

Approved February 25, 1987
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Representative Robert S. Wunsch at
Chairperson

3:30 ~~xxx~~ p.m. on February 12, 1987 in room 313-S of the Capitol.

All members were present except: Representatives Adam, Buehler, Duncan, Peterson, Sebelius and Solbach, who were excused.

Committee staff present:

Jerry Donaldson, Legislative Research Department
Mike Heim, Legislative Research Department
Mary Ann Torrence, Revisor of Statutes Office
Mary Jane Holt, Secretary

Conferees appearing before the committee:

Walter Scott, Kansas Hospital Association
Commissioner Robert Barnum, Youth Services, Social and Rehabilitation Services
Jim Clark, Kansas County and District Attorneys Association

Hearing on H.B. 2150 - Hospital liens applicable to workmen's compensation awards

Representative Foster did not appear due to illness.

Walter Scott suggested putting H.B. 2186 and H.B. 2150 together. He also suggested lifting the limits. He offered to submit an amendment.

The hearing was closed on H.B. 2150.

The Chairman stated if Representative Foster wants to testify at a later date, the Committee will hear him.

Hearing on H.B. 2105 - Modifying definition of aggravated juvenile delinquency under the Kansas Criminal Code.

Robert Barnum stated this bill would change the law to provide a Class E felony criminal sanction for youth who commit a felony act while in the placement at a state youth center. The criminal court could then provide a prison term based on acts committed while the youth is at the Youth Center. (See Attachment I)

Lynn Barclay testified in opposition to H.B. 2105. She said the bill would expand adult penalties, would not give a consistent message to juvenile offenders, and that an adequate waiver statute already exists. She also said prisons do not have room to spare and correctional authorities are not trained or funded to handle youth treatment needs; (see Attachment II).

Jim Clark spoke to the waiver that is already in effect. Under current statutes the prosecutor can seek a waiver to adult court for youth charged with felonies.

Hearing on H.B. 2040 - Traffic offenses committed by juveniles, application of juvenile codes.

Representative O'Neal stated this is a clean-up bill from last year. The Court Services Division requested he file the bill. It deals with traffic infractions for juvenile offenders 10 to 14 years of age. 1986 H.B. 3057 which contained the traffic infraction of juveniles 10 to 14 was ultimately vetoed. It was rewritten as S.B. 713, however, as an oversight, the provision dealing with juveniles 10 to 14 was omitted.

The hearing was closed on H.B. 2040.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY,
room 313-S, Statehouse, at 3:30 ~~xxx~~ a.m./p.m. on February 12, 1987

The Chairman announced the Insurance industry will talk to the Committee in regard to upcoming reform bills, Tuesday, February 24, 1987. Any others that wish to be heard in opposition will be given an opportunity to be heard also.

The meeting was adjourned at 4:20 p.m.

State Department of Social and Rehabilitation Services

Statement Regarding H.B. 2105

1. Title

An Act concerning crimes and punishment; modifying the definition of aggravated juvenile delinquency; amending K.S.A. 1985 Supp. 21-3611 and repealing the existing section.

2. Purpose

This bill amends the criminal code concerning aggravated juvenile delinquency to delete the material concerning willful burning and the commission of aggravated assault from the definition of the crime and substitutes in lieu thereof the commission of any act which if committed by an adult, would be classified as a felony.

3. Background

The aggravated juvenile delinquency statute provides criminal sanction for certain acts while a youth is in a youth center. Present statute limits these sanctions to certain specific behaviors such as fire setting, aggravated assault, any aggravated battery and property damage. A broader statute is needed to enable criminal sanctions for felony acts committed by youth who are already in the youth centers. This would allow moving these youth to criminal court jurisdiction for continued felony behavior without the need for extended court proceedings to certify the youth for adult treatment.

4. Effect of Passage

This change in the law will provide Class E Felony criminal sanction for youth who commit felony acts while in the placement at a state youth center. The criminal court could then provide a prison term based on acts committed while the youth is at the youth center.

5. SRS Recommendation

SRS recommends passage of this bill.

Robert C. Harder
Office of the Secretary
Social and Rehabilitation Services
296-3271

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TESTIMONY ON HB 2105

by Lynn Barclay,
before House Judiciary Committee
February 12, 1987

The Kansas Children's Service League opposes HB 2105, a bill that would expand the definition of Aggravated Juvenile Delinquency.

We oppose the bill for the following reasons:

1. **Expands adult penalties.** Under HB 2105, a youth center inmate who stole over \$150, or forged another inmate's name, could be charged with aggravated juvenile delinquency and sent to adult prison.
2. **No consistent message to juvenile offenders.** Some judges in these cases will impose a prison term and some will impose probation. Adult probation is likely to be perceived by these youth as a less serious consequence than a beefed up youth center term.
3. **Adequate waiver statute already exists.** Under current statutes, the prosecutor can already seek a waiver to adult court for youths charged with felonies. The court then considers 8 specific factors before determining the appropriateness of adult court processing. Under HB 2105, this decision would rest solely with SRS and the prosecutor.
4. **Alternatives exist.** The youth centers currently can and do lock certain youths in closed cottages, but for short periods of time. A longer period in a closed cottage or a longer youth center term are both logical consequences for youth center inmates who commit felonies.
5. **Prisons unable to cope.** Aside from the fact that our prisons have no room to spare, these youths present serious management problems to correctional authorities who are not trained or funded to handle youth treatment needs.

Attachment II
House Judiciary 2/12/87

