

Approved 3-7-89
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Senator Wint Winter, Jr. at
Chairperson

10:00 a.m./p.m. on February 22, 1989 in room 514-S of the Capitol.

All members were present except: Senators Winter, Yost, Moran, Bond, Feleciano, 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 Jack Steineger
- Edwin Van Petten, Deputy Attorney General
- Kyle Smith, Kansas Bureau of Investigation
- Kurt Shernuk, Assistant United States Attorney
- Larry Hinton, SRS Alcohol and Drug Abuse Services
- Jim Flory, Douglas County District Attorney
- Robert T. Stephan, Attorney General
- Gene Johnson, Kansas Community Alcohol Safety Action Project Coordinators Association
- John Brax, Kansans For Life At Its Best
- Jim Clark, Kansas County and District Attorneys Association

Senate Bill 233 - Conditions of release prior to trial.

Senator Jack Steineger explained the bill was requested by criminal defense attorneys. There are three conditions a judge considers when releasing a person charged with a felony crime. This bill adds one further consideration and it is to order drug abuse examination. Senator Steineger suggested changing the word shall to may in line 40. He explained if the person does not go into treatment the judge can deny him bail.

Senate Bill 151 - Controlled substances; relating to unlawfully arranging drug sales or purchases using a communication facility; penalties.

Senate Bill 152 - Crimes and punishments; relating to the crime of furnishing cereal malt beverage to a minor; increasing penalty.

Senate Bill 153 - Purchase or consumption of liquor by a minor; increasing penalty.

Senate Bill 154 - Criminal procedure; relating to alcohol and drug abuse; deferring sentence pending examination; treatment at state or county institutions.

Edwin Van Petten, Deputy Attorney General, explained these four bills were recommended by the Attorney General's Task Force on Drugs. He testified the passage of Senate Bill 152 would let people know that we consider the furnishing of cereal malt beverages to those who are not of legal age to be a serious matter and hopefully will discourage further violations. A copy of his handout is attached (See Attachment I). Mr. Van Petten stated by approving Senate Bill 153 it would increase the classification of this violation for repeat offenders and will act as a deterrent to our youth, and hopefully prevent this continued abuse. A copy of his handout is attached (See Attachment II). Mr. Van Petten explained all four of the bills.

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

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
room 514-S, Statehouse, at 10:00 a.m. ~~p.m.~~ on February 2, 1989.

Senate Bills 151, 152, 153, 154 - continued

The chairman pointed out Senate Bill 219 deals with the same subject matter as Senate Bill 153.

Kyle Smith, Kansas Bureau of Investigation, said he would be testifying in place of Dale A. Finger. A copy of Mr. Finger's testimony on Senate Bill 151 is attached (See Attachment III). Mr. Smith explained the bill and suggested amending the bill in line 22 by striking all after the word communication, all of lines 23, 24 and in line 25 strike all including the coma and adding "any felony violation of K.S.A. 65-4127a and K.S.A. 65-4127b".

A committee member pointed out to the committee testimony from Nola Foulston, Sedgwick County District attorney, in which she requested that the definition of "communication facility" specifically state that beepers and pagers are included. A copy of the testimony is attached (See Attachment IV).

Kurt Shernuk, Assistant United States Attorney, appeared in behalf of Ben Burgess. He testified in support of Senate Bill 151. He explained it does parallel Title I of the U.S. Code. It is a valuable federal statute that they use in undercover work. He suggested the committee include the manufacturing provision. He said this should not cause any overcrowding.

Larry Hinton, SRS Alcohol and Drug Abuse Services, testified the department is in support of Senate Bills 151, 152, 152, 154 and 233. They are important steps in reducing the alcohol and drug abuse problems in Kansas. A copy of his testimony is attached (See Attachment V).

