Approved 4/10/86
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

11:20 a.m./~~p.m.~~ on April 9, 1986 in room 254-E of the Capitol.

All members were present except:

Senator Arasmith was excused.

Committee staff present:

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

Conferees appearing before the committee:

Representative Sandy Duncan
Secretary Barbara Sabol, Director, Kansas Department of Health and Environment
Gary A. Avram, Executive Director, Specialty Tobacco Council, Winston-Salem, NC
Representative Edwin A. Bideau
Lowell K. Abeldt, Talmage Investment Company, Talmage, Kansas
Robert R. (Bob) Clester, Kansas Sheriffs Association
Dwight Parscale, Attorney, Topeka
Douglas Wells, Attorney, Topeka
Henry Boaten, Attorney, Topeka
Glenn Cogswell, Kansas Association of Professional Sureties
Mannie Baraban, Kansas Association of Bondsmen, Overland Park
Judge James P. Buchele, Topeka
Judge Donald Allegrucci, Pittsburg

Senator Vidricksen introduced Mr. Jack Richardson, the new Chief of Enforcement for the Alcoholic Beverage Control. He was welcomed by the Chairman and Committee.

Sub. for HB2756 by Committee on Public Health and Welfare - reporting of certain health conditions of preschool children to the secretary of health and environment.

The Chairman called upon Emalene Correll of Legislative Research for a briefing of SB2756 for the Committee.

Representative Sandy Duncan was the first proponent for HB2756. He explained his amendment to the Committee. Following that Secretary Barbara Sabol, Director of Kansas Department of Health and Environment, appeared as a proponent of the bill. Secretary Sabol said that the fiscal impact was $2400.00, and KDHE felt they could do it under their current budget. Secretary Sabol had a handout, "Make a Difference" which was distributed for the Committee. (Attachment #1)

SB724 - prohibition of clove cigarettes

Mr. Gary A. Avram, Executive Director of the Specialty Tobacco Council, at Winston-Salem, N.C. was introduced by the Chairman as a conferee concerning SB724, and in defense of clove cigarettes. He left copies of material concerning his case which will be distributed to the Committee for its perusal. (Attachment #2)

HB2961 - cash deposit appearance bond prohibited.

The Chairman then directed the Committee to HB2961, and introduced the first proponent of the bill, Representative Edwin A. Bideau, one of the authors of the bill. He will follow up with a written statement which will be part of these Minutes. (Attachment #3)

The next proponent was Mr.Lowell K. Abeldt, of Talmage. His written statement is also attached. (Attachment #4)

The next proponent was Mr. Robert Clester, of the Kansas Sheriffs Association.

Mr. Dwight Parscale, an attorney from Topeka, was the next conferee to speak in favor of HB2961.

Following his presentation, Mr. Douglas Wells, also a Topeka attorney, spoke as a proponent of the bill.

Mr. Henry O. Boaten was then introduced by the Chairman. Mr. Boaten, an attorney from Topeka, appeared as a proponent of HB2961.

A representative for the Kansas Association of Professional Sureties, Mr. Glenn Cogswell, was the next proponent of the bill.

Mr. Mannie Baraban of the Kansas Association of Bondsmen appeared also as a proponent of the bill.

The Chairman thanked the conferees and said that would conclude testimony by the proponents.

The next conferee was Judge Donald Allegrucci, of Pittsburg, who spoke in opposition to the proposed legislation, HB2961. His statement is part of these Minutes. (Attachment #5)Judge Allegrucci is the Administrative Judge of the 11th Judicial District.

Judge James P. Buchele, of Topeka, was the next opponent of the bill. He distributed a handout for the Committee, "Standards Relating to Pretrial Release," which is Attachment #6.

The Chairman thanked the opponents for their appearances.

Copies of statements from proponents who did not wish to appear, but who wished to be a part of the record concerning HB2961, were distributed prior to the meeting to the Committee. These are part of these Minutes: Tom Hanna, Shawnee County Commissioner (Attachment #7); Gerald P. Monks' letter to Judge Carpenter (Attachment #8); Keith Hoffman, Dickinson County Attorney (Attachment #9); Lova Duncan of Johnson County District Court (Attachment #10); William L. Fowler, Chase County Attorney (Attachment #11); James W. Davis, District Magistrate Judge (Attachment #12); the Dickinson County Commissioners (Attachment #13); and Steven R. Britt, Dickinson County Sheriff (Attachment #14).

HB2756 - reporting of certain health conditions of preschool children to the secretary of health and environment

This bill, HB2756, testimony for which was heard earlier in the meeting, also had a written statement in support of it from Cindy Hasvold, of Topeka. Ms. Hasvold's statement is also part of these Minutes. (Attachment #15)

Copies of the Minutes of April 7 and April 8, 1986, were distributed to the Committee. Senator Morris moved that the Minutes be approved. 2d by Senator Ehrlich. Motion carried.

The meeting was adjourned at 12:30 p.m.

4/9/86
Attachment #1

MAKE A Difference

KANSAS NETWORK FOR YOUNG CHILDREN

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

TESTIMONY ON SUBSTITUTE FOR HOUSE BILL NO. 2756

PREPARED FOR SENATE FEDERAL & STATE AFFAIRS COMMITTEE - APRIL 9, 1986

BACKGROUND INFORMATION:

In June, 1983 Governor Carlin formed a task force on preschool children with handicaps. The thirteen appointees received testimony from citizens and service providers across the state and conducted other research on the needs of preschool children with handicaps and their families. Based on information received, the task force submitted its recommendations to the Governor in March, 1984. In April, 1984 the Governor appointed a Cabinet Subcommittee on Early Childhood Developmental Services that was instructed to implement the recommendations of the task force.

One of the recommendations of the task force was for the development of a statewide strategy for the early identification and follow-up of at risk or developmentally delayed children. The concept of early identification and follow-up was also endorsed by members of the general public who attended six town meetings held throughout the state in September, 1985.

The rationale for collecting this information is to aid in coordinating the services of preschool children with handicaps throughout the state. Sound research clearly shows that early intervention results in significant movement from special education into regular education, and regular education costs less.

Based on Kansas 1984-85 figures, serving a child with a handicap from birth through age 18 is estimated to cost $71,033. The costs are higher when intervention begins at age 3 -- $72,157. The costs accelerate to $79,663 when intervention waits to age 6. The cost difference between beginning at age 3 and waiting until age 6 is $7,507 per child.

When facing a similar proposal, the Colorado legislature asked for an analysis of the financial payoffs. The study displayed amazing results: in three years time, cost savings would begin to be realized. Analysis showed that approximately one-third of the children entering kindergarten each year would no longer need special education. This obviously results in a net savings of tax dollars.

This Substitute H.B. 2756 as amended by the Senate Public Health and Welfare Committee provides for the reporting of information to be used for planning, research and service development by requiring physicians to identify children who are at risk for, or who have, handicaps. Unless parental consent is obtained, no information is collected. The committee members are reminded that overriding this legislation is the Family Rights & Privacy Act, which also prohibits disclosing any information without parental consent.

DEPARTMENT'S POSITION:

The Kansas Department of Health and Environment supports House Bill 2756 as amended by the Senate Public Health and Welfare Committee. This bill facilitates the collection of data that will ultimately assist parents in locating services for preschool children with handicaps.

American
Academy of
Pediatrics

ansas Chapter

hairman
en Rubin, Jr., M.D.
12 S. 17th Street
ansas City, 66102
3/371-2561

iternate Chairman
rginia Tucker, M.D.
17 Indian Wells Court
awrence, KS 66044
3/862-9360 X345

ecretary-Treasurer
cott Weber, M.D.
36 E. Iron
alina, KS 67401

April 8, 1986

Members of the Senate
Federal and State Affairs Committee
Room 254 East
State House
Topeka, Kansas 66612

Dear Senators:

As Secretary-Treasurer of the Kansas Chapter of the American Academy of Pediatrics I am writing a letter of support for House Bill No. 2756. The bill requires potential or existent handicapping conditions of infants and children, from birth to age six, to be reported by physicians who are providing these individuals primary health care.

House Bill No. 2756 promotes the early identification of either possible or recognized handicapping conditions and provides a mechanism to obtain services to meet the individual needs of the reported infant or child within the community or region of the state in which the family resides. Both the reporting physician and the parent's desire to participate are protected by the bill. Confidentiality of information will be maintained. The information reported will be used either as aggregate data for research and statistical purposes or to identify a child only if parental consent is given.

The positive outcome of the bill will be achieved through demonstration that active participation of a knowledgable multidisciplinary team of educators, medical professionals, nutritionists, etc. working with the case manager and the family at a time of rapid change and learning for the child produces a productive, self sustaining adult. As pediatricians, we believe the child should be given the opportunity for this to happen.

For the above reasons the Kansas Chapter of the American Academy of Pediatrics supports House Bill No. 2756.

Sincerely,

R.H. Scott Weber, M.D.

R.H. Scott Weber, M.D., F.A.A.P.
Secretary-Treasurer,
Kansas Chapter
American Academy of Pediatrics

PEDIATRIC
ASSOCIATES

918 West Tenth
Topeka, Kansas 66604
(913) 233-3362

Arthur C. Cherry, Jr., M.D., F.A.A.P.
Dennis M. Cooley, M.D.
Edward N. Saylor, M.D., F.A.A.P.
Camille S. Heeb, M.D.

April 8, 1986

The Honorable Ed Reilly
Kansas Senate
Federal and State Affairs Committee
Room 255 - N
Statehouse
Topeka, Kansas 66612

Dear Senator Reilly:

This is a letter of support for House Bill No. 2756. I am a member of the Executive Committee of the Kansas Chapter of the American Academy of Pediatrics and also a member of the Medical Council of the State Perinatal Committee. Both of these groups have endorsed this bill. I am also a private practice pediatrician, so this bill will have an impact on me. I want to heartily support this bill personally. I feel it will aid in the management of handicapped children throughout the state.

I feel that the two potential problems that can arise from such legislation have been accounted for. The first is confidentiality of information, which will be guaranteed. The second is the right of the primary care physician to be in charge of the patient's management. Anyone who has dealt with handicapped children knows the difficulty in managing the many facets of care that these patients require. This bill will help the primary care physician in organizing these various disciplines, and in the long run, will benefit the child.

In summary, I urge you to support House Bill No. 2756.

Sincerely,

Dennis M. Cooley, M.D.

THE UNIVERSITY OF KANSAS • LAWRENCE, KANSAS • 66045-0048

BUREAU OF CHILD RESEARCH

913-864-4295

April 8, 1986

Senator Ed Riley
Chair, Senate Federal and
State Affairs Committee
State House
Topeka, KS 66612

Dear Senator Riley:

I am writing to endorse wholeheartedly the importance of H.B. 2756 for the future of Kansas children, their families, and society. As a special educator and the parent of a son with mental retardation, I am a staunch advocate of early identification of children at risk for optimum development. This bill will enable children and families to obtain critical services that are currently often extremely difficult for them to access in the state of Kansas. Early identification is the necessary firststep for planning and intervention that can both enhance the child's future and serve as a cost-effective measure for Kansas taxpayers.

Compelling evidence underscores the need for this legislation:

* If every child had complete health services, including check-ups, over 40% of all child health costs could be saved.

* For every $1 spent on preschool education, $7 are saved in higher educational attainment levels and decreased special education placements.

* Students who have participated in well-designed preschool education programs have experienced the following positive impacts when compared to children that did not participate.

  -- 90 percent fewer special education placements.
  -- 45 percent lower adolescent pregnancy rates.
  -- 31 percent reduced juvenile corrections rates.
  -- 36 percent higher employment levels.
  -- 35 percent high school graduation rate.

I urge you to give your full and enthusiastic endorsement to H.B. 2756.

Cordially,

Ann P. Turnbull

Ann P. Turnbull
Acting Associate Director

APT:of

April 8, 1986

The Honorable Ed Reilly
Kansas Senate
Federal and State Affairs Committee
Room 255 - E
Statehouse
Topeka, Kansas 66612

Dear Senator Reilly:

We urge your support of House Bill 2756 Physicians Reporting Handicapping Conditions. This bill would provide early intervention for a child with high risk factors at birth. Many times parents express anger and frustration because their physicians continue to play a waiting game with their child and the parents concern for their child's delayed behavior. With the passage of House Bill 2756 an appropriate individual could contact the parent of an at risk infant to make sure the child is progressing normally. If the child is developing normally the individual can congratulate the parent, if the parents are concerned with delays in the development of the child the individual can guide the parent to needed services.

As the parents of a handicapped son we can tell you that we can cope with his disability as long as we know he has had and is receiving every opportunity to grow to his maximum potential. House Bill 2756 will provide early intervention so that handicapped children can grow to their maximum potential.

Sincerely,

Don & Dawn Merriman

Don & Dawn Merriman
2515 Rockhurst Road
Salina, Kansas 67401

4/10/86
Attachment #2

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THE CLOVE CIGARETTE STORY

- Indonesian Clove Cigarettes, known throughout the Far East as "Kreteks", are cigarettes which are made up of a mixture of 40% ground clove and 60% cigarette tobacco.
- Clove cigarettes have been a common and popular smoking project for nearly 100 years.
- The Center for Disease Control (CDC), the FDA facility in Atlanta, Georgia, has reports of approximately 14 persons who may have had illnesses "possibly associated" with clove cigarettes. These 14 or so cases were reported nationwide over a period of 12 to 18 months. The Center for Disease Control has had no further reports of such possible illnesses since the Spring of 1985.
- The "clove cigarette specialist" at CDC has stated that (1) these cases do not constitute medical proof of adverse health effects caused by clove cigarettes; (2) that these very few cases do not indicate a major health problem in the U.S.; and (3) CDC is not conducting nor does it plan to conduct any scientific studies on the smoking of clove cigarettes.
- In the past 40 years, clove cigarettes have spread in popularity throughout the Far East and Middle East; the most prominent importers being Australia, Japan, Canada, Singapore, Malasia and Saudi Arabia.
- Tobacco industry estimates confirm that 80 million clove cigarettes are imported into the United States, compared to 600 billion regular tobacco cigarettes consumed in this country annually. This amounts to 1.25 clove cigarettes smoked in the U.S. for every 10,000 (50 cartons) regular cigarettes consumed.
- As with all cigarettes, Indonesian Clove cigarette packages sold in the United States carry the Surgeon General's warning and are subject to all applicable tobacco laws and regulations.
- State laws that prohibit sale of cigarettes to minors are also applied to Indonesian Clove cigarettes.
- The tobacco used in Indonesian Clove cigarettes comes from all over the world, including the United States. Indonesia imported an average of 5 million pounds of U.S. tobacco annually from 1982 to 1985.

The world scientific literature, monitored by the National Library of Medicine and the F.D.A. shows no report of scientific studies that prove or even suggest that the smoking of cloves in combination with regular cigarette tobacco is hazardous to health.

Sen. Fed. & State Affairs
Attachment #2 4/9/86

The Controversy Surrounding Clove Cigarettes

Clove cigarettes, as noted earlier, have been consumed by millions of people of different classes, cultures, and environmental settings for nearly 100 years. In that time, there have been no documented reports of related illnesses different from those associated with non-clove or "white" cigarettes. As the result of the accusations of a few critics, questions concerning the product's potential toxicity have been recently aired.

In 1984, a young man died while under the care of Doctor Frederick Schechter, a physician who had recently moved to California from New Orleans, Louisiana. The Doctor ruled the death the result of apparent respiratory failure and later claimed such failure was a direct result of the young man's consumption of "one or two clove cigarettes." Since that early round of publicity, Dr. Schechter has retracted his opinion having been recently quoted as saying, "But we don't have any proof they killed Timmy" [Orange County (CA) Register, July 30, 1985]. There had not been an autopsy performed on the young man and on a number of occasions Dr. Schechter has failed to accept the Council's–or other involved parties' invitations–to discuss his accusation in the company of a Council representative.

Kretecks are still relatively unknown and ripe for criticism, although they have been imported and sold in the United States for some 15 years. The California media, with Dr. Schechter's accusations in hand, has released a veritable torrent of negative and accusing articles which have spawned a rash of similar publicity throughout the U.S.

Although no scientific studies of the effects of clove cigarettes on humans have been conducted, individual physicians continue to blame clove cigarettes for a variety of their patients' illnesses. Now through the efforts of Doctor Schechter and the Los Angeles Times, a witch hunt is well underway.

Legislators in Florida, Nevada, and New Mexico, without taking the time to obtain a balanced appraisal of the issue, reacted to such accusations by hastily enacting legislation to ban the sale of kreteks within their states' borders. One legislator in New Mexico, for example, in his argument against the continued sale of kreteks there claimed, "they are nothing more than recycled cigarette butts gathered off Oriental sidewalks and mixed with cloves." With the aid of the Council, the Florida ban has been set aside by the courts as being unconstitutional.

On the other hand, the California Legislature–considered to be on the cutting edge of consumer protectionism and a legislative trend leader–has chosen a more sensible approach to this controversy. In 1985, the Legislature directed the University of California to appoint a scientific advisory board to evaluate the research and data from ongoing studies on the hazards of smoking clove cigarettes.

A state health official in Oregon revealed that his study of teenage respiratory problems allegedly linked to the smoking of clove cigarettes were actually the result of "dipping" of non-clove cigarettes into clove oil or in a dental medicine high in eugenol content.

The Specialty Tobacco Council recognizes your responsibility to those you represent and serve. We ask, however, that you not act in haste or in reaction to unsubstantiated allegations and accusations. Such motivation makes for bad legislation. We urge you to take the time to separate fact from fiction. Please feel free to call on us or our local representative with any questions or allegations that are brought to your attention. Our desire is to work with you to properly address the problems that have surfaced in your community.

Thank you for your time and consideration.

DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Centers for Disease Control
Atlanta GA 30333

July 22, 1985

Ms. Heather Winkler
1150 Eastfield
Worthington, Ohio 43085

Dear Ms. Winkler,

Thank you for your letter about your experience with clove cigarette smoking. At present, I know of no epidemiologic or clinical study of the effects of clove cigarette smoking in people. We have accumulated reports of illnesses possibly associated with clove cigarettes; a copy of our report is enclosed. These cases are cause for concern, but they do not constitute medical proof that adverse health effects in humans are caused by the clove component of clove cigarettes. Preliminary results of a study of the effects of instillation of eugenol into the tracheas of rodents from the Los Angeles Times is also enclosed.

Thank you for your offer to participate in a study. At this time we are not doing a study, but I will keep your letter on file.

Sincerely yours,

Sue Binder, M.D.
EIS Officer
Special Studies Branch
Chronic Diseases Division
Center for Environmental Health

Enclosures

THE ORANGE COUNTY Register

Buena Park teen files $25 million suit against clove-cigarette makers

By Jeannie Wright
The Register

A Buena Park teen-ager who says he suffered severe respiratory problems after smoking clove cigarettes filed a $25 million lawsuit Monday against the manufacturers, distributors and sellers of the cigarettes.

David Story, a 17-year-old high school senior, said Monday that after smoking one clove cigarette a month for a few months last year, he was hospitalized with pneumonia and abscesses on his lungs.

In his lawsuit filed in Orange County Superior Court, Story and his mother, Karen Lowrey, allege clove cigarettes pose a serious health hazard.

After smoking clove cigarettes last year, Story "developed difficulty in breathing, began coughing up blood, and was hospitalized at Buena Park Community Hospital," the lawsuit states.

Story had pneumonia for 8 months and continues to suffer from asthma, bronchiectasis (an enlargement of the bronchial tubes) and extreme fatigue, his mother said.

"He's not the David he used to be," Lowrey said. "He used to be a non-stop person. Now he tires very easily."

"I tell my friends not to smoke them. I don't want to see my friends destroy their lives," Story said Monday.

"We want the cigarettes banned," Eric Lampel, Story's attorney, said during a news conference Monday at the Orange County Superior Courthouse.

Lampel said the cigarette manufacturers and distributors are negligent for "retailing a dangerous product. They know there is a problem with them."

Defendants named in the lawsuit include the manufacturers and importers of the cigarettes. They include Tasmar Importers, Djarum Kudus Manufacturing, Jakarta Manufacturing and Krakatoa Manufacturing.

Also named as defendants are local distributors including 7-Eleven, Southland Corp., Save-on, Helen's Tobacco Shop, Phillips and King Cigar Co.

C.R. Ecker, a spokesman from the Specialty Tobacco Council in Los Angeles, was at the news conference Monday to dispute the lawsuit's claims that clove cigarettes are unhealthy.

"There's no scientific evidence that clove cigarettes pose a health hazard," Ecker said. "That's based on 100 years of usage around the world and 15 years in this country."

Ecker said news reports about potential health hazards related to clove cigarettes have all been "negative and one-sided."

The lawsuit states that from September to December, Story bought and smoked clove cigarettes called Djarum Specials, Jakarta and Krakatoa cigarettes.

"They found abscess formations on David's lungs twice. Had they ruptured, his lungs would have collapsed," his mother said.

The teen-ager said he also smoked about a half pack a day of regular cigarettes from 1981 to 1984. But he said his respiratory problems arose after he smoked the clove cigarettes.

This is the second multimillion-dollar lawsuit Lampel has filed in Orange County over clove cigarettes.

The parents of a 17-year-old Newport Harbor High School athlete who claimed he died in 1984 after smoking clove cigarettes filed a $25 million lawsuit in March against the cigarette manufacturers, distributors and sellers. The suit is pending in Superior Court.

Tim Cislaw suffered breathing difficulties and began coughing up blood after smoking several "Djarum Specials" clove cigarettes with his friends on March 2, 1984, the first lawsuit states.

Ten weeks later, Cislaw died. Dr. Frederick Schecter, the physician who treated Cislaw before his death and is treating Story, said Monday night that he knows of only one "possible death" nationwide linked to clove cigarettes.

Schecter said it is "just presumed" that clove cigarettes aggravated Cislaw's condition. "But we don't have any proof they killed Timmy," he said.

The doctor declined to discuss Story's condition because he said he did not have a release from his mother to talk about the case.

In December, the Orange County chapter of the American Lung Association conducted a seminar on clove cigarettes and their potential health hazards.

Health professionals warned that smoking clove cigarettes could be hazardous to teen-agers and that clove cigarettes are wrongly viewed as a safe alternative to regular cigarettes.

Most clove cigarettes are imported from Indonesia and contain about 50 to 70 percent of the tobacco of regular cigarettes. Clove oil is the most dangerous part of clove cigarettes because it tends to numb the bronchial tubes and stifle the coughing reflex, health officials said.

Tuesday, July 30, 1985

*** RECENT DEVELOPMENTS -- APRIL 2, 1986 ***

TOXICITY STUDIES ON CLOVE CIGARETTE SMOKE AND CONSTITUENTS OF CLOVE

On Friday, March 14, 1986 a study of clove cigarettes, sponsored by the National Cancer Institute and conducted by the National Health Foundation of Valhalla, NY on the toxicity of clove cigarettes became available. The American Health Foundation is one of the leading toxicological research centers in this country. Its scientists are considered preeminent in the field of cigarette/smoke research and historically have been critical of smoking and tobacco products.

The Foundation's results cited:

- "Histological examination of several tissues failed to reveal any significant differences in lesions between hamsters exposed to the smoke of the 2R1 [standard white] cigarette and those exposed to clove cigarettes."

- "Syrian golden hamsters exposed to clove cigarette smoke in inhalation assays were thoroughly examined histologically. Examinations of the lung, trachea, nasal cavity, esophagus, tongue, kidney, adrenal glands and bladder did not reveal [emphasis added] any significant lesions."

This report confirms the findings of a study of the Huntington Research Center of Huntington, England which compared the effects of clove cigarettes and standard white cigarettes on lab animals. The Huntington Research Center's staff found that clove cigarettes posed no greater risks to the animals; and hence humans, than those allegedly attributed to standard white cigarettes.

More recently, the preliminary results of a second study conducted by the Huntington Research Center intended to measure the effects of a more prolonged exposure to clove and standard white cigarette smoke showed less evidence of toxicity in animals exposed to clove cigarette smoke than those exposed to standard white cigarette smoke.

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SPECIALTY
TOBACCO COUNCIL, INC.

March 18, 1986

HUNTINGDON RESEARCH CENTRE REPORT ON CLOVE CIGARETTES
EXECUTIVE SUMMARY

Background

o) The report: "Comparison of the Response of Rats Exposed To Equivalent Concentrations of Smoke from American or Kretek Cigarettes - Comparative Acute Toxicity," was prepared by British-based Huntingdon Research Centre, one of the world's premier independent toxiological research institutions.

o) The inhalation study was performed by the Huntingdon Research Centre between August and December of 1985 to determine whether clove cigarettes produced hazards above and beyond those allegedly associated with non-clove cigarettes.

o) The study of the effects of clove cigarette smoking is the first clove cigarette inhalation study ever released. It compares one of America's leading filtered cigarette brands with a popular Indonesian-made filtered clove cigarette sold in the United States as well as other parts of the world.

Key Findings

o) The report clearly shows that clove cigarettes do not cause acute respiratory distress as claimed by a few critics.

o) The study shows that clove cigarette smoke, and any of its components, including eugenol, does not have an anesthetic effect on the lungs of the laboratory animals. There was no evidence found to support claims that smokers will retain clove cigarette smoke in their lungs for a longer period of time as some people have suggested.

o) When lungs of the animals were studied under a microscope during autopsies, no difference at all was found between those exposed to non-clove and clove cigarettes. In addition, all organs were found to be normal.

o) There were no differences in body weight changes, or food and water intake. This is an indication that the clove cigarettes were not causing the animals to feel weak and lose their appetite. They gained weight in a normal manner.

Methodology

o) The study was divided into two parts. In the first part, conditions were established for smoking the different cigarettes in a manner to produce equivalent animal exposure chamber concentrations of total particulate matter. In the second part, groups of test animals (albino rats) were exposed to one of three different concentrations of smoke from each of the cigarette types and responses compared.

o) Groups of 10 male and 10 female test animals were exposed through smoking machines to one of three different (but equivalent, in terms of total particulate matter) concentrations of smoke from each type of cigarette. There was one group of 20 animals for each level of concentration for each cigarette type plus a control group of animals who were not exposed to any smoke. A total of 140 animals were studied.

o) These test groups were exposed to cigarette smoke for 15 minutes followed immediately by 15 minutes breathing air and then a second 15 minute exposure to smoke. The animals remained in the smoke exposure tubes throughout this time.

o) The breathing patterns of test animals exposed to both clove and non-clove cigarettes were carefully monitored during the exposure tests by recording pressure changes due to body movements associated with breathing.

o) Comparison of any delayed response was made by observation and measurement of bodyweight, food and water consumption for a sub-population maintained for 14 days following exposures. This comparison revealed no differences between the groups.

o) Comparison of any lung changes were made at two intervals: 24 hours and 14 days following smoke exposures.

4/9/86
Sen. Gilly 255-E
Attachment #3

EDWIN BIDEAU III
REPRESENTATIVE, FIFTH DISTRICT
NEOSHO COUNTY
123 W. MAIN
CHANUTE, KANSAS 66720-1790

STATE OF KANSAS

TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER: JUDICIARY
LABOR AND INDUSTRY
PUBLIC HEALTH AND WELFARE

SUPPLEMENTAL TESTIMONY - H.B. 2961

Senat Federal and State Affairs Committee

Dear Senators:

As supplemental testimony in response to some comments made by the opponents I would call to your attention that the sole opponents to this bill are the judges who are operating the programs. Not one single person from the law enforcement community or a prosecutor has appeared to oppose the bill.

The entire purpose of the court-bond programs now in place are to dilute the amount of bond ordinarily in place and to charge a fee to run the program. I have seen the faces of several victims saddened when they leave the court room after seeing the criminal who acted against them placed under a $10,000.00 bond or a $1,000.00 bond only to learn that the amount means nothing and the Defendant can get out by paying only 10% to the court without any other surety or guaranty from a relative.

Judge Allegrucci implied that OR or personal recognizance bonds are forfeited and collected from the Defendant and that a court bond would be or could be collected as well. In 11 years of service as a prosecutor I have never seen nor heard of one single OR bond that was ever collected from a Defendant even when they failed to appear. As a practical matter defendants do not have the money or the assets to collect anything from. The court bond program is in effect nothing but a modified OR or PR bond with a fee collected and the public misled by the true nature of the bond.

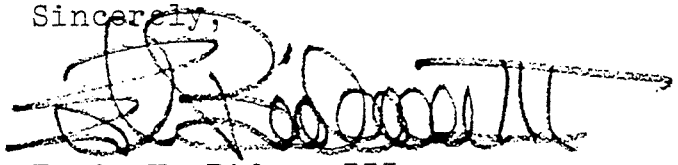
I would ask you to consider one other issue on this. If this is such a good program why has not the Supreme Court instituted it state wide? While the Shawnee County District Attorney and the Sheriff are now operating under such a program "giving it a try" what other choice did they have? The legislature appears to be the only remedy to stop this type of program and stop misleading the public and victims on the true nature of bail bonds.

Finally, I would urge your strong consideration of the additional criteria or additional tools that other sections of the bill give to judges conducting arraignments and first appearances which can

be used for the true protection of the public, victims and witnesses in criminal cases and to help protect them from threats, harassment and the prospect of becoming a victim again.

I would ask for your favorable support of H.B. 2961.

Sincerely,



Edwin H. Bideau III

EHB:eb

Dwight J. Parscale
ATTORNEY AT LAW
3320 S.W. HARRISON
TOPEKA, KANSAS 66611
TELEPHONE 267-4190
AREA CODE (913)

April 9, 1986

Senate State and Federal
Affairs Committee

Re: House Bill 2961

Dear Senators:

I realize that time was quite short at the time of the Committee Meeting earlier today, at which time I gave testimony. I again would like to reiterate several points which I think are extremely important in this bill. In the first instance, this bill is necessary to guarantee not only uniformity of the system throughout the State of Kansas and its application, but also to guarantee the availability of bail bonds pursuant to our Constitution. The comments that I made to you in the Committee Meeting were not paranoid comments, but were factual statements taken from my research of other jurisdictions which have used this experimental form of bail bonding. In One Hundred Percent (100%) of the cases, each jurisdiction that attempted to implement this program found that in the long term it was expensive and burdensome on the taxpayers and did not successfully result in the return of the charged criminal to the court.

The court's venture into private enterprise in this instance has in effect the ability to put bondsmen out of business or at the very least to limit the availability of bondsmen when needed. Let there be no mistake that the cornerstone of a free democratic society is a right to bail. History tells us that in vivid color. It would then follow that without bondsmen we have no bonds, and without bonds we do not have a free society. Judge Buchele's comments that bail bonds were a thing of the past I sincerely believe were not completely well thought out comments, nor do I really believe that he considers bail bonds a thing of the past. I must point out and should point out that under the present law if a judge really believes that a One Hundred Dollars ($100.00) bond is sufficient to guarantee that a criminal will return to the court to be prosecuted then the judge has the obligation and the opportunity to grant a One Hundred Dollar($100.00) bail under the present law.

Further, I must point out that in each jurisdiction where this experiment was made they found that the expense of administering the program as well as attempting to return the bail jumpers increased each year that the program was in effect and that the increases were not small, but rather enormous. The next point I wish to reiterate was that in each jurisdiction where this program was experimented with bail jumpers increase a minimum of six fold and in each jurisdiction jail overcrowding became a more serious problem than it had previously been.

Statistically the Federal Government has found in its program and these figures were presented by Senator Kassabaum that in 1983 the percent bail bonds system had Eleven Thousand One Hundred Thirty-Four (11,134) individuals who had failed to appear on their bonds. When this is considered in light of the fact that the Federal Government handles less than two percent (2%) of the criminal cases in the United States, it becomes quite clear what would happen at the State level should we implement such a program. The judges pointed out that they did not care what had taken place in other juridictions and that we should care only what we do here in Kansas. I find that putting the blinders on and not taking advantage of the lessons taught to us by these other jurisdictions would make those lessons meaningless. This program of percentage bail bonds has no advantage to the average taxpayer or the law abiding citizen, but merely makes them victims again at a time when the taxpayer is already over burdened.

Further I need to point out that ninety percent (90%) of the bail jumpers are returned by law enforcement officers, at this point and time the other ten percent (10%) are returned by bail bondsmen. The elimination of the bail bondman in this procedure most assuredly would require the increase of law enforcement costs for the return of the balance of these people. At a time when crime appears to be at almost all time highs I fail to understand why judges are lobbying as strongly as they are for the allowance of a program whose only benefits are to charged criminals and a program whose only benefits are to the career criminal who chooses to take advantage of the system over and over again. If this bill is not passed then the only winners are the criminal element who make their career crime and lossers are the taxpayers and the voters of our communities.

In closing, I would like to further point out that the system now being used in Shawnee County was one that was in effect crammed down the throats of the Bar Association without so much as comment to the Bar or input from the Bar. Again, I appreciate your time but I do believe this subject to be one of tremendous impact in the long term scale of things and one which should not be taken lightly. I sincerely hope that you cast your vote in favor of this bill so that it may be brought to the floor of the Senate.

Very truly yours,

Dwight J. Parscale
Attorney at Law

DJP:lp

4/9/86
Attachment #4

Lowell K. Aboldt, a lifetime resident of Dickinson County, is an investor and director in the Talmage Investment Company and a director and secretary of the Board of the Talmage State Bank.

He currently serves as trustee, and loan investment officer for the Jacob Engle Foundation (savings and loan), Upland, California. He is a director of the Turkey Creek Watershed and was charter director. Aboldt is director of the State Association of Kansas Watersheds and currently serving his seventh term as president. He is serving as vice-chairman of the Kansas Public Disclosure Commission and has been on the commission since 1977.

Aboldt is on the Abilene Chamber of Commerce Legislative Committee, the Legislative committee of the Kansas Association of Commerce and Industry, and the board of Governors of the Agriculture Hall of Fame.

He was a member of the Hope Lions Club for 14 years and is a member of the Abilene Noon Lions Club since 1973. He was past president of the Hope and Abilene Lions clubs and currently [illegible] District Governor 17 A.W. He is a member and past president of the Dickinson County Board of Realtors and currently serving for the second year as director on the Kansas Association of Realtors, 1982 Realtor of the Year.

He is Bible secretary for the Abilene Camp of Gideons International. Aboldt is a member of the Brethren in Christ Church. He is chairman of the Steward and Finance Commission of the Midwest Conference and chairman of the Men's Fellowship (United States & Canada) Brethren in Christ Church.

Aboldt organized and incorporated Central Kansas Agency, Inc., and L & J Properties, Inc. serving as president of both. He is a registered representative in securities for Kansas and Oklahoma.

He was past president (3 years) and director of the Kansas Electric Cooperative, Topeka. He was active as director (14 years) of DS&O Rural Electric Cooperative and then president.

Aboldt has served as community 4-H Leader, on the extension board, township board, church board, telephone company, fire department board and others. He presently has business interests in farm property, apartments, insurance and real estate.

Senate
State Capitol
Topeka, Kansas 66612

Re: H. B. 2961

Dear Senator:

This bill requires a judge setting bond for a criminal defendant, to take into account the likelihood of injury to the community or victim of the crime charged, the propensity of the defendant to commit additional crimes while on release, and his record of failure to appear at court proceedings.

This bill prevents a criminal defendant from being allowed a 90 percent reduction in bond, and requiring only a 10 percent bond of which 90 percent of that is returned to the criminal defendant. This bill prevents the criminal from posting only 10 percent of his bond and go free, and when he fails to come to court he loses very little. Ten percent public bonds causes the taxpayer to take the loss and risk while the accused does as he pleases, knowing that a bail agent will not be looking for him. A judge has only to lower the bond to accomplish the same thing, thereby not misleading the non-criminal taxpayer. Why should the state set a bond at $5,000 and then only require the criminal to post $500? If $500 will guarantee his appearance, why not set the bond for that amount in the first instance? It is deceitful to tell the citizens that a criminal has been released on a $5,000 bond, when in truth it is only $500. Money cannot be collected from a bondjumper.

The professional bail agent posts full liability-full responsibility bonds, in whatever amount the judge sets. The bail agent supervises the defendant while on bond, and if he fails to appear in court the bail agent surrenders him to the court; and if the criminal cannot be located the bail agent pays the entire amount of the bond. With percent deposit 'public bonds' none of the above will happen. There would be no full liability-full responsibility bonds, no supervision of the defendant, no bail agent to take the defendant to court, and no one to pay the bond when forfeited. If you or your family were victims of crime what type of bond would you prefer the criminal defendant post. Never in history has a forfeited deposit bond paid off. These are public bonds paid for by the taxpayers, and if the defendant is rearrested by our already over burdened police officers, that cost is also paid by taxpayers, along with the additional crime committed by bondjumpers.

Percent deposit bail places the state in the bail bond business, and will abolish numerous Kansas businesses and jobs now being performed by private enterprise at no cost to the taxpayers. Percent deposit (Public Bail) benefits only the criminal at the non-criminal taxpayers' expense. Why should we eradicate an entire segment of private enterprise, the bail industry, in order to guarantee the criminal free and easy bail? Why shouldn't the criminal pay his own bills?

Judges who advocate the use of 10 percent deposit bonds, place themselves in direct competition with private enterprise by using taxpayers' money for criminal bonds. Would a judge take the same risk with his money? Why do some judges want 10 percent bonds? We agree with Shawnee County District Attorney, Gene Olander when he said that he viewed percent deposit bonding as nothing more than an attempt to put the professional bail bondsman out of business. (See attached letter). Bail agents are the only independent free enterprise businesspeople in the criminal justice system. Some judges want total control. Wherever deposit

bonding takes hold, bail agents fold. At that point all bonds will be public taxpayer bonds or there will be no bonds at all. Judges will totally decide who stays in jail and who gets out, much like dictatorial countries. There are no bail agents where dictators exist, such as many South American countries and Russia, where people are incarcerated for months or years because of their political beliefs. Thank God not all judges want easy free bail. Only 3 districts in Kansas have attempted such a thing. One reason is because the legislature has not provided for it. There is no statutory authority for deposit bail. That is why, in the last legislative session, H. B. 2009 was introduced; which would have given judges authority to establish the deposit bonding ideal. That bill did not pass either house. Nevertheless deposit bail was implemented in defiance of the elected representatives of the people (This Legislature). The passage of this bill, H. B. 2961 will make it perfectly clear that even a judge can not establish laws by administrative decree, after being turned down by the legislature.

In Shawnee County alone there is an average of at least one bond forfeiture each day, as a result of taxpayer subsidized bonds.

There are those why say that because some defendants charged in Federal court, are released on their signature, that therefore the state should do likewise. That argument fails because less than one percent of all criminal cases filed, are in Federal court, and many of these are of the so-called 'white collar' nature. Further, the Federal government is better equipped to recapture defendants. Even so, many are not found.

We, of course, realize that a criminal defendant stands innocent until proven guilty. But, we must remember that over 90 percent of all people charged with crimes are found guilty. With percent deposit bonding a great many criminals will not be found guilty, because they will not return for trial.

The criminal element will view paying 10 percent of the bond as simply a small cost of doing business and never return. If he is located it will probably be in the commission of another crime. Then what will be done with him? Will he be released again on another public bond or kept in jail? This is what causes jail overcrowding. When bail is made easy, crime becomes more profitable and as a result, fuels crimes and fills jails. This has proven true whereever easy bail prevails. The bail agent with his money at risk, supervises the defendant while on bond, and returns him to court, thereby reducing crime. We cannot have a criminal justice system without the defendant in court.

Certainty of punishment can only be provided by the professional bail agent.

Many honest business people and public officials, including law enforcement personnel, must post bonds guaranteeing their performance. Honest business people must post and pay for surety bonds to guarantee payment of sales tax. Honest contractors must post surety bonds, to guarantee their work performance. Even sheriffs and other public officials must post surety bonds to guarantee their performance. Yet, several liberal judges and social workers believe that criminals should not post bonds to guarantee their performance, and that the taxpayers should post their bonds for them. Bail agents are the only people in the criminal justice system that guarantee their performance.

There are those who say that government, by charging a one percent fee for providing taxpayer bonds for criminals will pay for this criminal service. The fact is, the retention of this so-called administrative fee would not even pay for one additional clerk, let alone bookkeeping, issuing refunds to criminals, special bank accounts, unpaid bond forfeitures, increased crime, additional sheriff deputies, and, additional administrators. This liberal program would fast develope into one of the largest, most expensive, self-perpetuating bureaus in the state, costing millions.

All of this for the benefit of the criminal defendants. We wish as much attention was paid to the victims of the criminals, and the non-criminal taxpayers. Percent deposit bonding (Public Bonds) will place the non-criminal taxpayer in a position of paying for his own demise.

Percent deposit bonding was tried in California with misdemeanor cases. After spending millions of dollars for administrators and bond forfeitures with very few defendants showing up for court, the California legislature recently abolished percent deposit because it was totally unworkable and expensive. In Kansas we now see many public bonds being issued for felons. Such a practice cannot be tolerated if we are to have any semblance of justice.

Government and the taxpayers are not required to pay for you and I to operate our business and they certainly should not be required to pay for the operation of the criminals' business. Those who commit criminal acts should be made to post sufficient surety bonds as required by the Kansas Constitution, Bill of Rights, §9 (See attached copy of that provision). Our goal should be to provide a strong criminal justice system not a criminal welfare system.

The Professional Bail Agents of Kansas stand with the victims, non-criminal taxpayers, law enforcement and free enterprise. We ask you to do the same and vote yes on H. B. 2961.

Respectfully submitted,

Lowell R. Arndt

ASSISTANT DISTRICT ATTORNEYS
[illegible]

Gene M. Olander
District Attorney
Kansas Third Judicial District
Suite 212 • Courthouse • Topeka, KS 66603 • 913/295-4330

OFFICE MANAGER
[illegible]

INVESTIGATORS
[illegible]

CHILD SUPPORT DIVISION
[illegible]

February 12, 1985

Mr. William Roy, Jr., Representative
State Capitol Building
Topeka, Kansas 66612

RE: HOUSE BILL 2009

Dear Representative Roy:

It was called to my attention that House Bill 2009 passed the House Judiciary Committee by one vote. Please be advised that our State Prosecutors Association as well as myself are opposed to the passage of this measure.

Not only would this bill put the Clerk's Office in the bonding business, it would also, in my opinion, change the criminal bail bond system in a manner which would have an adverse effect on the whole criminal justice system.

We presently have sufficient statutory authority for either granting a surety bond or allowing those financially unable, but a reasonable risk to post their own recognizance. My feeling is that if we are going to require a bond in a certain amount to guarantee that person's appearance and then to say that they would only be responsible for up to 25% of that bond, that it would make no sense whatsoever.

I am aware that there are those who wish to eliminate professional bail bondsmen. Whether or not you like professional bail bondsmen, they perform a vital service in the implementation of article 9 of the Kansas Bill of Rights under our present system. When a $10,000 bail bond is posted, the bondsman has an incentive to see to it that that person is in Court and if the defendant fails to appear, the bondsman stands to lose the entire $10,000. There is, therefore, a great incentive to see to it that not only the defendant appear, but that he is apprehended and surrendered by the bondsman so that the bondsman does not have to pay the forfeited bond. This proposed new system does not do anything that the present recognizance system doesn't because once the bond is forfeited, the deposit may be forfeited, but no one is looking for the defendant to surrender him to avoid paying the full bond.

Granted, there is a need for a system where we take limited risks on misdemeanor and non-violent offenders. We already have that system under the present law. I view this bill as nothing more than an attempt to put the professional bail bondsman out of business, as we already have sufficient statutes on the books to take into account those defendants who would otherwise be detained solely because of their financial circumstances.

My personal observation has been that bonds which are posted on a defendant's own recognizance are forfeited at least 10 times more frequently than those who have a responsible surety on their bond. I do not see this bill as anything other than an unnecessary expansion of the presently very liberal recognizance program already in place. I have kept records in this office for several years as to forfeited bonds and believe me, when a professional bail bondsman has a forfeiture, usually within 30 to 45 days, he has either surrendered the defendant or has paid the forfeiture in full. I find this a much more effective system than that proposed under HB 2009.

Thanking you in advance for your time and attention.

Yours very truly,

GENE M. OLANDER
District Attorney

GMO: bjw

4/9/86
Attachment #5

TO: Senate Federal and State Affairs Committee

FROM: Donald L. Allegrucci, Administrative Judge of 11th Judicial District; Chairman, Legislative Coordinating Committee of Kansas District Judges Association

RE: HB 2961

The primary objective of HB 2961 is to prohibit a court bonding program. At the present time, the 3rd, 11th and 20th Judicial Districts have a court bonding program. It is important that you keep in mind that the function of a bond is limited to assuring the presence of the accused at trial. The bond must be for a reasonable amount and cannot be excessive under the 8th Amendment to the United States Constitution. A bond cannot be used to punish the accused but is limited in purpose because, under our system of justice, a person accused of a crime is presumed to be innocent until he is found guilty by a judge or jury. The presumption of innocence is the foundation upon which our judicial system is built.

The use of a money bail system is based upon the premise that the risk of sufficient financial loss will provide a deterrent to flight and assure the accused's presence at trial. The court bonding system in the 11th Judicial District was not intended, nor is it used to replace professional bonds. It is used as an additional alternative to OR bonds. The court bonding system has been in use in the 11th Judicial District for the past seven years, and it has been highly successful. It has not resulted in any monetary loss to the program nor to the taxpayers. During that seven-year period, no defendant granted bond through the court bonding program has defaulted or failed to appear.

I fail to see a problem which needs to be addressed by passage of HB 2961. From the court's point of view, we have had a very successful bonding program which has met the needs of the court and the public. If there is a problem, it appears to exist within the professional bonding industry, which evidently feels threatened by the court's bonding program. I see no reason why the court bonding program and professional bonding cannot coexist; they have in the 11th Judicial District for the past seven years.

APPENDIX - D

Supplement

4/9/86
Attachment #6

AMERICAN BAR ASSOCIATION PROJECT ON
STANDARDS FOR CRIMINAL JUSTICE

STANDARDS RELATING TO

Pretrial Release

Amendments recommended by the

SPECIAL COMMITTEE ON MINIMUM STANDARDS FOR THE ADMINISTRATION OF CRIMINAL JUSTICE

J Edward Lumbard, Chairman

and concurred in by the

ADVISORY COMMITTEE ON PRETRIAL RELEASE

Alfred P. Murrah, Chairman

Charles E. Ares, Reporter

September 1968

The standards proposed in the Tentative Draft of March 1968, with the amendments recommended herein, were approved by the House of Delegates August 6, 1968. The commentary in this supplement is in the form in which it accompanied the proposed amendments submitted to the House.

seems to be no reason why a similar procedure could not be applied to some defendants awaiting trial.

5.3 Release on money bail.

(a) Money bail should be set only when it is found that no other conditions on release will reasonably assure the defendant's appearance in court.

(b) The sole purpose of money bail is to assure the defendant's appearance. Money bail should not be set to punish or frighten the defendant, to placate public opinion or to prevent anticipated criminal conduct.

(c) Upon finding that money bail should be set, the judicial officer should require one of the following:

(i) the execution of an unsecured bond in an amount specified by the judicial officer, either signed by other persons or not;

(ii) the execution of an unsecured bond in an amount specified by the judicial officer, accompanied by the deposit of cash or securities equal to 10 percent of the face amount of the bond. The deposit, less a reasonable administrative fee, should be returned at the conclusion of the proceedings, provided the defendant has not defaulted in the performance of the conditions of the bond; or

(iii) the execution of a bond secured by the deposit of the full amount in cash or other property or by the obligation of qualified, uncompensated sureties.

(d) Money bail should be set no higher than that amount reasonably required to assure the defendant's appearance in court. In setting the amount of bail the judicial officer should take into account all facts relevant to the risk of willful nonappearance, including:

(i) the length and character of the defendant's residence in the community;

(ii) his employment status and history and his financial condition;

(iii) his family ties and relationships;

(iv) his reputation, character and mental condition;

(v) his past history o

(vi) his prior crimin

(vii) the identity of
who would vouch for t

(viii) the nature of t
conviction and the
relevant to the risk of

(ix) any other facto
community.

(e) Money bail shoul
fixed schedule of amo
amount but should be the
take account the special

(f) Money bail shoul
securing a defendant cha
pay a sum of money to
that is in the nature of
be employed according

Commentary

Section 5.3 (a) and (b).
Money bail in any form
used to assure the defen
Committee has carefully
question and has decided a
assuming that it is a comm
purposes other than ass
that the practice is incom
of protecting the public f
5.5, *infra*. It is believed t
will best be avoided by

Section 5.3 (c).
Subsection (i) provic
may be signed by sureti
of financial loss will be

4/9/86
Attachment #7

Shawnee County
Board of Commissioners
Rm. 205, Courthouse Topeka, Kansas 66603
(913) 295-4040
Winifred Kingman, 1st district
Velma Paris, 2nd district
Tom Hanna, 3rd district

April 8, 1986

Senate Chamber
State Capitol
Topeka, KS 66612

Re: H.B. 2961

Dear Senator:

The above bill gives consideration to the victims of crime and to the taxpayers, and I support it.

This bill passed the House of Representatives by a vote of 94 to 31, and is supported by the Kansas and National Sheriffs Association, and the Kansas County and District Attorneys Association. It will eliminate 10 percent bonds for criminals which are subsidized by taxpayers. Courts should not be in the bonding business, nor should they set bonds and then retain a percentage of the bond for administrative fees. Such procedure is a conflict of interest, yet it is being done in three Kansas counties. The citizens of Topeka and Shawnee County do not want to be in the bonding business, it is dangerous and expensive.

If a judge wants to be a bail agent, let him use his own money and not taxpaers' funds.

I urge you to support H.B. 2961.

Respectfully,

TOM HANNA, CHAIRMAN
SHAWNEE COUNTY COMMISSIONERS

Sen. Fed. & State Affairs
Attachment #7 4/9/86

4/9/86
Attachment #8

The Honorable William R. Carpenter
Administrative Judge of the District Court
Shawnee County Courthouse
Topeka, Kansas 66604

Re: Percentage Deposit Bail

Dear Judge Carpenter:

I am the first one to admit, from my dissertation "The Holocaust of Criminal Welfare," that the bondsman is at the absolute mercy of the judiciary, in almost the form of a hostage with hands tied and a gun at his head. We have however, as stated in our pledge, been obligated to support the local community in its fight against crime, and therefore stand solidly on the side of the victim and the taxpayer.

We were given a great deal of credit for our support of the Federal Omnibus Crime Bill signed October 12, 1984. This changed dramatically the use of a federal deposit plan. It is no longer ten percent. The ten percent deposit plan, because of a $100,000 legislative research project by the California legislature and five years of pilot experimentation, has now been eliminated in the largest state in the United States of America. It was proven it just doesn't work!

The Florida Governor's Commission on Bail spent $80,000 to research the use of deposit bail, and the blue ribbon committee rejected it ten to one after one year's study. It is my opinion the ten percent deposit bail plan represents the greatest fraud ever perpetrated on the judges and the people of the United States. I dare anyone to prove one case where the total amount of bond was ever paid.

Enclosed is an article which, when examined by a knowledgeable insurance agent, will prove theoretically the incontrovertible truth, that deposit bail will cost the taxpayers a great deal of money. Please note that of the ten percent charged by a bail agent, ten percent of that is used to pay losses, and ninety percent is used to pay expenses to guarantee that the person appears in court. This is very similar to any other type of surety bond written in America today. When you return ninety percent of the deposit, you in essence are returning money needed to get the person to court, recovery and other expenses necessary for processing. The long run effect is a reduction of salaries for all county employees, or increases to the taxpayer.

Honesty, Integrity, Safety through Full Responsibility Appearance Bonds

Sen. Fed. & State Affairs
Attachment #8 4/9/86

The Honorable William R. Carpenter September 17, 1985

The failure to appear rate of ten percent deposit bonds and the inability to collect the forfeiture represents disaster to the victims and the taxpayer. You will find those people who are criminal defendant advocates will support strongly the personal recognizant, and ten percent deposit type programs. The criminal will surely welcome them.

The professional bail agent, following his pledge to fight crime in the community, is happy to stand on the side of the peace officers, district attorneys and victims, to oppose these proven failures.

It is my opinion, after six years of intensive research serving on the Criminal Justice Research Committee of the Houston Chamber of Commerce and the Pre-Trial Advisory Committee in Washington, D.C., that the future of our nation depends on those people who support victim rights. Please, with these new facts, reconsider your order to put your county in the bail bond business.

I would suggest to you that free enterprise at its worst delivers more than government at its best. I would also suggest to you that the professional bail agents might be some of the most honorable people in the criminal justice system, because they are the only ones who guarantee their performance. Please do not pull that trigger. Please conduct further empirical research.

Sincerely,

Gerald P. Monks, Ph.D.
Chairman
Victim Assistance Committee
Houston, Texas

GM:jp
Enclosure

cc: The Honorable Robert Dole
Mr. Paul Weyrich
Free Congress Research & Educational Foundation
Washington, D.C.

