

Approved March 6, 1986
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

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

12:30 ~~xxx~~/p.m. on February 25, 1986 in room 522-S of the Capitol.

~~All~~ members ~~were~~ present ~~except~~: Senators Frey, Hoferer, Langworthy, Winter and Yost.

Committee staff present:

Mary Hack, Revisor of Statutes
Mike Heim, Legislative Research Department

Conferees appearing before the committee:

Charles Simmons, Department of Corrections
Don Stumbaugh, Crime Victims Reparations Board
John P. Wolf, Kansas Law Enforcement Training Center
Maynard Brazeal, Kansas Law Enforcement Training Center
Colonel Bert Cantwell, Kansas Highway Patrol
Captain R. L. Easter, Wichita Police Department
Sheriff Marion L. Cox, Wabaunsee County
Evelyn Gates, Office of Judicial Administration

Senate Bill 568 - Crime victims reparations fund; inmate payments to.

Charles Simmons, Department of Corrections, stated his department had requested the bill. He testified the amendments proposed by this bill are designed to bring the Department of Corrections into compliance with federal regulations on the certification of prison private industry programs. A copy of his testimony is attached (See Attachment I). A committee member inquired what do the prisoners think of the program? Mr. Simmons replied, the inmates are not going to present a problem to them.

Don Stumbaugh, Crime Victims Reparations Board, stated the board is in favor of this legislation. He said this is one way of receiving some form of restitution from an inmate. Committee discussion with him followed.

Senate Bill 595 - Increase in docket fees paid into law enforcement training center fund.

John P. Wolf, Kansas Law Enforcement Training Center, appeared in support of the bill. He explained the purpose of the bill is to provide an adequate funding mechanism for the Kansas Law Enforcement Training Center. A copy of his testimony is attached (See Attachment II). Committee discussion with him followed.

Maynard Brazeal, Kansas Law Enforcement Training Center, appeared in support of the bill. He stated police officers who attend the academy normally leave the academy with a lot of training material, and they are not able to do that any more. They have had rough problems; their roof has destroyed three rooms. They were allotted at the first \$105,000 to refurbish the academy and have not had money allotted for that since. The emergency vehicle operation course is operated with federal funds; however, this has become such a burden to train the police departments

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
room 522-S, Statehouse, at 12:30 ~~xxx~~ p.m. on February 25, 1986

Senate Bill 595 continued

because it takes too much gas and oil. He said this is what he faces every day. They are just paying lights, water, gas and lodging for the people.

Colonel Bert Cantwell, Kansas Highway Patrol, appeared in support of the bill. He testified this bill increases the docket fees by an additional two dollars and designates that five dollars of each docket fee be used to support operation of KLETC. A copy of his testimony is attached (See Attachment III).

Captain R. L. Easter, Wichita Police Department, appeared in support of the bill. He testified, we have taken giant steps forward in the area of law enforcement training and like anything else, this requires funding. In order for the Kansas Law Enforcement Training Center to comply with our state laws they must have this funding, not only to maintain a level of service, but to also expand this level of service. A copy of his testimony is attached (See Attachment IV).

Sheriff Marion L. Cox, Wabaunsee County, testified the Kansas Sheriffs Association supports this bill. He said he did hate to go back to the time when there is no training for the small town sheriffs. In their small county they depend upon the state for their training. He would hate to see any programs cut because he feels they do an excellent job.

Evelyn Gates, Office of Judicial Administration, testified this bill would increase certain docket fees by \$2.00 and designate this addition to be deposited in the Law Enforcement Training Center fund. In the case of this bill, it is expected the first year impact to the Law Enforcement Training Center fund to be approximately \$390,960. A copy of her handout is attached (See Attachments V).

Senate Bill 644 - Amount and disposition of docket fees.

John P. Wolf, Kansas Law Enforcement Training Center, stated this bill will do exactly as Senate Bill 595, it adds \$2.00 to their docket fee.

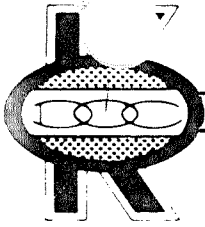
It was reported the Kansas Association of Chiefs of Police, the Fraternal Order of Police and the Peace Officers Association support Senate Bill 595 and Senate Bill 644.