Jim Flory, Douglas County District Attorney, appeared in support of Senate Bill 154. He is a member of the Attorney General's Task Force on Drugs. He stated sometimes the first time the person has admitted he has a particular type of problem is when he comes before the judge. It is not just drug offenders, sometimes property crime. He explained this bill provides for immediate sentence rather than upon release or at a later date. This person does not escape sentencing. It delays it until that person has been treated. Any disposition by the judge is more likely to be effective in dealing with that defendant if that person has dealt with the problem first. A committee member inquired, what percentage of convicted felons would fall under this? Mr. Flory replied, close to 70% for some type of abuse problem. Twenty-five to thirty percent of convicted felons could fall into needing detoxification of drug or alcohol treatment. Discussion was held concerning funding if defendant went to state facility. Mr. Flory explained the fiscal impact would be lessened because a number of people committed for treatment and granted probation are not working themselves into the system. If the person has probation, and had treatment, and it is successful, there would be less impact. A committee member asked him to discuss Senate Bill 219. Mr. Flory said he was not too familiar with it. He said I don't foresee any problems with it if it is an alcohol related traffic offense. The punishment of not being able to drive is the best we can propose. With respect to under age issue, the experience I have had when only hands are slapped, a fine and community service, it didn't prove to be a good deterrent. The c misdemeanor and d misdemeanor potential for spending time in jail makes more of an impression. It is nice to have that clout over a diversion or probation. He said the problem hasn't lessened in regard to the fake IDs. Kids say, I'm not going to give up my social life so I'll take my chance. A committee member said that points out some of the problems on suspension. Mr. Flory responded suspension doesn't always stop the driving but it certainly is a penalty. A committee member inquired if he considered Senate Bill 154 like a probation? Mr. Flory replied, I look at it as an additional option for the sentencing charge. Regarding Senate Bills 152 and 153, we feel that the courts do have to have it there for a more serious option to charge repeat offenders; both of these bills do address this situation. The task force did remove a minimum penalty from these bills. He suggested replacing minimum penalties for fixed convictions. The chairman asked staff to work with Mr. Flory concerning his proposals.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
room 514-S, Statehouse, at 10:00 a.m./~~p.m.~~ on February 22, 19 89

Senate Bills 151, 152, 153, 154 - continued

Robert T. Stephan, Attorney General, thanked the members of the task force and said he appreciated their work. He testified the abuse of drugs, especially among our young people, has long passed the point in which words alone can help. We need to act. These bills give us a chance to have an impact on this ever increasing problem. Copies of his testimony and the list of members of the task force on drugs are attached (See Attachments VI).

Gene Johnson, Kansas Community Alcohol Safety Action Project Coordinators Association, testified in support of the bills in general as providing stiffer penalties for those persons who choose to violate our laws in the State of Kansas. A copy of his testimony is attached (See Attachment VII). Committee discussion was held concerning funding for indigents in a treatment facility.

John Brax, Kansans For Life At Its Best, testified the organization opposes Senate Bill 152 and Senate Bill 153 in their present form because the bills delete the minimum fines of the statute that were added just last legislative session. A copy of his testimony is attached (See Attachment VII). They support keeping the first conviction strong. A committee member inquired what their feeling would be on Senate Bill 219. Mr. Brax replied they would be very supportive of that.

Jim Clark, Kansas County and District Attorneys Association, referred to testimony from Nola Foulston, District Attorney from Sedgwick County, proposing in the definition of communication facility would specifically state that beepers and pagers be included. Mr. Clark testified they support the recommendation to include beepers and pagers, and also to expand the bill to cover conspiracy attempts.

Senator Rock moved to approve the minutes of February 13, 14, and 15, 1989. Senator Petty seconded the motion. The motion carried.

The meeting adjourned.

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

Copy of testimony of Becky Ridgway is attached (See Attachment IX).

Copies of statements from Alcohol and Drug Abuse Services are attached (See Attachments X).

GUEST LIST

COMMITTEE: SENATE JUDICIARY COMMITTEE

DATE: 2-22-89

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
John F. Milburn	Lawrence KS	University Daily Kansan
Jim Flory	Lawrence	Dq Co. Dist Atty
Kurt Skernek	Topeka	U. S. Atty
Raymond Dean Levin	Topeka	Citizens
Gene Johnson	Topeka	KO ASAP Assn
Larry Hinton	Topeka	SRS/ADRS
Jim Clark	Topeka	KCPAA
Paul Shelby	Topeka	RJA
Dean Reynoldson	Topeka	Dept. of Revenue
Jim Conant	Top.	ABC
Sandie Bayless	Top.	Atty. Gen. Office
BRIET CORTRIGHT	BLATHE	ICSO
Jon Bray	Topeka	Life at its Best
Paula Ann Heathouse	Lawrence	Antenn
Wintney Danner	Topeka	Coastal
Mary Horrel	Topeka	AG
Ed G. