person released from a federal prison for whom extradition proceedings have been initiated and who is apprehended on a writ of detainer issued by a state other than Kansas shall be transferred to the secretary of corrections not more than 30 days after apprehension, to be held by the secretary until such extradition occurs or until the person is released by the court. The secretary of corrections shall accept the transferred person and shall make every effort to be reimbursed for all costs and expenses from the state which is seeking extradition.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.