The meeting adjourned.

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

Copy of Administrative Order No. 41 from the Supreme Court concerning reparation and restitution is attached (See Attachment VII).

Copy of fiscal report from Office of Judicial Administration concerning Senate Bill 622 is attached (See Attachment VIII).



KANSAS DEPARTMENT OF CORRECTIONS

JOHN CARLIN — GOVERNOR

RICHARD A. MILLS — SECRETARY

JAYHAWK TOWERS • 700 JACKSON • TOPEKA, KANSAS • 66603-3798
913-296-3317

TO: SENATE JUDICIARY COMMITTEE
FROM: RICHARD A. MILLS, SECRETARY OF CORRECTIONS
RE: S.B. No. 568
DATE: FEBRUARY 25, 1986

The amendments proposed by this bill are designed to bring the Department of Corrections into compliance with federal regulations on the certification of prison private industry programs. If certification is achieved, our private industry projects will be exempted from federal restrictions on the marketability of prison made goods.

As reflected in the attached Department of Justice regulations, there are a number of mandatory requirements which must be met in order to receive certification of our private industry program. We believe our current policies and statutes place us in compliance with all of these requirements except for the contribution for victim assistance found in Section B(2) on page 1 of the attachment.

The proposed amendments of Senate Bill 568 are designed to comply with that regulation.

The amendments do two things:

- 1) Allows the Department of Corrections to deduct 5% of monthly gross wages paid to inmates employed in private industry programs and turn that money over to the Crime Victims Reparations Board.
- 2) Allows the Crime Victims Reparations Board to accept this payment.

We believe the private industry program is a valuable resource in the Department's overall rehabilitation program. Certification of the program will permit it to continue and expand.

RAM/CES:pa

S. Judiciary
2/25/86

A-I

**Private Sector/Prison Industry
Enhancement Certification Guideline**

Scope of Program Announcement

A. General Provisions

1. Statutory Authority
2. Submission Date
3. Definitions

B. Mandatory Requirements

1. Eligibility
2. Crime Victim Compensation Program, Or Crime Victim Assistance Program
3. Consultation with Organized Labor
4. Consultation with Local Private Industry
5. Payment of Prevailing Wages
6. Free Worker Displacement
7. Voluntary Participation
8. Workers Compensation
9. Private Sector Involvement

C. Purposes of Project Certification

1. General
2. Project Purposes
3. Project Objectives

D. Eligible Projects

1. Individual Project Certification
2. Department Certification

F. Application Content

1. General
2. Purpose of Application
3. Application Kit

E. Selection Process

1. General
2. Review Criteria

G. Performance Reports

**H. Conditions of Certification
Suspension/Termination**

I. Transition

A. General Provisions

1. *Statutory Authority:* Up to 20 projects may be exempted from Federal restrictions on the marketability of prison made goods, as certified by the Director, Bureau of Justice Assistance, as provided by sections 609 B(o) and 609 K, of the Justice Assistance Act of 1984, Pub. L. 98-473, Title II, Chapter VI. Section 609 B(o) amends section 819 of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3701, as amended, and section 609 K amends 18 U.S.C. 176(c).

2. *Submission Date:* Applications will be reviewed and certifications issued on an as-received basis until the twenty (20) pilot projects have been selected in accordance with the selection criteria enumerated in this guideline.

3. *Definitions:* a. *Individual Project Certification* means acknowledgment by the BJA that a single state or local

Department of Corrections' prison-based business cost accounting center has met the Federal legislative and administrative requirements to permit sale of prisoner made goods to the Federal government and in interstate commerce.

b. *Department Certification* means acknowledgment by the BJA that a state or local Department of Corrections' Comprehensive Private Sector/Prison Industry Enhancement Plan has met the Federal legislative and administrative requirements to designate, administer, and manage one or more prison-based cost accounting centers for the production and sale of prisoner made goods to the Federal government and in interstate commerce.

c. *Comprehensive* means that the Private Sector/Prison Industry Enhancement Plan must be an integrated analysis of the present industry system which determines problems and defines solutions to achieve agreed upon short range and long range goals.

d. *Cost Accounting Center* means one distinct production operation unit of the industries system which is managed as a cost center or separate accounting entity.

e. *Crime victim compensation program* means a state administered program providing compensation to victims of crime and survivors of victims of crime.

f. *Crime victim assistance program* means a program meeting the eligibility criteria of the Victims of Crime Act of 1984, Pub. L. 98-473, Title II, Chapter XIV.

B. Mandatory Requirements

1. *Eligibility:* All states (including the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands) and units of local government authorized by law to administer prison industry programs and projects are eligible to apply for project certification.

2. *Crime Victim Compensation Program, Or Crime Victim Assistance Program:* Applicants must, by state legislation or rule, be able to collect and provide for financial support to a crime victim compensation program, or crime victim assistance program. Applicants must provide for the transfer of funds to a state crime victim compensation program, or to a state agency designated by the Governor to administer victim assistance grants under the Victims of Crime Act for the purpose of awarding such funds to eligible crime victim assistance programs under the Act. The recipient agency must, by state legislation or rule, be able to accept

financial support from the app. Applicants shall ensure that the financial contributions for victim compensation are equivalent to not less than 5 percent nor more than 20 percent of gross wages paid inmate workers. Because the statute does not permit deductions from inmate wages for victims assistance programs, contributions to those programs must be taken from project income.

3. *Consultation with Organized Labor:* Applicants must consult with representatives of local union central bodies, or similar labor organizations prior to the submission of the application for project certification.

4. *Consultation with Local Private Industry:* Applicants must consult with representatives of local business that may be affected prior to the submission of the application for project certification.

5. *Payment of Prevailing Wages:* Applicants must have verified by the appropriate State agency which normally determines wage rates (usually the Department of Economic Security) that proposed wage plans are comparable to wages paid for work of a similar nature in the locality in which the project is located.

6. *Free Worker Displacement:* Applicants must have verified by the State Department of Economic Security (or other appropriate state agency) that paid inmate employment will not result in the displacement of employed workers, or be applied in skills, crafts, or trades in which there is a surplus of available gainful labor in the locality, or impair existing contracts for services.

7. *Voluntary Participation:* Applicants must assure that inmate participation is voluntary and that inmate workers have agreed in advance to the specific deductions made from their gross wages and all other financial arrangements.

8. *Workers Compensation:* Applicants must provide for inmate worker entitlement to benefits and compensation as a result of injuries sustained in the course of employment related to project certification.

9. *Private Sector Involvement:* Applicants must provide for substantial involvement of the private sector. The purpose is to obtain private sector expertise, skill, and capital to expand the range and options of prison industry operations, not simply to apply an overlay on traditional, limited market, intrastate activities. There are four basic types of private sector involvement:

- An employer of inmate workers;
- an investor in a prison-based business owned by the state;

- a customer purchasing a significant portion of the output of a prison-based business; and
- a manager of a prison-based business owned by the State.

C. Purpose of Project Certification

1. *General:* This section sets forth the required purposes and objectives for all projects for which certification is requested.

2. *Project Purposes:* Projects certified will have the dual purpose of: (a) increasing benefits to the public including crime victims; and (b) providing purposeful work for inmates as a means of reducing tensions caused by overcrowding while increasing job skills, and opportunities for rehabilitation.

3. *Project Objectives:* The objectives of projects certified are: (a) to develop and establish new models for prison-based businesses which create jobs approximating the conditions of private sector employment; (b) to experiment with methods which draw upon the economic base of certified operations for the purpose of compensating crime victim programs; (c) to experiment with one or more models for prison-based businesses including an examination of the program's impact on correctional policies and practices; and (d) to substantially involve private sector capital, management skills and business expertise in the design, development, and operation of certified prison-based businesses.

D. Eligible Projects

1. *Individual Project Certification:* A single prison-based business cost accounting center, as defined in this guideline, is eligible for an individual project certification.

2. *Department Certification:* A state or local Comprehensive Private Sector/Prison Industry plan, for the designation, administration, and management of one or more prison-based cost accounting centers, is eligible for department certification.

