

Approved 2-28-89  
Date

MINUTES OF THE SENATE AND HOUSE COMMITTEES ON JUDICIARY

The meeting was called to order by Representative Michael O'Neal at  
Chairperson

3:30 ~~am~~/p.m. on February 13, 1989 in room 313-S of the Capitol.

All members were present except: Senators Winter, Yost, Moran, Bond, Gaines, D. Kerr, Martin, Morris, Oleen, Parrish, Petty and Rock.

Committee staff present:

- Mike Heim, Legislative Research Department
- Jerry Donaldson, Legislative Research Department
- Gordon Self, Revisor of Statutes
- Jane Tharp, Committee Secretary

Conferees appearing before the committee:

- Senator Audrey Langworthy
- Senator LeRoy Hayden
- Representative Barbara Allen
- Attorney General Robert Stephan
- Ed Bruske, Kansas Chamber of Commerce and Industry
- Ben Burgess, United States Attorney, Wichita
- Secretary Roger Endell, Department of Corrections
- Honorable James G. Beasley, Wichita
- Nancy Kirk, Countryside Health Center, Topeka
- Phil Magathan, Kansas Association Court Services Officers, Topeka
- Barbara Schmidt, Victim Offender Mediation Services, Wichita
- Juliene Maska, Northwest Kansas Family Shelter, Hays
- Kyle Smith, Assistant Attorney General assigned to KBI
- Dorothy Miller, Pittsburg, Executive Director of Safehouse
- Randle Murphy, Kansas City, Kansas, Detective
- Ken Christian, Leawood, Independent Insurance Broker
- Julie Vehige, Emporia
- Tamara O'Brien, Emporia
- Geri Simmons, Safehome in Johnson county
- Jim Snyder, Funeral Director
- Betty Bomar, Executive Director, Reparations Board
- Kay House, Topeka
- Kris Kelderman, Riley County Victim Witness Coordinator, Manhattan
- Sue Herrman, Salina
- Leland Vogan, Salina
- Georgia Nesselrode, Johnson County District Attorney's Office
- Lisa Nathanson, Legal Services For Prisoners
- Margie Hockersmith, Jennings
- Mary Lou Mueller, Kansas Coalition For Drug Free Driving
- Kathy Greenlee, Kansas Association of Domestic Violence Programs

- Senate Bill 166 - Criminal procedure, parole, supervised furlough (HB 2198)
- Senate Bill 167 - Requiring notice to be given to victims of crime of inmate's public hearing and release of inmates; release considerations (HB 2199)
- Senate Bill 168 - Crime victims, reparations and assistance (HB 2200)
- Senate Concurrent Resolution 1609 - Constitutional amendment, victims rights (HCR 5008)

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

CONTINUATION SHEET

MINUTES OF THE SENATE & HOUSE COMMITTEE ON JUDICIARY

room 313-S, Statehouse, at 3:30 ~~xxx~~/p.m. on February 13, 1989

Senate Bills 166, 167, 168 and SCR 1609 - continued

Senator Langworthy and Senator Hayden explained these bills are a result of a task force formed by the Attorney General. The task force held public hearings in various locations throughout the state of Kansas. These bills address the inequities in the system as related by the victims of crime.

Representative Barbara Allen stated victims rights issues are very timely and there is call for public support for legislation regarding crime victims rights.

Attorney General Robert T. Stephan pointed out both the Kansas Chamber of Commerce and the AFL-CIO are endorsing victim rights legislation. He stated a criminal justice system that fails to be equitable will never be as fair as it should be. America's system of justice was designed to be the fairest in history, but it has lost the balance that was the cornerstone of its wisdom. My firm conviction that crime victims need to be guaranteed certain rights flows from an appreciation of how they have been denied access to the criminal justice system in the past. Copies of the handouts are attached (See Attachments I).

Secretary Roger Endell, Department of Corrections, said he wanted to call attention to two issues that need further direction. He recommended in House Bill 2198 to authorize the parole board to determine the programs, and the legislation passed last year that gave authority to the Department of Corrections should stay there. Concerning House Bill 2199 notification should be given to the victim's family prior to any form of movement of that inmate into community corrections programs.

Ed Bruske, Kansas City Chamber of Commerce and Industry, appeared in support of the legislation. He said they would like to congratulate the Attorney General's Office and his task force for bringing this issue to the legislative front. A copy of his testimony is attached (See Attachment II).

Ben Burgess, U.S. Attorney, Wichita, was happy to join in efforts to provide for victims in the state of Kansas. He explained how the federal statutes deal with victims rights.

Judge James G. Beasley, Wichita, District Court Judge, chaired the Task Force on Victim's Rights. He testified they heard ten or twelve people who shared with them their experiences. They found out there is a tremendous gap in the way the law is enforced in this state. The individuals had a view of the criminal justice system as though it was a single agency that could answer all their problems or make all the mistakes. He said people fall through the cracks. The victim needs a bill of rights as well. The victims do want to be tied to the defendant because they want to have input into every level. He strongly urged passage of the legislation. In response to a question, Judge Beasley responded 44 states have adopted the bill of rights to this day. This legislation opens a channel of communication, that the victims be considered for an opportunity to know of the different steps taken of the accused.

Nancy Kirk, Chair, Sexual Assault Subcommittee, testified unless we establish a system of accountability and compliance with the victim's bill of rights, we will be open to charges of using empty words and making empty promises to those who have suffered and who have for so long been forgotten. A copy of her testimony is attached (See attachment III).

Phil Magathan, Kansas Association Court Services Officers, chaired the subcommittee of the task force concerning Victims' Compensation and Restitution. He stated the court services officers support any type of legislation that would enhance victim's rights. A copy of his testimony is attached (See Attachment IV).

CONTINUATION SHEET

MINUTES OF THE SENATE & HOUSE COMMITTEES ON JUDICIARY

room 313 -S, Statehouse, at 3:30 ~~xxx~~ p.m. on February 13, 1989.

Senate Bills 166, 167, 168 and SCR 1609 - continued

Barbara Schmidt, Victim Offender Mediation Services, Wichita, chaired the subcommittee concerning victims' Service Programs. She presented information gathered from the subcommittee meetings. She referred to House Bill 2200 and offered amendments. The chairman requested she submit copies of her testimony.

Juliene Maska, Northwest Kansas Family Shelter, Hays, chaired the subcommittee concerning Domestic Violence. A copy of her testimony is attached (See Attachment V).

Kyle G. Smith, Assistant Attorney General, testified in favor of House Bill 2200 and Senate Bill 168. A copy of his testimony is attached (See Attachment VI).

Dorothy Miller, Executive Director of Safehouse in Pittsburg, testified on Senate Bill 168 and House Bill 2200. A copy of her testimony is attached (See Attachment VII).

Randle Murphy, Kansas City, Kansas, Detective, testified as a member of the subcommittee on Corrections, Sentencing, Probation and Parole and as a victim of crime. He said his mother was assassinated. He discussed House Bill 2199, Senate Bill 166 and Senate Bill 167. He stated we need to keep politics out of the parole situation.

No att. VIII

Ken Christian, Leawood, Independent Insurance Broker, testified as a member of the task force and as a victim of crime. He said one of his sons was murdered. Victims of families deserve this information. The law gives rights to the suspect from the very beginning.

Julie L. Vehige, Emporia, testified on House Concurrent Resolution 5008, House Bill 2200, House Bill 2199, SCR 1609 and Senate Bill 168 and Senate Bill 166. Her personal area of concern centered around child sexual abuse. A copy of her testimony is attached (See Attachment IX).

Tamra J. O'Brien, Emporia, testified she was present to testify in behalf of her eleven year old daughter who was molested. A copy of her testimony is attached (See Attachment X).

Geri Simmons, Safe Home in Johnson County, testified she is a victim of crime of domestic dispute. She is in support of the legislation. She said she wants her rights back.

Jim Snyder, Kansas Funeral Directors Association, testified in favor of the legislation.

Betty Bomar, Executive Director of the Reparations Board, stated in the interest of time she would meet tomorrow with the House Judiciary Committee.

Kay Houser chaired the Victim Witness Committee of Shawnee County Corrections Advisory Board for two years. She appeared in support of the legislation. A copy of her testimony is attached (See Attachment XI).

Kris Kelderman, Manhattan, Riley County Victim Witness Coordinator, appeared in support of the bills. A copy of a flow chart that shows delivery of services is attached (See Attachment XII).

Sue Herrman, Salina, spoke as member of the Salina community and in behalf of various families who have been victims of violent crimes. A copy of her testimony is attached (See Attachment XIII).

Leland Vogan, Salina, testified in support of the bills. A copy of his testimony is attached (See Attachment XIV).

CONTINUATION SHEET

MINUTES OF THE SENATE & HOUSE COMMITTEES ON JUDICIARY

room 313-S, Statehouse, at 3:30 ~~am~~ p.m. on February 13, 1989.

Senate Bills 166, 167, 168 and SCR 1609 - continued

Georgia Nesselrode, Johnson County District Attorney's Office, spoke in behalf of Paul Morrison, the Johnson County District Attorney. She stated Mr. Morrison wanted to voice his support for the funding. They believe it is a needed service throughout the state. Senate Bill 166 repeals the six month furlough. The furlough system should not remain as it is. Georgia Nesselrode testified on HCR 5008, SCR 1609 and HB 2200. She testified they started their program for under \$16,000 throughout the state. The fiscal note is such that it should not be ignored. All of these things are possible through one staff and sometimes a volunteer. She asked that they please do not cut this type of bill because of the lack of funding. Just get us up to state pay of \$1200 to \$1500. The \$10,000 cap will satisfy us until we realize extra revenue.

Lisa Nathanson, Legal Services For Prisoners, was recognized. She said she would come back tomorrow to testify.

Margie Hockersmith, Jennings, urged support of the passage of House Bill 2200 and Senate Bill 168. A copy of her testimony is attached (See Attachment XV).

Mary Lou Mueller, Kansas Coalition For Drug Free Driving and Mothers Against Drunk Driving, testified in support of the legisltion. A copy of her testimony is attached (See Attachment XVI).

Kathy Greenlee, Kansas Association of Domestic Violence Programs, Lawrence, testified in support of the resolutions. A copy of her testimony is attached (See Attachment XVII).

Marcy Carlson, Mothers Against Drunk Driving, spoke in support of victims rights. A copy of her testimony is attached (See Attachment XVIII).

Roberta Burdette, Emporia, appeared in support of the legislation. She is a victim of a crime.

The chairman announced the House Judiciary Committee will continue hearings tomorrow.

The meeting adjourned.

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

Attachments XX are testimony from Mary Virginia Ginger Kane, Mr. & Mrs. Herman J. Feuerborn and Children, Beth A. Mellies and the Kansas Head Injury Association.

GUEST LIST

COMMITTEE: JUDICIARY

DATE: Feb. 13, 1989

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
M. Haaver	Topeka	Cap-Journal
N. Hill	Topeka, KS	AG Task Force
S. Herrman	Salina KS	PETITIONER
S. Burt	Salina, KS	"
Uicki Sillerman	Salina KS	PETITIONER - Victim
LaQuita Whitesell	Bemington Kansas	Petitioner-Victim
Carol Vogan	Salina, Kansas	Petitioner - Victim
Leland Vogan	Salina, Kansas	Petitioner - Victim
Kathy Greenlee	Lawrence KS	KADVP
Dorothy Miller	Pittsburg, KS.	SAFEHOUSE, Inc.
Jubilee Maska	HAYS KS	NW KS Family Shelter AG. Task Force
Nelson Moran	Emporia, KS	SOS, INC AG TASK FORCE
Julie d. Vehige	Emporia, KS.	PETITIONER - Victim
James J. O'Brien	Emporia, Kansas	Petitioner - Victim
Ange Smith	Emporia, KS	victim
Georgia Cole	Emporia, KS.	Victim/Witness Coordinator AG Task Force
Bill Thompson	Emporia, KS	AG Task Force
Don Stambaugh	Lawrence	" " "
Martha Cooper-Lord	Lawrence	
Edward Mason	Topeka	KTRA
Don Lindsey	OSAWATOMIE	UTU
Dee Beck	Topeka	Crime Victims Rep. Board
Jim McBride	Topeka	Observer
Cliff Heckathorn	Topeka	Ks. Head Injury Assoc.
KEV CHRISTIAN	LEAWOOD	AG TASK FORCE

GUEST LIST

COMMITTEE: JUDICIARY

DATE: \_\_\_\_\_

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Marsha Ericson	325 Pine Ln Topeka	Battered Women Task Force
DARRELL SPAIN	LAWRENCE	:LEGIS INTERN / SEN BOARDS
Samela Maier	Manhattan	Kansas State University Dept. of Sociology
Brad Ambrosier	Topeka	A-G office
LIM SWYDER	"	KFDA
Larry McElwain	Lawrence, Ks.	KFDA
Von Sloan	"	Doc
Walter Woodruff	Manhattan, Ks.	Comm. Coordinator
Becki Plata	Manhattan, Ks	Riley Co. MADD
Sandra Delgado	Manhattan, Ks	Concern City
Michelle Cox	Manhattan, Ks.	Kansas State University
Linton Barrett	Kansas City	City of Kansas City
Margie Hockersmith	Jennings, Ks	Battered Victim
Terri Nesselrode	Blatche, Ks	VOO. dist of
Terri Simmons	Shawnee, Ks	Safehome
Leah Brown	Overland Park K	Legis intern. / Rep. Duwille
Elizabeth Warner	Topeka, Ks	
ALAN WARNER	TOPEKA, Ks.	
Allen Fried	Shawnee Mission, Ks.	A.G. Task Force
Edwanna Collins	Topeka, Ks	KCCD
Cathy Leister	Salina, Ks	St. Parole.
Colin Helsey	Salina, Ks	Salina Fire Dept
Mike Nepten		SPT office
Judy Joza	Topeka	MADD For Capital Chapter
Marcy Carlson	Topeka	MADD - Topeka





2-13-89

STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612-1597

ROBERT T. STEPHAN  
ATTORNEY GENERAL

MAIN PHONE: (913) 296-2215  
CONSUMER PROTECTION: 296-3751  
TELECOPIER: 296-6296

Testimony of Attorney General  
Robert T. Stephan  
Before the Senate and House Judiciary Committees  
Re: Victim's Rights Legislation  
February 13, 1989

A criminal justice system that fails to be equitable will never be as fair as it should be. America's system of justice was designed to be the fairest in history, but it has lost the balance that was the cornerstone of its wisdom. My firm conviction that crime victims need to be guaranteed certain rights flows from an appreciation of how they have been denied access to the criminal justice system in the past.

In February of last year, I formed a 50-member Victims' Rights Task Force. The purpose of the task force is to ensure that the rights and needs of Kansas crime victims are not neglected. We held seven public hearings across the state to discuss and receive suggestions on the needs of Kansas' crime victims and how these needs can better be met. The task force received input from crime victims, victims' service professionals and volunteers, members of the criminal justice system, and other citizens who share our concern for victims.

Attachments I  
Senate Judiciary  
2-13-89



I have in front of me today almost 4,000 signatures of Kansas citizens on petitions...people who want to express their support for victims' rights. Many of them I am sure are your constituents.

Victims' should have rights, just as the accused are granted rights by the Sixth Amendment to the Constitution of the United States. Our goal is not to reduce the rights guaranteed defendants, but to assure rights for victims.

The task force recommends the passage of a Constitutional Amendment for Victims. Only Florida, Michigan, and Georgia have passed such an amendment. It has been recommended by former President Reagan's Task Force on Victims of Crime for all states to adopt. This amendment is Senate Concurrent Resolution 1609 and House Concurrent Resolution 5008.

The amendment will do no more than assure a victim the same rights that are available to the accused and those convicted of crime. That is to be present and to be informed at all stages of the criminal justice process.

I ask for you to recommend this Victims' Rights Constitutional Amendment and to pass the entire package of Victims' Rights Legislation being proposed today. Victims of crime deserve nothing less. Thank you.

# THE ATTORNEY GENERAL'S VICTIMS' RIGHTS TASK FORCE

Attorney General Bob Stephan

<b>Chair</b>	Honorable James G. Beasley, Wichita
<b>Domestic Violence</b>	Julienne Maska, Hays Dorothy Miller, Pittsburg Kathy Greenlee, Lawrence Richard M. Brede, Manhattan
<b>Child Abuse</b>	SuEllen Fried, Shawnee Mission Melissa Ness, Topeka Eleanor Lowe, Shawnee Mission
<b>Sexual Assault Victims</b>	Nancy Kirk, Topeka Phyllis Bauman, Valley Center Edwin H. Bideau, III, Chanute
<b>Elderly and Disabled Victims</b>	Gene Olander, Topeka Don Blazicek, Wichita Everett L. Johnson, Augusta Lyndon Drew, Topeka
<b>Drunk Driving Victims</b>	Wanda Stewart, El Dorado E. David Gorrell, Independence Mike Powers, Council Grove
<b>Victims' Compensation and Restitution</b>	Phil Magathan, Topeka Don Stumbaugh, Lawrence William E. Thompson, Emporia
<b>Corrections, Sentencing, Probation and Parole</b>	Joan Hamilton, Topeka Gerry R. Cox, Hays Randall L. Murphy, Kansas City
<b>Victims' Service Programs</b>	Barbara Schmidt, Wichita Ted Heim, Topeka Chris Meek, Columbus
<b>Prevention Education</b>	Ann Garvin, Topeka James Fagin, Wichita Jim Jarboe, Lakin
<b>Media</b>	Hank Booth, Lawrence George Logan, Topeka Judy Katz, Shawnee Mission
<b>Legislation</b>	Senator Audrey H. Langworthy, Prairie Village Senator Leroy A. Hayden, Satanta Representative Rick Bowden, Goddard Representative Barbara Allen, Prairie Village

**Liaison to Attorney  
General's Committee  
on Crime Prevention**

Kay Houser, Topeka

**Attorney General Staff**

Nancy Lindberg, Topeka

SUBCOMMITTEE MEMBERS

**Domestic  
Violence**

Mickey DeHook, Hesston  
Susan Moran, Emporia

**Child Abuse**

Mike Cleary, Newton

**Sexual Assault Victims**

Terry Scudamore Hobbs, Topeka

**Elderly and  
Disabled Victims**

Jane Kleinberg, Lawrence

**Drunk Driving Victims**

Jean Barton, Topeka

**Victims' Compensation  
and Restitution**

Georgia Cole, Emporia  
Betty Bomar, Topeka

**Corrections,  
Sentencing  
& Parole**

Ken Christian, Leawood

**Victims'  
Service Programs**

Dr. Karl Menninger, Topeka

**Prevention Education**

Clyde Bevis, Wichita

# THE ATTORNEY GENERAL'S VICTIMS' RIGHTS TASK FORCE

Attorney General Bob Stephan

<b>Chair</b>	Honorable James G. Beasley, Wichita
<b>Domestic Violence</b>	Juliene Maska, Hays Dorothy Miller, Pittsburg Kathy Greenlee, Lawrence Richard M. Brede, Manhattan
<b>Child Abuse</b>	SuEllen Fried, Shawnee Mission Melissa Ness, Topeka Eleanor Lowe, Shawnee Mission
<b>Sexual Assault Victims</b>	Nancy Kirk, Topeka Phyllis Bauman, Valley Center Edwin H. Bideau, III, Chanute
<b>Elderly and Disabled Victims</b>	Gene Olander, Topeka Don Blazicek, Wichita Everett L. Johnson, Augusta Lyndon Drew, Topeka
<b>Drunk Driving Victims</b>	Wanda Stewart, El Dorado E. David Gorrell, Independence Mike Powers, Council Grove
<b>Victims' Compensation and Restitution</b>	Phil Magathan, Topeka Don Stumbaugh, Lawrence William E. Thompson, Emporia
<b>Corrections, Sentencing, Probation and Parole</b>	Joan Hamilton, Topeka Gerry R. Cox, Hays Randall L. Murphy, Kansas City
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**Elderly and  
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Ken Christian, Leawood

**Victims'  
Service Programs**

Dr. Karl Menninger, Topeka

**Prevention Education**

Clyde Bevis, Wichita

# KANSAS AFL-CIO

110 W. 6th St. P. O. Box 1455 Topeka, KS 66601 (913) 347-0396

February 10, 1989

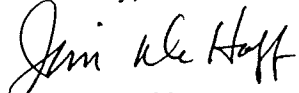
House Judiciary Committee  
Chairman Michael O'Neal  
Committee Members

The Kansas AFL-CIO supports passage of H.B. #2198, Criminal Procedure, Parole and Supervised Furlough; H.B. #2199, Notice to Victims of Crime; H.B. #2200, Crime Victims, Reparations and Assistance; and HCR #5008, Constitutional Amendment on Victims Rights.

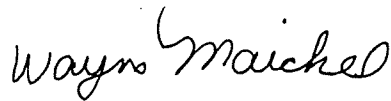
We urge the House Judiciary Committee to give strong consideration to this important legislation.

Thank you.

Sincerely,

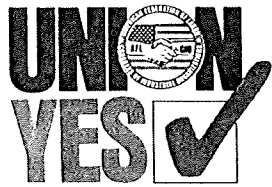


Jim DeHoff  
Executive Secretary



Wayne Maichel  
Executive Vice President

opeiu #320, afl-cio



President  
**Dale Moore**

Executive Secretary  
Treasurer  
**Jim DeHoff**

Executive Vice  
President  
**Wayne Maichel**

Executive Board

*Delton Baxter  
Eugene Burrell  
Garold Good  
Jack Gray  
David Han  
Jim Hastings  
Don Hoffman  
John Hoover  
Mike Krasovec  
Wil Leiker  
Roger Naylor  
John Rider  
Wallace Scott  
Don Volle  
Russell Ward  
John Weber  
Wayne Wiannecki*





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ROBERT T. STEPHAN  
ATTORNEY GENERAL

MAIN PHONE: (913) 296-2215  
CONSUMER PROTECTION: 296-3751  
TELECOPIER: 296-6296

February 13, 1989

TO: Senate and House Judiciary Committees  
FROM: Attorney General Bob Stephan  
RE: Outline of Victims' Rights Legislation

The following is an outline of the proposed Victims' Rights Legislation:

Senate Concurrent Resolution 1609      Constitutional Amendments  
House Concurrent Resolution 5008

Senate Bill 168	Crime Victims' Bill of Rights
House Bill 2200	Statewide Victims' Rights Coordinator
	Increases Benefits for Victims
	Crime Victims' Assistance Fund Created
	Probation Services Fee Earmarked
	Docket Fee Increased
	Domestic Violence Funding Increased
	Bond Forfeiture
	Reparations Board Under Attorney General
	Reparations Board Renamed Compensation Board
Senate Bill 167	Victims' Comments
House Bill 2199	Notification of Victim and Victims' Families
Senate Bill 166	Deletes Furlough Program
House 2198	Allows Further Inmate Program Participation

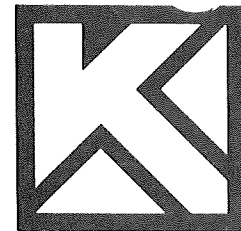
Funding for Senate Bill 168 and House Bill 2200:

Statewide Victims' Rights Coordinator - State General Fund  
Increased benefits for Victims - Docket fee increased \$2 to \$5  
Bond Forfeiture  
Crime Victims' Assistance Fund - Probation Services Fee  
Bond Forfeiture  
Domestic Violence Funding - Marriage License increased \$25 to \$40

Probation Services Fee and Bond Forfeiture now goes into General Fund.

# LEGISLATIVE TESTIMONY

## Kansas Chamber of Commerce and Industry



500 First National Tower One Townsite Plaza Topeka, KS 66603-3460 (913) 357-6321

A consolidation of the  
Kansas State Chamber  
of Commerce,  
Associated Industries  
of Kansas,  
Kansas Retail Council

February 13, 1989

### KANSAS CHAMBER OF COMMERCE AND INDUSTRY

Testimony Before the

House and Senate Judiciary Committees

by

Ed Bruske  
President

Mr. Chairman and members of the Committee:

I would like to take this opportunity on behalf of KCCI and its 3800 members to support this legislation as it relates to victims' rights. We would also like to take this opportunity to congratulate Attorney General Bob Stephan and his Victims' Rights Task Force for the outstanding job they have done in outlining and recommending the action considered here today.

The Kansas Chamber of Commerce and Industry (KCCI) is a statewide organization dedicated to the promotion of economic growth and job creation within Kansas, and to the protection and support of the private competitive enterprise system.

KCCI is comprised of more than 3,000 businesses which includes 200 local and regional chambers of commerce and trade organizations which represent over 161,000 business men and women. The organization represents both large and small employers in Kansas, with 55% of KCCI's members having less than 25 employees, and 86% having less than 100 employees. KCCI receives no government funding.

The KCCI Board of Directors establishes policies through the work of hundreds of the organization's members who make up its various committees. These policies are the guiding principles of the organization and translate into views such as those expressed here.

*Attachment II  
Senate Judiciary  
2-13-89*



As a business organization we spend a great deal of time concentrating on legislation that we feel will expand the economy and job opportunities in Kansas. We also have spent a great deal of time supporting stronger actions against criminals who deteriorate our free enterprise system. However, like everyone else, we have forgotten the victims of these criminals. Thus, we're pleased that our Board of Directors on February 7th decided to step forward and support this action regarding victims' rights legislation. We feel it's imperative that victims have the same opportunities to be informed and heard at all stages of the criminal justice process.

Again, we'd like to congratulate the Attorney General's Office and his Task Force for bringing this issue to the legislative front.

Testimony in support of:

Senate Bill 168  
and  
House Bill 2200

I wish to add my thanks to the members of the House and Senate committees for their interest and concern in the rights of victims. The legislation before you, House Bill 2200 and Senate Bill 168, are the results of months of effort and years of concern. As with any effort to change the manner in which we handle issues and the attitudes which lay behind our methods, there must be a focal point of responsibility and accountability.

As you have heard from others, the rights of victims were long overlooked. After we became more sensitive to the plight of victims, we tended to address the problems with a patchwork of rules and programs. The bills before you are the first efforts to develop a comprehensive and systematic process for guaranteeing that the rights of victims are consciously and specifically addressed by all persons and agencies having contact with the victims of crimes.

It is our vision that the officer on the street who provides a Miranda warning to the perpetrator will also provide the victim with a list of rights and resources. The investigating officers, the district attorney's office, and the judicial system will continue the process with regular and consistent involvement of the victims within a framework that will continue to respect their basic rights.

In order to assure that these basic rights are consciously and specifically addressed, there must be a system which assists in the development, implementation and coordination of local processes which act to protect the rights of victims. Ultimately there must be a system which assures compliance.

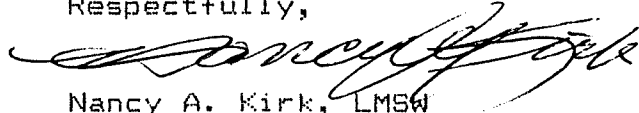
To this end, it is recommended that a coordinator of victims rights be established in the office of the Attorney General. It is intended that this individual will be responsible for assuring that victims rights are respected by every appropriate agency throughout the State. It is intended that the coordinator will work as a liaison with local law enforcement and judicial district personnel to establish the necessary local procedures for protecting the rights of victims. The coordinator will assist local victims rights coordinators and witness assistance programs and will be responsible for the administration of the victims compensation fund and the proposed hotline.

Attachment III

JAC  
2-12-89

Unless we establish a system of accountability and compliance with the victims bill of rights, we will be open to charges of using empty words and making empty promises to those who have suffered and who have for so long been forgotten.

Respectfully,



Nancy A. Kirk, LMSW  
Chair  
Sexual Assault Subcommittee  
Task Force on Victims Rights

Testimony of Phil Magathan  
Before the Senate and House Judiciary Committee  
Re: Senate Bill 168 and House Bill 2200  
February 13, 1989

The subcommittee I represent on Attorney General's Victims Rights Task Force, reviewed both the areas of victim compensation and restitution in the State of Kansas. Under existing state law, the State of Kansas provided for restitution as a condition of probation and parole unless compelling circumstances would render it unworkable. In addition, legislation passed in 1984, required all presentence reports to include a victim impact statement which is to specifically address "financial, social, psychological, physical or other harm or loss suffered by victims of the offense and the restitution needs of such victims."

In the area of victim compensation, there is needed change in the Kansas Statutes to improve compensation to Kansas crime victims. Currently, the maximum benefit victims can receive from the Crime Victims Reparations Board is (74-7305) section 31) \$10,000.00. We would strongly recommend, as proposed in S.B. 168, this maximum benefit be increased from \$10,000.00 to \$25,000.00. In reviewing a survey of state programs, many states have benefits ranging from \$25,000.00 to \$50,000.00 including the State of Washington which has no limit on maximum benefits awarded.

It is also recommended the allowable expense for funeral, cremation or burial (K.S.A. 74-7301 section a) be increased from \$750.00 to \$2,000.00. Currently the allowable funeral

Attachment IV  
SJC  
2-13-89

expense ( other than natural causes) for inmates in our state prisons is \$1,500.00.

S.B. 168 removes sections 2 A thru D and section 3 A thru B in K.S.A. 74-7305. These sections relate to reparations not being awarded if the claimants economic loss does not exceed ten percent of their net financial resources. Crime victims should not be penalized in terms of justified compensation based upon their net worth and most states have eliminated this means test administered to claimants.

Historically, the Crime Victim's Reparation Board has had inadequate funding to provide for the timely compensation of crime victims. S.B. 168 provides additional funding for the crime victims compensation fund by increasing from \$2.00 to \$5.00 on criminal court docket fees paid. S.B. 168 also allows probation or community correctional services fees deposited with the state treasury, to be credited to the crime victims assistance fund.

I know as our state legislators, you will carefully consider the need to insure that concern for crime victims services and rights are are recognized by the criminal justice system in Kansas.

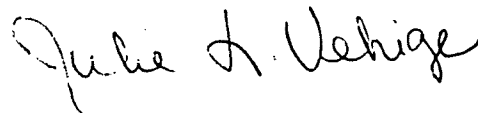
Looking at House Bill 2199 and Senate Bill 167, I feel both of these Bills should be adopted. It is a very important part of the victims healing process to be heard. I can only see this part of the bill as positive. For victims to speak out is a great step towards healing and recovery. The parole board should not only listen but try to put themselves in the victims' shoes and take their comments to heart.

It should be mandatory for county and district attorneys' offices to keep the victims and their families notified for parole eligible inmates. Not only on the subject of parole eligibility, but in every step of the judicial process. Such is not the case now. I feel the Attorney Generals' office should periodically check in on the county and district attorneys' offices to make sure this procedure is being followed.

Futhermore, corrections officials should have notified victims of sexual offenses from the start when the perpetrator is getting out of prison. You can't imagine the trauma a child endures when they accidentally run into their molester on the street. If only that simple little phone call had been made. This is a consideration that should be extended to every victim of any crime against person.

I am very proud to stand here before you today. I am very pleased that the Senate and Legislature are here to listen to the victims rights issues. These Bills are just the beginning for the plight of victims in Kansas. As I stated in the beginning of my speech, my major area of concern is child sexual abuse. I empathize with victims no matter what the crime. You hold the future treatment of victims in your hands. I hope you use the power that has been placed in your hands to pass these bills.

Thank you,

A handwritten signature in cursive script that reads "Julie L. Vehige".

Julie L. Vehige

October 14, 1988

ATTORNEY GENERALS - TASK FORCE ON  
VICTIMS RIGHTS

By Julie Vehige

Today I come before you with a message. A message filled with fear and anger. I stand here not only to represent my two molested daughters, but to also represent the Parents of Molested Children Support Group of Emporia, Kansas.

I come here to express the fear and anger we have all confronted because of the molestation of our children. Fear and anger that comes from the victimization that our families have been forced to deal with at the hands of the perpetrators. I'm not here to bring you more horror stories, but to ask that drastic changes be made with the handling of child molesters in our injustice system.

Yes, once we put our trust and beliefs in the justice system to uphold the law and protect our children. Actually, in all reality, what we felt was that the system had turned its back on us. Most of our molesters are still on the streets today, never taking responsibility for the criminal act they committed. Most often they will receive probation without the benefit of psychological counseling. Through the mental health system we now know that it takes a pedophile at least seven years of intense psychotherapy to even admit that they have a problem. Once the injustice system turns them out on probation, they are being given the message that they have gotten away with it again. It's only a small matter of time before the molester begins to molest children again, if they ever stopped in the first place.

The major changes we are talking about here begin with recognizing the fact that pedophilia is a mental disorder. It is a compulsive, repetitive dysfunction which is usually preplanned and premeditated, normally continuing throughout the molesters life span. As long as molesters receive probation, (a mere slap on the hands!) our children will not be safe.

We need to start with a mandatory Re-education Program for all members of the judicial system. Our judges, county attorneys, law enforcement, SRS, and probation and parole officers. We are concerned how sexual abuse victims are raked over the coals, while the molesters are made to look like the good guys. This type of treatment being allowed by the courts must stop! You are only compounding the trauma the children of sexual abuse must endure. Let's remember that the children are the victims. Until this re-education is done, we will continue to see child molesters go unchallenged.

We the parents of molested children would like to see legal changes made to give our children/ the victims, their rights back, rights guaranteed them in the constitution. Some of our major concerns center around these seven problems:

1. Too many sexual offenders are allowed to plea bargain down to a misdemeanor from a felony charge. In all reality what is the act of sexual child abuse? If your an adult it's called rape, if your a child it's called indecent liberties. What has really happened is the

- the rape of a child's innocence. We should take the harshest stance possible with these molesters. This horror will never stop until we do.
2. Raise the bail to fit the crime. It is hard to understand why child molesters bail is so low. A person could have the same bail amount for a vandalism charge. Most people can never realize the amount of emotional damage molesting does to a child. For this simple reason we should raise the bail. But what is the price of a child's innocence?
  3. The Supreme Court put children's rights back to the stone age when they removed the protective screen from the child. The only reason a child molester wants the screen removed is to silently intimidate the victim. Silent intimidation is one of the molesters most powerful weapons against the child. Let's give the constitutional right back to the child, return to videotaping and bring back the screen. Don't let the perpetrator compound the child's trauma.
  4. Expert witnesses need to play an active part in the court process. The judges or jury need to hear the actual sexual knowledge of a child at a certain age. Otherwise, the perpetrator's attorney may completely lead the judge or jury. The molesters' attorneys can easily confuse the court by twisting the actual truth to protect the molesters. Expert witnesses are a must.
  5. Victims restitution needs to be enforced by the courts. So many times it takes forever to get the perpetrators to pay the victims' restitution. Whether the molesters pay or not we have victims and their families going through extensive counseling. It's time to make the molesters take responsibility for his or her crimes.
  6. In keeping with the theme of making the molesters take responsibility for their crimes, we need to start sentencing these perpetrators to some hard time. Instead of probation as an option the harshest penalty should be imposed. These people should not be allowed to receive probation. They will continue to molest children. This is why we need to limit their access to children, no more probation.
  7. Last but not least by any means is mandatory mental counseling. The best way to reduce the recidivism rate of a child molester is through confinement and inpatient therapy. They must be brought out of their shells of denial into the life of a functioning adult dealing with life stresses, without using children sexually.

These seven are just a few of the many changes we would like to see. You must realize that at this time, we the victims have not seen even of the above changes on our side. In order to make this victims' rights task force a workable plan we need these changes put into the system. I would like to leave you with this thought today... ..When a child is molested it does many things to their small minds. Of course there can be physical damage, but the emotional damage is so traumatic that they will wake up to it every morning and close their tiny eyes to sleep with it at night. These children live with the fear of strangers, the fear that the molester will get them again; The act of child molesting inflicts shame and guilt upon the child, and robs them of their self esteem. Being molested as a child puts them in



in the mold to become a life long victim. I am trying to help you to change this repetative cycle. The child and their families must go on, but the trauma can last a lifetime even with counseling. What is the price you are willing to let these children pay? How much is their lost innocence worth? What if it was your child? Lets' stop punishing our children and lets start punishing the perpatrators of this incidious crime! ! ! !

Thank you.

*Julie L. Vehige*

Julie L. Vehige

To the Chairs and Members of the Committees, I am appearing today in support of SB 168 and HB 2200. Since the creation of the Attorney General's Victim's Rights Task Force and the public hearings around the State, the public's support is increasing for victim's rights.

My testimony today will focus on the need for increased funding for domestic violence programs.

Domestic violence is the most misunderstood crime because it occurs behind closed doors. It affects families from all socioeconomic levels. Families are the most important element of our society. They should provide a place of security, love nurturing and safety. When the safety of the family is in danger, because violence occurs, family members who are victims need safe shelter and support.

According to Dr. Lenore <sup>Walker</sup>~~Walker~~, a major researcher in the field of domestic violence, about 1/2 of all couples experience at least one incident of domestic violence. For 1/4 of those couples experiencing incidents of domestic violence, violence is a common occurrence. Assuming for the moment that the average household in Kansas consists of 4 people and the approximate number of families in Kansas is 572,000, that would equal 286,000 families which have been affected by domestic violence.

In 1987, 18 Kansas domestic violence programs reported receiving 22,603 crisis calls and provided safe shelter to 4,374 women, children, and men. The domestic violence programs were only able to personally contact less than 10% of all people who are routinely experiencing violence in the home. The majority of testimony heard in the public hearings of the Attorney General Victim's Rights Task Force were from domestic violence victims. Victims where a spouse was the abuser were unaware that the violence between family members was a crime or what resources were available. With the passage of these bills the Attorney General will appoint a Victim Rights Coordinator, and one of the first tasks for this Coordinator will be to develop a victim's rights card so all victims will know their rights.

Attachment V

JGC  
2-13-89

13 February 1989

There are 22 programs in Kansas providing 24 hours a day, 7 days a week, services to victims. These programs need a solid funding base. With the increased awareness of domestic violence occurring in families and the increase of victims seeking safe shelter each year, it is important for increased funding. Failing to support funding for domestic violence victims and protecting victims rights is once again putting victims of domestic violence behind closed doors.

I urge your passage of SB 168 and HB 2200 which would allow for victims rights and increase funding for domestic violence programs.

Thank you for your time and consideration.

Attorney General Victim's Rights Task Force

Domestic Violence Sub-Committee

Juliene Maska, Chair



DAVID E. JOHNSON  
DIRECTOR

# KANSAS BUREAU OF INVESTIGATION

DIVISION OF THE OFFICE OF ATTORNEY GENERAL  
STATE OF KANSAS  
1620 TYLER  
TOPEKA, KANSAS 66612-1837  
(913) 232-6000



ROBERT T. STEPHAN  
ATTORNEY GENERAL

## TESTIMONY

KYLE G. SMITH, ASSISTANT ATTORNEY GENERAL  
BEFORE THE JOINT HOUSE AND SENATE JUDICIARY COMMITTEE  
FEBRUARY 13, 1989  
REGARDING SENATE BILL 168  
AND HOUSE BILL 2200

On behalf of Attorney General Stephan I am glad to testify in favor of House Bill 2200 and Senate Bill 168. These bills make great strides in advancing the cause of victim and witness rights.

In particular, I have been asked to address one of the funding procedures of the bill found in new section 31 of both Senate Bill 168 and House Bill 2200.

These sections tap a relatively ignored source of funds to further victim/witness programs in this state; bonds forfeited by defendants who fail to appear for court. These funds will be most appropriately applied to helping victims in three areas: the crime victims reparations fund, the crime victims assistance fund, and to local county and district attorneys for establishing local programs to aid victims and witnesses. The mechanics on how this is done are a little complex, but essentially it breaks down that for every one hundred dollars forfeited, fifty dollars goes to the crime victims reparation board, twenty five dollars goes to the crime victims assistance fund and twenty five dollars stays at the local level to

Attachment VI

SJC  
2-13-89

provide funding for victim witness programs through the county or district attorney's office.

This last apportionment will have a secondary benefit of providing incentive to our hard pressed county and district attorneys to vigorously enforce forfeitures and judgements on bonds. This will not only result in more actual collections, but more criminals being recovered by bonding companies and brought to justice.

I urge you to support these bills.

Testimony of Dorthy Miller  
Before the Senate and House Judiciary Committees  
Re: Senate Bill 168 and House Bill 2200  
February 13, 1989

My testimony is in reference to Section 12 of Senate Bill 168 and House Bill 2200, which places the Crime Victims Reparations Board, now an independent orphan, under the auspices of the Attorney General. This change has several significant advantages over the present system.

First, it provides a better communication link between law enforcement officers and crime victims reparations since the Attorney General is the chief law enforcement officer of the state. Currently, many law enforcement officers are unaware of these compensatory funds. Seven law enforcement agencies in Southeast Kansas were called and questioned as to how one could receive an application form for compensation from the Crime Victims Reparations Board. Out of those seven agencies, one stated they didn't know, but thought that perhaps such an application is at the County Attorney's Office. The other six agencies stated they didn't know and offered no information as to how one could find out. Due to this gap in communication, many victims who are eligible for compensation are not currently receiving it, as they've never been given the information. As members of the Victim's Rights Task Force listened to victims across the state, we often came face-to-face with victims who could have benefited greatly

Attachment ~~VI~~

JGC  
2-13-89

from such compensation, had they only known about such funds while still eligible. It is clearly necessary for law enforcement agencies to be fully aware of the availability of these funds so needy victims can receive them. Enactment of this bill will increase law enforcement awareness.

Another advantage of this bill is that it increases the overall visibility of the program. As presently constituted, it has not achieved a great deal of visibility within the state of Kansas. By changing the name from the Crime Victims Reparation Board, this board will be more readily recognized by the public for the service it provides. Furthermore, simply having it under the auspices of the Attorney General will in itself provide greater visibility to the program.

The enactment of this bill is necessary to assure that needy victims across the state who are eligible, will receive compensation.

Legislative Hearing on Victims Rights  
February 13, 1989  
Comments by Julie L. Vehige  
Emporia, Kansas

I am here today to speak to you about House Concurrent Resolution 5008 and House Bills 2200 and 2199. I will also speak in favor of Senate Concurrent Resolution 1609 and Senate Bills 168 and 166.

My own personal area of concern centers around child sexual abuse. For the last two years my family has been on the road to healing, after the molestation of our two young daughters by a non-related offender. We had always believed in justice, until our day in court. Then we realized what an unjust system it really is. Our molester was sentenced to two years probation and told never to babysit again! Still reaching out for help I joined a support group for parents of molested children. Then, it all suddenly dawned on me, it wasn't just family that was unhappy with the justice system. Almost every family had met with the injustice system at some point in the game.

Since that time I have become an advocate to battle the issue of child sexual abuse and to turn the system around to be there for child victims and their families. At this time in my life I am starting an organization in Kansas called PARENTS AGAINST CHILD MOLESTERS. We are in the process of becoming a non-profit organization to help victims and their families. We feel it is important to work towards changing legislation and the criminal justice system, educating authorities, prevention programs, public awareness programs, and most important advocacy for the victims and their families. We have high hopes of evolving into a strong advocacy organization for victims of child sexual abuse within our state.

As an advocate for children perpatrators by sexual abuse I can not stress enough how important the Constitutional admendment and Victims' Bill of Rights will be for victims of sexual crimes. It is estimated by the year 2000 we will have a Bill of Rights for children. By passing a state Constitutional Amendment and a Bill of Rights for Victims you will be putting Kansas in the forefront of victims rights.

Looking at the Bill of Rights I feel it is terribly important to begin a state-wide victims rights coordinator program under the supervision of the Attorney Generals' office. When I testified before the Attorney Generals' task force last fall there were only seven victims rights coordinators in the state. We need a coordinator in every county to help victims and their families. They need to work under a standard operating procedure coming from and monitored by the Attorney Generals' office.

It is of vital importance to also place the Reparations Board under the Attorney Generals' office. Existing funds do run out. We need to allocate more funds to the Victims Reparations Board. Every year more and more sexual crimes are being reported, we need the additional funding to adapt to our growing caseloads. I would like to add that not only sufficient funding is needed, but also more effective programs and services for the victims. I feel so strongly thathat the need is here now, we need to stop turning our backs on the victims.

SJC  
2-13-89  
Attachments IX



February 13, 1989

LADIES & GENTLEMEN,

To start with, this is all new to me. Finding out my daughter was molested by a family member (I always thought this would never happen). Then we have the ordeal of the unjustified trial (which I feel that the judicial system is not what it should be), since the molester was found not guilty. My family has to deal/cope with the fact that this molester is out there loose on the streets. So I hope you will bear with me during this speech. It might be amateur, but it comes from the heart.

I am here today to speak in behalf of my 11 year old daughter who was molested along with all the other parents against child molesters. I don't feel that I should go into detail of my feelings, if you would place yourselves in my shoes, I'm sure you would agree, the feelings would be mutual.

Through the ordeal of my daughters case and the trial, the molester had all the rights. I feel that the only right my daughter and our family had was the fact that their was to be no contact of any kind to my family from the molester. Now since found not guilty that right has even been taken away.

During the trial there was no evidence of the molesters past history allowed even if it was factual and would benefit the case. Instead, my daughter and other family members were intimidated, plus we were all put on trial. I am not an expert on law and order, but my belief is that once under oath there is no room for lies if so you would be found in contempt of court (Perjury). During the course of the trial they used untrue accusations, past sexual behavior of family members, and my immediate families personal financial status, along with other irrelevant information in behalf of the molester. So I feel that the House Concurrent Resolution 5008 and Senate Concurrent Resolution 1609 - Constitutional Amendment which adda vctims' rights to the state constitution is needed in order to spare future victims of the heartache and pain that my family was forced to endure.

Even though my daughters molester was found not guilty, it doesn't mean that it's all over for my family. We are undergoing counseling, which will probably continue for some time. But since the molester was found not guilty, my family is not eligible for the victims reparation fund. With the help of the victims' rights coordinator in my county I feel it would definitely benefit to have a state-wide coordinater. So with all the above statements I feel it is of the utmost importance to have the House Bill 2200 and Senate Bill 168 - Bill of Rights, State-wide victims' rights coordinator, Reparations Board placed under the Attorney General's Office, and funding issues ie: increased funeral expenses for victims, increased maximum benefit for victims, and raising additional funds for victims programs and services. Even if the molester is found not guilty, there are a thousand more victims and their families who would benefit from this help.

Attachment X  
SJC  
2-13-89

I strongly feel that the House Bill 2199 and Senate Bill 167 - Parole Board shall consider victims or victims' families comments, public comments and official comments before parole is granted. Requests that reasonable efforts be made by county and district attorney's offices to notify victims and victims' families of public hearings for parole eligible inmates. Also requests notification by corrections to victims or victims' family when individuals convicted of crimes against person or sexual offenses are released in the community. This bill is so important because even if brought to trial by judge or jury (found guilty or not guilty). We the victims and victims' families of a molester in which related to as a family member are the only ones who really actually know of the molesters past and present life. So I feel that in order to benefit all the other possible victims and to protect their safety, their rights, but most of all their innocence as children, these Bills should be passed.

So in behalf of my daughter of 11 years of age who was molested by a family member and in which was found not guilty, along with all of the other children who have been molested and their families. I feel and firmly believe, but most of all support all three above bills mentioned.

I will know and remember the pain and humiliation my family has endured at the hands of the injustice system. I hope that all of you will/can place yourselves in my shoes to help see that these three Bills will pass to turn the system back toward justice. Not only for my daughter, my family, and other victims, their families, but for the rights of all our children and their families, who are victims of child molestation.

THANK YOU,

*Tamra J. O'Brien*

LEGISLATIVE HEARING ON VICTIMS RIGHTS  
Comments by Tamra J. O'Brien  
Emporia, Kansas 66801

Testimony of Kay Houser  
Before the Senate and House Judiciary Committees  
Re: Senate Bill 168 and House Bill 2200  
February 13, 1989

State Coordinator for Victims Rights is needed to assure that Kansas victims are heard and informed.

I chaired the Victim Witness Committee of Shawnee County Corrections Advisory Board for two years. During that time, we met with and reviewed procedures involving victims with representatives of the police and sheriff, legal aid, district attorney, judicial and parole board and victims.

Through cooperative efforts some changes were made in Shawnee County procedures.

The greatest cry from victims was: What's going on in my case? Where do I get help? When is the hearing? Will he go to jail? Will I know when he gets out?

Shawnee County and several Kansas counties have a full-time victim coordinator in the county attorney's office to help with these questions.

A State Coordinator is needed to implement and assist counties in providing this help throughout the state.

By passing this bill, you have the opportunity to give victims these rights.

Attachment XI  
SJC  
2-13-89

Kelderman



# Riley County Community Corrections Victim Assistance Unit

105 Courthouse Plaza  
Manhattan, KS 66502  
(913) 537-6380

## VICTIM SERVICES ACTIVITY CHART

### ACTIVITY

### OUTCOME

Victim "activates" system by filing report with a law enforcement agency; most usually R.C.P.D.

No response/request for victim services is received. RCCC will take no further action.

V.A.C. screens all police reports and contacts all appropriate victims to offer services. V.A.C. provides victims with a victim impact statement and encourages victim to complete the report and return to R.C.C.C. Victims are also requested to keep the V.A.C. informed as to changes in address, property loss, etc. etc.

Victim completes victim impact statements and returns the statement to R.C.C.C. without any additional requests for immediate victim services. The completed statement is placed on file and is updated as needed. When the offender(s) are apprehended and charged, the victim impact statement is immediately available to the appropriate parties. This significantly reduces our "paperchase" time as the victim impact statement is now an active tool in the processing of the offender in the criminal justice system.

Population of Riley County            65,703  
Cost per capita for Victim Services    .38

Victim completes and returns the victim impact statement and requests immediate victim services. The V.A.C. then provides the requested victim services as appropriate and within our resources.

*Attachment XII*  
*Sgc*  
*2-13-89*

*Sue Herrman*

February 13, 1989

TO: SENATE AND HOUSE JUDICIARY MEMBERS

FROM: SUPPORTERS OF VICTIMS BILL OF RIGHTS  
Sue Herrman, Spokesperson  
Shirley Burt  
Marvin Walton  
Vicki Fillerman  
Carol and Leland Vogan  
Other Kansas Petitioners for the Bill of Rights

Speaking as a member of the Salina community and in behalf of various families who have been victims of violent crimes, we strongly support the constitutional amendment which adds victims rights to the state constitution.

As strong supporters of a Victim's Bill of Rights, we agree to having a state wide Victims Rights Coordinator, and that the Reparation Board be placed under the Attorney General's Office.

We need to address funding issues for increased funeral expenses for victims, increased benefits for victims, and raising additional funds for victims and their families, such as state funded counseling in addition to what we currently have. In Saline county, we have a \$250 reparation cap in which some victims have never been made aware. We also understand there may be a \$10,000 reparation to victims of violent crimes.

We are here today concerning victims of past crimes, some who have not been made aware of the availability of reparation, and others who are not getting any help with follow up on what they have been told. Vicki Fillerman, a victim of a horrendous crime, has incurred a hospital bill of \$22,000 plus in which she is now being hounded for by bill collectors. After approximately six months, she has received no additional information on the \$10,000 reparation. Criminals can go to the dentist, in which we pay for. Vicki is trying to take care of her two children, and we the State of Kansas seem to forget about her and other victims. This bill should insure the victims' needs and rights are equal to those of the criminal.

We strongly support timely notification of victims and victims families of public hearings for parole eligible inmates. We ask the parole board to please be diligent in considering victims, victims' families, public and official comments before granting parole. It should be mandatory that corrections notify victims and or families when individuals convicted of crimes against a person or sexual offenses are released in the community.

*Attachment  
XIII  
LJC  
2-13-89*

We definitely agree to the fact the parole board cannot require any further program participation for an inmate if it was not in the original contract of that inmate. An inmate, Joseph Rortina was up for parole in December 1988, less than four years after he murdered Kim Rogers. He was denied parole for one year, and now must undergo Chemical Abuse Treatment. After four years of being incarcerated, what can treatment do now?

Please be advised of Kansas residents who want the Victims Bill of Rights. Many people have been willing to sign a petition and I'm sure we have reached only a small portion of those people. Any person can be a victim of crime or have someone very close to them victimized. We need all four bills or resolutions to be passed into law.

Rights given in our Constitution should not be interpreted just for the convicted criminal. Quite frankly we believe our forefathers did not intend for victims to be forgotten by our judicial system.

We are bound by law to pay for counseling, rehabilitation, and care for the convicted criminal. The victims currently have to seek counseling, medical care, and rehabilitation with limited state funds, or spend their own dollars, which many cannot afford.

On behalf of the people of Saline county and other Kansas residents, I wish to express our thanks for the opportunity to be heard by the Senate and House Judiciary Committees and a very special thanks to Bob Stephan and his task force for making us aware of this meeting today.

Judiciary Committee Members

As a supporter of all these Bills today, who has become a victim of violence in the past year, I do believe that we need a local Representative in the area. Not just in Topeka. So they could work with those involved in the crime. Because they would be more aware of the situation and facts in what needs there are to assist the victim (our taxpaying people). If people who commit crimes against our society were made to answer fully for there crimes, we would not be here today. So therefore, we feel that our judiciary system needs a lot more changes than what we're doing here today.

*Jeland Gagan*  
*1209 97 5th*  
*Salina Kan 67401*

Attachment XIV

*JGC*  
*2-13-89*

HOUSE BILL 2200 AND SENATE BILL 168

BILL OF RIGHTS

I am here today to urge your support on the passage of H.B. 2200 and S.B. 168- victims bill of rights.

As a victim of Domestic Abuse I can strongly empathize with women who have gone through or still may be involved in an abusive situation. There's the hurt- physically- the bruises, blackeyes, broken bones, burns, rape and hospitalizations. The emotional hurt of being cut down to a mere nothing, the constant fear that his threats will be carried out. These emotional scars last a long time. The fear- Out-right fear of the abuser. "is he going to hurt me or the children or worse yet is he going to kill us." That fear seems to come into our life dily. The guilt "What did I do wrong and what can I do to make things better. The humiliation- The un-explainable bruises and broken bones. Knowing you made excuses for him. And the feeling of helplessness, that feeling of unending dread. "How can I ever manage". "How can I take care of the children and work too. It is very frightening not to know where to turn to and how to get help you so deserve, thats why I feel there is a need for increased funding for victims programs and services. This will provide funding for:

- 1) EDUCATIONAL SERVICES: To make the general public aware that there is abuse going on in our homes. Increased awareness among our young people both female and males on how to deal with our relationships and how to leave if that relationship is harmful to us. Increased awarness among the general public that a battered woman does not enjoy being beatned, they just want the beatings to end. Especially among the victim herself that she is not at fault and abuse is a crime and she can receive help she so deserve.

Attachment XV

SJC  
2-12-89



- 2) TEMPORARY SHELTER: Providing shelter for victims and thier children so they can feel safe. and be away from the abuser. I wished now that at the time I had been beaten my children and I a safe place to go to where "he" couldn't find me.
- 3) COUNSELING AND ASSISTANCE: Provides counseling for victims so they can get the help they need to after being involved in an abusive sistuation. Support groups are real helpful for the victim can share her experiance, strength, and hope with other victims so that they may help others too. The use of a Victims Advocacy program so the victim can be assisted in transportations to court hearings, help with legal matters, ect.

I strongly urge your support in the passage of H.B. 2200 and S.B. 168.

Thank you for your time and your consideration.

WHY VICTIM RIGHTS  
MARY LOU MUELLER  
KANSAS COALITION FOR DRUG FREE DRIVING / MOTHERS AGAINST DRUNK DRIVING

TO ESTABLISH JUSTICE:

Unless the victim speaks, only half the truth is heard. Our founding forefathers, reacting to tyrannical rule in England, were understandably concerned about protecting the rights of the offenders. Thus, the Sixth Amendment to the Constitution of the United States grants the accused in all criminal prosecutions:

the right to a speedy trial;  
the right to a public trial;  
the right to an impartial jury;  
the right to be informed of the nature and cause of the accusation;  
the right to be confronted by the witnesses against him;  
the right to compulsory process for obtaining witnesses in his favor;  
the right to have assistance of counsel for his defense.

Since the victim was routinely present and heard during criminal trials in that day, the Constitution authors likely saw no need to include rights for the victims.

Through the years, however, the "State" eventually took the place of the victim. By the 1960's, victims were excluded from the criminal justice process unless their testimony was critical for successful prosecution of the case. Family members were not considered victims and were routinely excluded from the courtroom because defense argued that their very presence might bias the jury. This is not what our forefathers had in mind when they so carefully framed the Constitution! They would be amazed to learn that in these days, criminal defendants have not only the rights outlined in the Constitution, but a myriad of other procedural protections which have tipped the scales of justice drastically out of balance. They would react strongly if they could see the victims of crime lining the halls of courtrooms throughout the land, excluded from participating in proceedings which mean all the world to them.

Attachments XVI

SJC  
2-13-89

How can justice be obtained by hearing "the truth, the whole truth, and nothing but the truth" when the victim or surviving victim family is not heard?

SHOW COMPASSION:

It's not hard to turn away from victims. Their pain is discomfoting. Their rage is frightening. Their persistence is frustrating. And yet, the reason is simple: something extremely out of the ordinary has happened to them suddenly, violently, and senselessly. They need to tell their story over and over again in trying to make some sense of it. They need to tell the story to persons whose hearings matters.

The pain is real. It should matter to judges, prosecutors, the medical profession, insurers, the media, family and friends...but most of all, it should matter to the person who committed the crime.

To set aside a time to hear the voice of the victim is an act of simple, human decency.

MAKE A DIFFERENCE:

The voice of the victim is the voice that makes a difference. When a victim testifies before you, you have listened. When a victim gives an impact statement, judges and juries listen. When victim panels share their stories, offenders listen. When victims speak to the print or broadcast media, the media listens. While sometimes painful, victims know that when they speak from the heart it makes a difference.

Lois Haight Herrington, President's Task Force on Victims of Crime has stated "Somewhere along the way, the system began to serve lawyers and judges and defendants, treating the victims with institutionalized disinterest. The neglect of crime victims is a national disgrace." I think by being here today discussing this we can begin to repair all the damage that has our public disgrace.

We, the Coalition and MADD respectfully support a State Constitution Amendment for a Victim Bill of Rights.

I have also included a copy of The Criminal INJUSTICE System by Oklahoma State Attorney General Michael C. Turpen, it is quite an eye opener.

Thank You for your time and patience.

## The Criminal INJUSTICE System

The following was published by Oklahoma State Attorney General Michael C. Turpen. It is with his permission that we share it with you here.

### THE CRIMINAL

Has a choice - to commit a crime or not. If he commits the crime, he may (1) be caught and arrested (possibility about one in 5 in the United States) (2) not be caught and probably continue a life of crime.

### ARREST

1. Must be informed of his rights.
2. If injured while committing a crime or during his arrest, he receives immediate medical attention.
3. Is provided with a lawyer if unable to afford one.
4. May be released on bail or own recognizance.

### PRETRIAL

1. Is provided food and accomodation.
2. Books, t.v., and recreation available.
3. Medical facilities, including drug and alcohol counseling, are made available.

### TRIAL

1. Is provided with state appointed attorney.
2. Can plea bargain to obtain lesser sentence.
3. Can delay the trial and change its venue.
4. Can use various maneuvers to suppress evidence or get acquittal.
5. If convicted (only 3 percent of crimes result in conviction), he can appeal.

### SENTENCING

1. May not go to prison -- there are numerous alternatives.

### SENTENCE

1. If sent to prison, has free food and accomodation again.
2. Has access to all kinds of medical and psychological treatment at state expense.
3. Can improve education and develop job skills.
4. Numerous rehabilitation programs available.
5. With good conduct and work, can get early release.

### AFTER RELEASE

1. Aid programs and loans available.

### END RESULT

Large proportion return to life of crime.

### THE VICTIM

Has no choice - involuntary victim of crime.

### ARREST

1. If injured, pays own medical and ambulance bills. Perhaps carries psychological consequences for life.
2. Is responsible for replacing own property losses.
3. Is responsible for economic problems resulting from crime.
4. Loses time in cooperating with law enforcement agencies.
5. Is generally not informed of progress of case.

### PRETRIAL

1. Must arrange and pay for own transport to court and police offices. Work time and perhaps wages are lost.
2. Still kept in the dark on case progress.

### TRIAL

1. Again provides own transportation and parking costs.
2. Pays own babysitting or other home costs.
3. Must recount criminal incident, subjected to rigorous cross examination. He is just another piece of evidence.
4. The "victim's attorney" represents the State (general public) not the individual victim. Usually no restitution is demanded for the victim.
5. Victim has no right to appeal verdict, even if criminal is released.

### SENTENCING

1. Has no voice in court decisions, pleas, pre-sentence or sentencing.
2. Usually are not notified or present at time of sentencing.

### AFTER RELEASE

1. Often unsatisfied with results of criminal "justice" system.
2. May fear retaliation from released criminal(s).
3. Continues life with fears, damages, injuries, traumas.

### END RESULT

No longer respects a system that bends over backward to respect the rights of criminals but ignores the needs of the victim.

James L. Moore  
1309 SW Western Ave. #4  
Topeka, KS 66604  
913-232-3182

5552 Nalche Road  
Columbus, OH 43213  
614-755-4479

January 30, 1989

Judy Soza  
525 NE 36th  
Topeka, KS 66617

Dear Friends,

As most of you know, on October 26, 1988, my daughter Robin was violently killed by a drunk driver on her way home from work.

The driver, Joseph Kabeller, was indicted by the Franklin County Grand Jury on charges of aggravated vehicular homicide on December 23, 1988.

Kabeller was arraigned on January 20, 1989, pleaded not guilty, posted a \$2,000 recognizance bond, and walked. The County Prosecuting Attorney representing Robin and us as the "general public" is Steve Bechtel, Assistant Prosecuting Attorney, 369 South High Street, Columbus, OH 43215; 614-462-3555.

Approximately four weeks prior to Robin's death, Kabeller was apprehended in Hilliard, Ohio for DWI (driving while intoxicated). In a "mayor's court" Kabeller was allowed to plead guilty to a lesser charge (reckless driving), if he agreed to attend a three day alcohol program; which he did.

It is blatantly obvious that the prior DWI and three day program had no effect on Kabeller, and unfortunately, he is still driving as of this date.

Kabeller has retained one of the best criminal attorneys practicing in central Ohio, and I am certain that they will attempt to plea and/or sentence bargain to reduce the charges and/or any penalties.

Although many of you may not have known Robin personally, I can tell you that she was a very special person to all who knew her, and had dedicated her short life to helping the handicapped and Alzheimer's disease patients.

Approximately 25,000 innocent victims die each year in the United States as the result of drunk driving accidents, and usually, the drunk driver is not seriously hurt or injured. Maximum sentences and fines currently on the books in most jurisdictions do not offer much of a deterrent for two reasons. The first is that they are seldom, if ever, imposed, and the second is that they aren't that stiff to begin with. "We" have allowed this travesty of justice to exist and continue.

I can testify to the fact that these "accidents" don't always happen to someone else and believe me, they are not accidents.

The individual who drinks and then crawls behind the wheel of any vehicle is in essence potentially committing premeditated murder.

As a "Society" we have yet to stand up and shout "ENOUGH IS ENOUGH! WE DO NOT CONDONE DRINKING AND DRIVING!!". Until we do, this unnecessary and avoidable slaughter of innocent victims will continue. My kids and yours---maybe even you or me.

Thus comes the intent of this letter. If you want this intentional slaughter of totally innocent victims to continue--do nothing--throw this letter away.

If you want to do something to end this--please send your comments, opinion and feelings to the prosecuting attorney, and more importantly, your governor, state reps and senators, as well as your local representatives. Demand tougher laws and mandatory sentencing.

Robin's death must mean something--and so far for me and my family it means nothing more than coincidence which should have, could have, and must be prevented!

If "we the public" take action, this type of incident might not happen to you.

Please, take a few minutes--write--send copies to everyone you know. It's time to take a stand!

Thanks,

*Jim*

Jim Moore

A Grieving Father

p.s. Please copy me so that we can present your letters to the probation officers and the judge.

**A  
PETITION**

**A MILLION AMERICAN VOICES FOR VICTIMS**

*We, the undersigned, believe that a victim of crime should have the right, as does the offender, to be present and heard in the criminal justice system.*

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Street Address or P.O. Box

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City                      State                      Zip Code

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Street Address or P.O. Box

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City                      State                      Zip Code

**Please Return This Completed Petition To:**

\_\_\_\_\_

Send a Copy To:  
MADD NATIONAL  
699 Airport Freeway, Suite 310  
Hurst, Texas 76053



# Kansas Association of Domestic Violence Programs

P.O. Box 633 ♦ Lawrence, Kansas 66044 ♦ 913 / 842-3265

☞ Celebrating Our Tenth Anniversary ☞

1979 - 1989

Date: February 13, 1989

To: Kansas House and Senate Judiciary Committees

From: Kathy Greenlee, Director *Kathy Greenlee*

Re: House Bill 2200 and Senate Bill 168

I am here today to lend my support to the resolutions which are being introduced by members of the Attorney General's Victims' Rights Task Force. Each of these proposals will in some way positively affect victims of a crime which we commonly called domestic violence.

Currently there are 23 domestic violence programs in Kansas. Each program is unique in size, structure and services provided. There are programs in Kansas which have been around for more than 10 years. Others are grappling with bylaws and Articles of Incorporation. Yet, there is a common thread which runs through each of these domestic violence organizations. That common thread is struggle.

Every domestic violence program and domestic violence worker in this state struggles. They struggle with feelings of anger and outrage and sheer horror as they witness daily the results of the brutality which exists in many Kansas homes. They struggle to help victims of domestic violence piece together whole, safe lives, free from abuse. They struggle to find a way to make you, the legislature, and you, the general public, aware of the enormity of this social dilemma. And they struggle to find away to keep their doors open; to keep providing these services which, in many cases, are life-saving.

Last year, \$185,000 was generated by the marriage license fee for the Protection From Abuse fund. This figure reflects approximately \$7,000 per domestic violence program in Kansas. The proposed increase would net an additional \$350,000 for the PFA fund.

The Protection From Abuse fund in the primary source of state funding available to domestic violence programs. The current level of support which is available from this fund is simply inadequate.

I encourage you to adopt the many resolutions which are before you today. I ask especially that you join us in the struggle to end domestic violence by voting for the proposed increase in the marriage license fee.

Attachment XVII

*SJC*  
*2-13-89*

02/13/89

Thank you for the opportunity to speak in support of victims rights. I was a law enforcement officer the night I became a victim.

While attempting to apprehend a drunk driving suspect, I was beaten to the point that I was convinced I was going to die. The suspect was arrested, tried, and found guilty. He recieved a suspension on his drivers license, a monetary fine, and served five weekends in jail. I had to end my career a short time later because of my injuries and have several medical problems to deal with the rest of my life.

I spent over ten years in law enforcement arresting criminals, testifying in court, and watching victims suffer. I urge the passing of victims rights bills which help ease the financial and emotional burdens victim's fall prey to.

A wrong can't be undone and life can't be given back. Passing bills which insure some financial support, notification of court hearings, and standardized procedures involving the courts and victims would help ease the suffering.

It's one thing to fall victim to a criminal- that we have laws to help with, it's another issue to become a victim a second time in the judicial system.

Please help stop this injustice.

Marcy L. Carlson  
Topeka, Kansas

Attachment XVIII  
JPC  
2-13-89  
Senate Judiciary

Dear Members of the Legislature:

I am in favor of supporting House Bill 2200 and Senate Bill 168 because I feel there is a need for increased funeral expenses for victims increased maximum benefits for victims, and raising additional funds for victims programs and services. I would also like to see more funding provided to rural communities involving public awareness through communication with news, radio, and press in letting the victims know their rights. Counseling funds for these areas are scarce and are a great benefit in breaking the chain of dysfunction. Therefore from my own past and personal experience I am in support of this bill and victims rights.

If these service, would have been publicized adequately I would have not had to stay in the situation 5 years prior to 1980.

Here are three separate situations, not including threatening phone calls, being followed, and living in fear of their return, for the past nine years.

*Attachments* XX

1980

My exhusband to be broke into my home at 1:30 A.M. and physically beat me for 2½ hours. He tore the phone from the wall and said "no one can help you now." My two children, ages 2 and 4 were in the house with me at that time. My husband sent them back to bed and told them it was ok. I sustained injuries of two black eyes, a broken nose, bruises up and down my body where he had kicked me. My face swollen and bruised from him slapping me. A possibly cracked jaw and bald spots on my head where he had picked me up by my hair. I left the house with my children and notified the police. They said they couldn't help because it was private property. I told them my grandpa owned the house, so they came. The police department told me I couldn't press charges because I had no witnesses. I was not provide safety for myself and my children. I was told to call an attorney on Monday. This happened on a Saturday. No safe house information or emergency medical service provided or any rights being a victim of assault presented from the police department of Baxter Springs, Kansas or the attorney's office, I left to stay with my parents until my divorce was granted.

1984

In a heated argument, my boyfriend pulled a 38 revolver on me. I called my parents and my boyfriend unplugged the phone. He then plugged it back in and I made arrangements to move out. I went to the county attorneys office and he said the sheriffs department would help me by staying at the house with me while I moved out. Again I was dependant on money and my parents for

help. I was not provided with safehouse or any legal information as to what my rights were and no counseling available.

1988

I broke up with and stopped seeing the boyfriend listed in 1984 incident. He came to my home upset with my decision to stop seeing him. I wasn't home that day. He drove his truck through my yard leaving ruts and broke out my front door and porch light. He had come through the yard two different times that day. Became frustrated I wasn't there and left me a note he had been there and that I was "dead meat". I immediately drove to the police department, they came to the house and took pictures of the damage. This boyfriend had also gone over to my neighbors and told her what he'd done and I was going to pay. I filled a written report with the Baxter Police Department. An hour later, this same man was banging in my front door to let him in, my daughter age, 11, called the police. While I told him I wouldn't let him in. The Policeman came back and told him to leave. The policeman followed him out of town and then came back to my house to fill out more paperwork. The policeman said "I followed him out of town and I don't think he'll bother you anymore, if he does call us". He also ask me if I had a place to stay. Safehouse was not provided or any information on my rights. For 3 weeks I slept on the couch with a loaded 22 magnum revolver. I was receiving calls from this boyfriend 3 to 4 times a day for these 3 weeks. He would threaten to kill me, blow up my car and call me names. I ask the county attorney why I wasn't able to do anything legally and they said the police department hadn't turned the paperwork into them and there was nothing he could do until they got the paperwork. Also

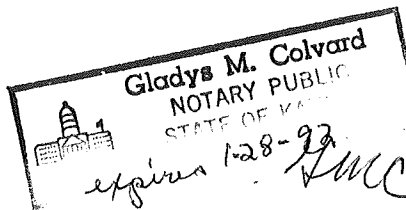
Also sheriffs department said the same when I went there for help.  
4 weeks after this incident, the county attorneys office sent me  
a letter telling me to settle this out of court.

In all three incidents I was not provided with legal assistance  
or a safe place for myself and my family. I feel also that there  
should be more rules and regulations involving police departments  
to attend workshops or domestic violence and victim's rights. More  
awareness should be provided to this community of Baxter Springs,  
Kansas on their rights as victims through this police department.

That is not happening in this community. All of these incidents  
happened in Cherokee County.

Mary Virginia Dinger Kane  
2-9-89

State of Kansas  
County of Cherokee 2-9-89



*GMC* Gladys M. Colvard

Mr. & Mrs. Herman J. Feuerborn  
Route 1 - Box 108  
Richmond, KS 66080

February 10, 1989

Judiciary Committee Members:

I would like to encourage you to support acceptance of the Victim's Rights Legislation proposed by Attorney General Robert Stephan. For too long the rights of the victim have been ignored or minimized to protect the rights of the accused.

Two years ago last December 14, our son and his best friend were taken from us when another driver crossed the center line hitting them almost head-on. When you see a child you love, nourished and protected lying there as a result of someone else's actions, it is traumatic. We naively believed that justice would prevail. Sadly, that is not always the case. It has taken two years and a lot of persistence from concerned individuals, but the man who hit our son was finally brought to trial and found guilty of two counts of vehicular homicide.

We were told nothing of rights for our son or ourselves, and were initially given the impression that charges would not be filed. In desperation, I contacted MADD, and only then were we informed that we also had rights.

Please, do not let another family go through this ordeal. People should be informed immediately of their rights and of the legal processes involved.

I cannot begin to tell you how this tragedy has changed our lives. The man who hit our son received a year on each count in the county jail. I received a lifetime without a loving son; a lifetime of anger, bitterness and despair. Who received the harsher sentence?

Again, I would urge you to accept Victim's Rights Legislation.

Thank you for your consideration.

Sincerely,

*Mr. & Mrs. Herman J. Feuerborn & family*  
Mr. & Mrs. Herman J. Feuerborn & children  
(Joe's family)

Route #1, Box 39  
Netawaka, Kansas 66516

February 13, 1989

Members of the House and Senate Judiciary Committee  
ATTN: Jane Tharp  
120 South  
Statehouse  
Topeka, Kansas 66612

Dear Ms. Tharp:

Due to unforeseen circumstances, I was unable to contact you in sufficient time to testify at the Legislative hearings today. Therefore, I wanted to write to express my strong support of the House Concurrent Resolution 5008, Senate Concurrent Resolution 1609; House Bill 2200, Senate Bill 168; House Bill 2199, Senate Bill 167.

My support of these Bills is based on my personal experience as a victim. On July 10, 1989, shortly after midnight my 16 year old step-son emptied a .22 caliber semi-automatic rifle into my husband and I as we slept. He reloaded the gun, hid outside the living room window, and fired 6 more shots at my 9 year old son, Danny. 5 of them hit him and he died despite our efforts to get help. Our 5 month old son received burns from the ejected shell casings in his crib and strained vocal chords from screaming, trauma, and delayed speech. My husband and I both had 2 surgeries and spent 2 weeks in the hospital as a result of our wounds. There were months of physical therapy and years of psychological therapy as well as having to live with our emotional scars and permanent physical disabilities for the rest of our lives.

We initiated every contact with our county attorney and sheriff's officials. We felt very left out and did not feel our rights and needs were taken into consideration. We were not represented and lacked information of what was going on with the case. Many people advised us to hire our own attorney to represent and advise us. Isn't that what our county attorney is supposed to do? A Bill of Rights for Victims is badly needed. The offender has a list of rights as long as your arm; during the investigation, during the arrest, during the trial, and after incarceration. What does the victim get?

There is a need for a Victim Coordinator, independent of the county attorney/district attorney. Do you have any idea what it is like to feel kept in the dark, to learn about a plea bargaining agreement and sentencing in the newspaper? I would personally offer my assistance in any way possible to get this type of coordinator on a state-wide basis.



House and Senate Judiciary Committee  
ATTN: Jane Tharp  
February 13, 1989

Page 2

While the Crime Victims Reparations Board is a great help to victims and their families, it is not enough. Danny had a moderate funeral in our small town and it cost over \$7,000.00. \$750.00 toward that does not go very far. Victims can only be reimbursed at \$5.00 per hour for lost wages, no matter what their regular hourly wage is. Our medical bills and therapy bills totaled over \$30,000.00. \$10,000.00 doesn't go very far toward paying that amount. Numerous times our bills would be submitted to the Board and approved, but there weren't funds available to pay them. One doctor's office turned the bill over for collection despite assurances from the Board that payment would be made.

I realize that the State cannot pay for everything, but we didn't ask to be victims. The State is required to provide for the offender at our expense. This seems very unfair. I think the offender should have to make monetary compensation during and after incarceration to a special fund for victims. He/she should be required to work during and after incarceration to pay this fund. Inmates receive money from the State for their personal needs, but all necessary personal hygiene products are provided them. When this is paid by our tax dollars - why not pay us?

I support the KPB's request for public comments and feel they are a very necessary part of our parole process. I want my feelings heard before my son's murderer is released on parole. I don't want to have to watch the paper or call the KPB when I think he is near his parole hearing to find out when the Public Comment Session is. I want to be notified by a victim coordinator or county attorney.

I feel that I can give my support to only part of House Bill 2198/Senate Bill 167. The KDOC is very selective in developing a process for participation in the 6-Month Furlough Program. However, I do not support mandatory parole upon completion, this defeats the whole parole process. Perhaps the Governor/Legislature could order the KPB and the KDOC to work together on a compromise. A new Bill could be introduced which would allow the KPB to recommend the 6-Month Furlough Program for those inmates who they feel could be released, but need greater supervision (i.e. long time alcoholics who they fear may return to drinking). This would give the KDOC more authority over these individuals and save the State considerable amounts of money as it is easier to revoke someone's furlough than to revoke their parole. In addition, any thoughts that individual might have of

House and Senate Judiciary Committee  
ATTN: Jane Tharp  
February 13, 1989

Page 3

running could result in an escape charge if on furlough versus an absconder on parole and could result in additional time to be served. The KDOC and KPB could review the application/recommendation for individuals to participate in the Furlough Program and be required to work together in the approval of such if the mandatory parole upon completion is kept.

I feel the KPB should be able to continue for program participation if it can be justified (i.e. an inmate commits a sexual offense during incarceration, he could be continued for sex offenders counseling).

I apologize for my lateness in submitting this. I sincerely hope my feelings and support will be taken into consideration in recommending passage of these Bills.

Sincerely,

  
BETH A. MELLIES

BAM

February 13, 1989

Senator Wint Winter, Jr.  
Chairman, Senate Judiciary Committee  
Room 120S

Senate Bills	166	House Bills	2198
	167		2199
	168		2200
Concurrent Resolution	1609		5008

Monday, February 13, 1989 3:30 p.m.  
Judiciary Committee  
Room 313S

The Kansas Head Injury Association supports victims rights legislation and encourages you to pass the above referenced bills.



Cliff Heckathorn, Vice President  
Kansas Head Injury Association  
Volunteer Lobbyist