P.S.: It is my understanding that the legislature elected by the people rejected this deposit bail recently. It seems hardly appropriate for the judiciary, regardless of its wisdom, to enact this legislation almost in defiance of the people.

4/10/86
Attachment #9

OFFICE OF THE
COUNTY ATTORNEY
DICKINSON COUNTY
325 BROADWAY (913) 263-2646 ABILENE, KANSAS 67410

KEITH D. HOFFMAN
COUNTY ATTORNEY

JOHN McNISH
ASST. COUNTY ATTORNEY

March 17, 1986

Mr. Lowell Abeldt
302 North Broadway
Abilene, KS 67410

RE: House Bill No. 2961

Dear Mr. Abeldt:

I have reviewed House Bill No. 2961 pertaining to bonds for persons charged with crimes in the District Court. I support the passage of said bill. Based upon my experience with the County Attorney's Office, I would urge the legislature to pass House Bill 2961.

Thank you.

Cordially yours,

Keith D. Hoffman
Dickinson County Attorney

KDH/jjm

Sen. Fed. & State Affairs
Attachment #9 4/9/86

4/10/86
Attachment #10

THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS

CHIEF CLERK OF THE DISTRICT COURT
10TH JUDICIAL DISTRICT
COURTHOUSE
OLATHE, KANSAS 66061

LOVA DUNCAN
CHIEF CLERK

913-782-5000

February 25, 1986

Robert Van Crum, Representative
State Capitol
West 10th Street
Topeka, Kansas 66612

Re: HB 2961

A copy of the above bill has come to my attention. As Clerk of District Court, I feel this bill would be an asset. I have been concerned in the past when a bill has been introduced for a small cash deposit to be placed with the Clerk in lieu of the total amount set for bond. In Johnson County we deal with many defendants who would not return if they did not have to post a bond in the total amount set by the court.

Lova Duncan
Chief Clerk

LD:jp
enc.

4/10/86
Attachment #11

COUNTY OF CHASE
STATE OF KANSAS

OFFICE OF COUNTY ATTORNEY

WILLIAM L. FOWLER
County Attorney

302 Broadway
P.O. Box 640
Cottonwood Falls, Kansas 66845
316-273-6359

February 25, 1986

Representative Duane Goossen
State Capital Building
Topeka, Kansas 66612

Re: House Bill # 2961

Dear Duane:

Enclosed is a copy of House Bill #2961 which I would ask you to support when it comes before the Federal and State Affairs Committee next week.

This bill modifies the present law in two ways. It requires the Court to take into consideration the additional factors of (1) the liklihood of injury to the community for the victim of the crime charged, (2) the propensity of the defendant to commit additional crimes while on release, and (3) the prior record of the defendant for failure to appear for court proceedings when setting the amount and type of the appearance bond required. The other modification contained in the bill will prohibit the courts from imposing an administration fee for cash or recognizance bonds posted with the court.

I believe that both of the modifications set out above are in the best interests of the people above. The modifications related to additional factors to be considered by the judge setting the amount and type of appearance bond are designed to protect the public at large. It is my belief that the judges in my district have been considering those factors even though they have not been required to do so by the law. The system appears to be working good in Chase County and should work good for the rest of the state.

The other modifications contained in the bill is primarily designed to prohobit courts from becoming a self bonding system. These modifications will prohibit the court from retaining an administrative fee for

administration of any bail bond program or recognizance bond program. It is my belief that the Courts should not be in the business of setting the amount of the appearance bond and then also retain a percentage of that bond for an administrative fee. It is my belief that the court should consider the factors set forth in the statute relating to the conditions of release and then set the type and amount of the bond required. The Court should be precluded from having a financial interest in the appearance bond procedure.

Please feel free to give me a call if you have any questions regarding this bill.

Respectfully,

WILLIAM L. FOWLER
Chase County Attorney

WLF:sjo
Encl.

4/10/86
Attachment #12

March 14, 1986

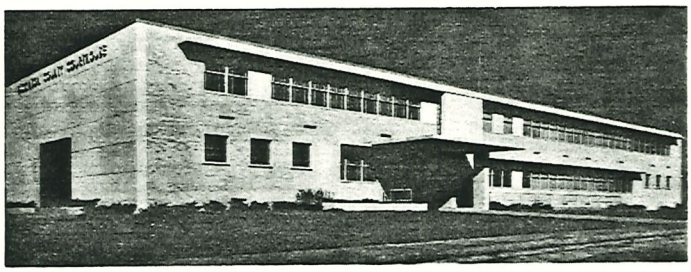
Dear Sir:

I am in favor of House Bill No. 2961.

James W. Davis
District Magistrate Judge
Dickinson County

Sen. Fed. & State Affairs
Attachment #12 4/9/86

4/10/86
Attachment #13



DICKINSON COUNTY COURT HOUSE

ABILENE, KANSAS 67410

March 14, 1986

Members of the Committee on Federal & State Affairs:

Honorable Representatives:

We are writing as the Board of County Commissioners of Dickinson County, Abilene, Kansas to ask your support for House Bill 2961. The Board believes appearance bonds for persons charged with a crime should remain with the private sector and that state and counties should not become involved in the ciminal process or use taxpayers money to bond persons charged with a crime out of jail.

Your help in geting passage of HB 2961, ammending K.S.A. 22-2802 will be greatly appreciated.

Yours truly

Eldon K. Noel, Chairman

M.A. Anderson

Gerald Smith

Sen. Fed. & State Affairs
Attachment #13 4/9/86

4/10/86
Attachment #14

DICKINSON COUNTY SHERIFF DEPARTMENT

109 EAST 1ST STREET
ABILENE, KANSAS 67410
913-263-4041

STEVEN R. BRITT
SHERIFF

JAMES D. CODDINGTON
UNDERSHERIFF

March 14, 1986

Robert H. Miller
Chairman Federal & State Affairs Committee
State Office Building
Toppeka, Kansas 66603

Dear Representative Miller:

I'd like you to know I'm in favor of House Bill # 2961, concerning criminal procedure; relating to appearance bond.

Thanks for your assistance.

Sincerely,

Steven R. Britt

Steven R. Britt
Dickinson County Sheriff

Sen. Fed. & State Affairs
Attachment #14 4/9/86

4/9/86
Attachment #15

April 8, 1986

Senator Ed Reilly, Chairman
Senate Federal and State Affairs Committee

From: Cindy Hasvold
124 N.W. Kendall
Topeka, Kansas 66606

This letter is written in support of HB 2756. The guiding principle for development of this plan is that comprehensive developmental services should be accessible and available to all preschool children with handicapping conditions.

There needs to be a centralized system established to collect and compile complete and accurate information concerning the humber of preschool children within the state who are at risk for, or who have handicapping conditions, in order to plan fiscally for and make available services to these children and their families. As is stated in the bill, this information will be used only as aggregate data for research and statistical purposes, and may not be used to identify a child without permission from that child's parent or guardian.

Once this system is established, local and state programs can begin more accurate planning to better meet these children's needs.

As a parent of a handicapped child with Hunter's Syndrome, I can attest to the importance of such services. Our children need intervention at the earliest point possible. The families also benefit from the support offered by agencies serving handicapped children.

There are now children on the waiting list at the school my child attends that will not be able to begin school until next year, because of lack of room. This program is in Topeka, a city known for it's availability of services. Some counties have no services at all, available to preschool children with handicaps.

Kansas needs a centralized system for reporting these children, so that proper plans can be made for services in the future. Children with special needs need immediate intervention. Time is too precious to spend it on some agencie's waiting list.

Many seem to be concerned about the physicians and the additional paperwork they will have to do. Is there not more concern for the handicapped child and their family?

Please support this bill, and the many families it will benefit.

Sincerely,

Cynthia Hasvold

Sen. Fed. & State Affairs
Attachment #15 4/9/86