E. Application Content

1. *General:* This section describes the required content of applications for individual project certification and department certification.

2. *Purpose of Application:* State or local Departments of Corrections must submit for approval an application presenting information and documentation necessary for determining project compliance with the Act and guideline.

3. *Application Kit:* The Bureau of Justice Assistance will provide application kits to each interested state or local Department of Corrections describing the form and contents for individual project certification and department certification applications.

F. Process

1. *General:* Projects will be certified by the Director, Bureau of Justice Assistance, upon review and recommendation by an internal agency review panel.

2. *Review Criteria:* Applications will be judged on the basis of demonstrating compliance with the statutory, guideline and application kit form and content criteria; feasibility of project or comprehensive plan; likelihood of success; and the scope of private sector involvement.

G. Performance Reports

Each project certified is required to submit a performance report to the Bureau of Justice Assistance by the 30th of the month following the end of each calendar quarter for the activities undertaken during the prior quarter. Performance reports must provide the following information and data:

- Title of Certified Cost Accounting Center;
- Dates of Reporting Period;
- Average Workforce Number;
- Average hours worked per day;
- Hourly wage range;
- Average days worked per week;
- Average monthly wage;
- Gross wages paid;
- Contribution to crime victim compensation program;
- Contribution to crime victim assistance program;
- Deductions for Federal income tax;
- Deductions for State income tax;
- Deductions for room and board;
- Deductions for family support;
- Deductions for restitution (court ordered); and,
- Other deductions (savings, Social Security, etc).

H. Conditions of Certification Suspension/Termination

Certification will set forth the certified corrections agency, the certified private sector/prison industry project, the terms and conditions of certification, and the effective date of certification. Provisional certification may be issued in special circumstances subject to completion of designated actions within

specified periods of time. The Director, Bureau of Justice Assistance, may, for cause, following a 60-day written notice to the certified state or unit of local government, suspend or terminate a certification.

I. Transition

Prison Industry Enhancement projects certified prior to December 31, 1984 under the authority of Section 827, Pub. L. 96-157, the Justice Improvement Act of 1979, shall continue in effect according to their terms until January 1, 1987, at which time they must demonstrate compliance with the requirements of this guideline. Failure to comply will result in the suspension or termination of certification.

Richard B. Abell,

Deputy Assistant Attorney General.

[FR Doc. 85-7547 Filed 3-29-85; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221 (a) of the Trade Act of 1974 ("the Act") are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 8, 1985.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to

SENATE BILL 568

Based upon current employment levels of our three private industry programs, during Fiscal Year 1987, this statute should generate approximately \$13,130 for the Crime Victim's Reparation Board.

Program Breakdown:

1. Zephyr Industries	Av. wage \$144 x (5%) = 7.20 per wk. x 52 wk. x 12 inmates	\$4,493
2. Heatron Industries	Av. wage 144 x (5%) = 7.20 per wk. x 52 wk. x 11 inmates	4,118
3. Jensen Engineering	Av. wage 158 x (5%) = 7.90 per wk. x 52 wk. x 11 inmates	4,519

Total estimated income during FY 87 = \$13,130

THE UNIVERSITY OF KANSAS
Division of Continuing Education
Kansas Law Enforcement Training Center

TESTIMONY

re

Senate Bill 595
before
Senate Committee
Judiciary

by

John P. Wolf
Assistant Dean
25 February 1986

Mr. Chairman, Senators, I want to thank you for allowing me to appear before you today in support of Senate Bill 595, the purpose of which is to provide an adequate funding mechanism for the Kansas Law Enforcement Training Center. This would permit the KLETC to maintain its facilities and equipment and to offer the types and varieties of training which it is mandated to do and which are essential to having competent and effective law enforcement officers in our State. I know that your time is short and I will be as brief as possible in my remarks.

The Division of Legislative Post Audit has recently completed a Performance Audit Report of the Kansas Law Enforcement Training Center. In my opinion, the report was a good one; it was generally supportive of the need to have well-trained law enforcement officers and sympathetic to and understanding of what is required to achieve this goal.

Even though you have all read this performance audit report, let me comment on a few of their findings. As a part of the audit process, a survey was conducted of the heads of all law enforcement agencies in Kansas in an attempt to discover the feelings of those in the profession regarding the performance of the Training Center. Some of the results of that survey are worthy of comment.

More than 80% of the agency administrators responding thought that:

- The courses taught at the Training Center are adequate to prepare an officer to work in their departments.
- The curriculum taught at the Training Center is up to date and stresses the topics that are most important to a beginning officer.

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--- Officers successfully completing the required basic course of training at the Training Center are able to apply what they learned.

--- The overall quality of instruction at the Training Center is good.

As we already knew, almost 40% of the agency administrators are having difficulty getting officers into the basic training classes at the Training Center at the times which would be best for them and almost 25% (a full quarter) are having difficulty getting their officers into the Training Center within the first year of service as required by statute because the classes are full.

40% said that they needed more help from the Training Center to meet the 40-hour annual requirement.

50% would like to see more training equipment and facilities at the Training Center.

57% would like to see the dormitory facilities improved.

Perhaps the most significant result of this survey is that only 3.3% of the law enforcement administrators expect their basic training needs to decline in the next three years. 4.6% did not respond to this question. The remaining 92% expect their needs for basic training to remain constant (68.8%) or increase (23.2%) during the next three year period. This makes the issue of adequate funding for the Law Enforcement Training Center even more important.

The Kansas Law Enforcement Training Center has been funded since the beginning of Fiscal Year 1983 by a \$3 earmarked portion of the docket fee collected in district courts of this State which is remitted to the State Treasurer for deposit in the law enforcement training center fund. These fees are paid basically by defendants, as directed by statute and the courts. It is important to keep in mind that funding law enforcement training is not a burden for the general populace. It may, in fact, be regarded as a "user tax" in the sense that those individuals who require law enforcement officers to cause them to appear before the courts are the ones who pay for the training of those officers. In this sense, the funding is appropriate.

However, the level of the funding for law enforcement training is not appropriate; it never has been. During the first three years of its use, i.e., from July, 1982 through June, 1985, this funding mechanism has produced \$402,566.89 less than it was projected to do.

Again let me remind you of some of the conclusions reached by the auditors in their report to the Legislative Post Audit Committee.

--- "The Training Center has not had sufficient funds to maintain its level of operations since its funding was changed to the current docket fee mechanism in fiscal year 1983. If its level of funding is not increased, the Training Center will not be able to meet its statutory obligations, and its physical facilities will continue to deteriorate." (from Summary of Audit Findings.)

--- "Covering the difference [using general revenue funds] between the Training Center's budgeted expenditures and docket fee receipts would have cost the State just over \$400,000 between fiscal year 1983 and 1985 and potentially \$95,500 for fiscal year 1986." (p. 16)

Let me talk about that \$95,500 figure for a moment. When the performance audit report was prepared, the auditors only had the income figures through October of 1985 and the \$95,500 figure was correct. When I appeared before the Legislative Post Audit Committee on 18 December 1985, I told them, on the basis of more complete data, that the projected deficit shortfall in revenues for the current fiscal year would be in the neighborhood of \$110,000. On 3 February 1986, I reported to the Kansas Law Enforcement Training Commission, on the basis of data through 30 January 1986, that I was projecting the deficit shortfall to be \$138,000. Today, on the basis of data through 24 February 1986 I can tell you that I am projecting a shortfall in this fund of \$145,000 for the current fiscal year unless something unforeseen occurs. Thus the funding picture today is even worse than the one painted by the auditors last fall and that one, especially in light of the performance during the last three years, was bleak enough.

I computed this figure in two different manners to minimize methodological error and I am reasonably confident that my projections are correct unless something changes drastically and assuming that the revenue collections for the remainder of this fiscal year resemble closely those for the previous three.

Keeping in mind the requirement that State agencies may not operate in a deficit position, the shortfall in revenues has had a serious impact on the Training Center's ability to provide the mandated training. Services to local departments have been eliminated or severely curtailed; acquisition of needed training equipment has been postponed; staff positions have gone unfilled; maintaining our facilities continues to be a burden; etc.

Mr. Chairman, Senators, thank you again for allowing me to appear before you today to support this proposed legislation. I urge the Committee to act favorably on it and to support it before the full Senate. You and the rest of the Legislature have acted wisely in the past by deciding that the citizens of Kansas would be better off with adequately trained law enforcement officers. The University of Kansas through the Kansas Law Enforcement

Training Center is ready to provide this training as you have seen fit to require. Do not make this task impossible for us by allowing this inadequate funding mechanism to continue. Thank you for your attention. I would welcome the opportunity to respond to any questions which you might have.

SUMMARY OF TESTIMONY

Before the Senate Judiciary Committee

SENATE BILL 595

Presented by the Kansas Highway Patrol
(Colonel Bert Cantwell)

February 25, 1986

Appeared in Support

The Patrol supports Senate Bill 595 for the following reasons:

As Superintendent of the Kansas Highway Patrol, I am a member of the Law Enforcement Training Commission and therefore very cognizant of the academy's problems.

Current law designates three dollars from each docket fee to support the operation of the Kansas Law Enforcement Training Center (KLETC) located in Hutchinson.

The amount of revenue generated has fallen substantially short of funding the KLETC. Senate Bill 595 increases the docket fees by an additional two dollars and designates that five dollars of each docket fee be used to support operation of KLETC.

The Highway Patrol Academy in Salina is now used approximately 50 weeks each year for training purposes, therefore, we feel that it is very important that KLETC remains adequately funded for use by city and county officer training. It is the only source of training available to many law enforcement agencies at this time.

We respectfully ask your favorable consideration of this bill.

S. Judiciary
2/25/86
A-III

SENATE COMMITTEE

ON

FEDERAL AND STATE AFFAIRS

Testimony from Captain R. L. Easter
Commander Training Section
Wichita Police Department

REFERENCE: Senate Bill 595
Increase in Court Docket Fees to
generate revenue for the
Kansas Law Enforcement Training Center

I want to thank each of the Committee Members for allowing me the opportunity to testify in reference to Senate Bill 595.

The State of Kansas should be very proud of the fact that we are a leader, in the Mid-West, when it comes to providing basic training for our Law Enforcement Officers. We are also in the forefront in reference to our 40 hours of mandated continuing education training. These two steps towards professionalism, in the ranks of law enforcement, may have been brought about by some or all of you on this committee. For this, I, as a law enforcement officer and a citizen of this state, wish to thank you. But, at the same time I also want to ask your assistance in generating more revenue for the Kansas Law Enforcement Training Center.

As I mentioned, we have taken giant steps forward in the area of law enforcement training and like anything else, this requires funding. In order for the Kansas Law Enforcement Training Center to comply with our state laws they must have this funding, not only to maintain a level of service, but to also expand this level of service. Originally, a bill was passed in the hopes that the collection of a portion of the court docket fees would enable expansion of these services. However, monies generated by this fee fell way short of the predictions. Mainly because of various reasons both good and bad, but I will not expound upon them at this time. Because of this shortage some services at the Kansas Law Enforcement Training Center have been cut back.

What does this mean to me? As a person in charge of the training academy for the Wichita Police Department, certain valuable training that can only be acquired at the Kansas Law Enforcement Training Center has caused unnecessary pressure to be placed on their budget.

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The best example of this is in the area of Emergency Vehicle Operation. This training teaches an officer not only to operate an emergency vehicle under stressful situations but also, instills good defensive driving habits. There is no other facility in the state that will provide this training for our officers. Training that could eventually save the cities, counties or even the State of Kansas millions of dollars in civil actions, regarding accidents involving emergency vehicles.

In recent years the Kansas Law Enforcement Training Center has had to cut back in the area of this training for our department. Something they have apologized for many times over. Something that I, as a budget conscious administrator, understand clearly. However, with Senate Bill 595, we have a chance to remedy this type of regressive action without an increase in any tax or a transfer of any funds from another equally important project. Because of this, I ask for your support on this bill.

Thank you very much.

Capt. Rick L. Easter
CAPTAIN RICK L. EASTER
Commander Training Center
Wichita Police Department

Commissioner Kansas Law
Enforcement Training Commission



2-25-86
2:30
Lates

State of Kansas

Office of Judicial Administration

Kansas Judicial Center
301 West 10th
Topeka, Kansas 66612

(913) 296-2256

February 14, 1986

To: Gary Stotts, Acting Director of the Budget
From: Jerry Sloan, Budget and Fiscal Officer
Re: Senate Bill 595

This bill would increase certain docket fees by \$2 and designate this addition to be deposited in the Law Enforcement Training Center fund.

This docket fee increase would be in traffic cases, fish and game cases, felony, misdemeanor, forfeited recognizance, and appeals from other courts and would be a \$2 increase. Using the collection data of the first six months of FY 1986, it is estimated that the annual income to this fund currently is approximately \$703,729. If this docket were increased \$2, the estimated income to this fee would be \$1,172,881 annually for an increase of \$469,152.

It would appear there would be a decrease in the state general fund income of approximately \$49,403. This is based on the fact that for all bond forfeitures, there would be no actual increase in monies received, merely a change of two of the dollars received from fines to the docket fee. Also, for fish and game cases, there is no uniform fine schedule and it is estimated that in many cases fines would be decreased by \$2 to offset the docket fee increase. During FY 1985, there were 22,374 bond forfeitures in traffic cases. There were 2,122 guilty pleas, 148 bond forfeitures, and 115 trials in fish and game cases. If one estimates that 50% of the trials have an outcome in which a docket fee is due, the total impact of reduction to the state general fund is estimated to be this \$49,403.

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A-V

There would also be a fiscal impact on some of the counties. Those counties that have their accounting process computerized would be required to modify these computer programs. I do not have an estimate on this cost.

It should be noted that any time there is a change in the docket fee or its disbursement, it takes a little while for the impact to be felt. Monies are collected and remitted to the proper authorities after the change that were actually assessed prior to the change. In the case of this bill, I would expect the first year impact to the Law Enforcement Training Center fund to be approximately \$390,960.

JS:myb

FOR THE STATE PROCESSED BY THE STATE TREASURER

SB 595 2-25-86
12:30
E. Gates

	<u>FY 1979</u>	<u>FY 1980</u>	<u>FY 1981</u>	<u>FY 1982</u>	<u>FY 1983</u>	<u>FY 1984</u>	<u>FY 1985</u>
Fines, Penalties, & Forfeitures	\$5,733,975	\$5,937,538	\$6,549,927	\$7,210,484	\$6,761,446	\$7,707,071	\$7,069,591
Judges Retirement Fees	466,053	513,606	508,261	67,557			
Court Reporters Retirement Fees	54,643	62,616	58,189	60,467	8,594		
Interest on Idle Funds		75,175	140,218	139,019	237,002	327,868	418,471
Clerk's Fees				4,320,745	7,629,049	7,996,391	8,580,625
Law Enforcement Training Center Fund	353,474	435,990	29,231		635,096	772,241	666,386
Crime Victims Reparation Fund					219,010	259,898	223,758
Marriage Licenses							542,613
Drivers License Reinstatement Fees							50
TOTAL	\$6,608,145	\$7,024,925	\$7,285,826	\$11,798,272	\$15,490,197	\$17,063,469	\$17,501,494

- FY 1980: Chapter 323, L. 1978, held invalid as containing more than subject; LETC assessment of additional fine discontinued, some LETC funds in transit came in during FY 1981.
- FY 1981: Judges Retirement fees discontinued by Chapter 136, L. 1981; fees in pipeline continued to come in during FY 1982.
- FY 1982: Diversion of clerk's fee from county to state treasurer set out in Chapter 108, L. 1978, became effective.
- FY 1983: Docket fee increase in Ch. 116, L. 1982, became effective; court reporter fee formerly deducted from docket fee discontinued by same act, and new deductions established for LETC and Victim Reparation.
- FY 1985: Criminal docket fees rounded off by Ch. 167, L. 1982; and probate fees changed to docket fees by Ch. 147, L. 1984. Marriage licenses fees were increased and instead of being remitted to Secretary of Health and Environment are sent to the State Treasurer per Ch. 136, L. 1984. Probation services fee established by Ch. 126, L. 1984.
- FY 1986: Criminal docket fees, including traffic increased \$1; the additional dollar allocated to Crime Victims Reparation by Ch. 106, L. 1985. Drivers license reinstatement fee established by Ch. 78, L. 1985.

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DOCKET FEE CHANGES

	1974	1976	1982	1984	1985
Civil					
Chapter 60	\$35		\$55		
Chapter 61		\$15	\$30		
			\$10		
Small Claims	\$ 5		\$10		
Probate					
				Docket fees est. for various cases	
Criminal					
Murder	\$100		\$144	\$145	\$146
Felony	\$ 70		\$114	\$115	\$116
Misdemeanor	\$ 40		\$ 84	\$ 85	\$ 86
Traffic		\$14.50	\$ 19	\$ 25	\$ 26
		\$10.00			

DOCKET FEE CHANGES

CIVIL

- 1974-- security for costs of \$25 per civil case changed to a \$35 docket fee. Chapter 168, L. 1974.
- 1982-- Chapter 60 civil case docket fee increase to \$55 from \$35. Chapter 61 civil case docket fee increased to \$30 if the case dollar limit runs from \$500.01 to \$5,000, and decreased to \$10 if the amount is \$500 or less, from \$15. Small claims procedure fee increased to \$10 from \$5. Counties to share civil docket fees. Chapter 116, L. 1982.
- 1984-- probate fees changed from graduated scale to docket fees for various types of cases. Marriage license fees increased to \$25 from \$17. Chapter 147, L. 1984.

CRIMINAL

- 1974-- criminal docket fees established; \$40 for misdemeanor, \$70 for felony, \$100 for murder or manslaughter, \$40 for forfeited recognizance, and \$35 for appeals from other courts. Chapter 168, L. 1974.
- 1976-- traffic fees added to criminal docket fee statute, \$14.50 for cases disposed of by trial or hearing, \$10 if no trial or hearing conducted. Chapter 163, L. 1976.
- 1982-- criminal docket fees increased to \$144 for murder or manslaughter from \$100, other felony increased to \$114 from \$70, misdemeanor to \$84 from \$40, forfeited recognizance to \$44 from \$40, appeals from other courts to \$44 from \$35; traffic docket fee set at \$19. The \$4 increments are for distribution as \$3 to the Law Enforcement Training Center Fund and \$1 to the Victims Reparations Fund. Chapter 116, L. 1982.
- 1984-- traffic docket fee increased to \$25 from \$19, and other criminal docket fees increased \$1 so that all the fees are divisible by five. Chapter 148, L. 1984.
- 1985-- all criminal fees including traffic, fish and game, and watercraft violations increased \$1, and the additional dollar allocated to Crime Victims Reparation. Chapter 106, L. 1985.

IN THE SUPREME COURT OF THE STATE OF KANSAS

Administrative Order No. 41

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

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

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

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

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

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

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

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

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


ALFRED G. SCHROEDER
Chief Justice

Attachment

S. Judiciary
2/25/86
A-VII

(CAPTION)

Case No. _____

RESTITUTION ORDER

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

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

(Judge)



State of Kansas

Office of Judicial Administration

Kansas Judicial Center
301 West 10th
Topeka, Kansas 66612

(913) 296-2256

February 19, 1986

To: Gary Stotts, Acting Director of the Budget
From: Jerry Sloan, Budget and Fiscal Officer
Re: Senate Bill No. 622

This bill would require restitution when a defendant has been found guilty of a crime and there is an aggrieved party. In addition, it would require that if the restitution were paid and the individual specified in the restitution order were not available to receive that money, the money would be deposited in the Crime Victims Reparation Fund.

The former requirement would have minimal fiscal impact as restitution is currently ordered, in most cases, where it is appropriate. The restitution money which is not currently able to be sent to the individual who is due that money now falls under the Unclaimed Properties Act. Thus, this money would move from this fund to the Crime Victims Reparation Fund. It is estimated that this amount is extremely small and I would estimate that it would be approximately \$6,500 per year.

S. Judiciary
2/25/86

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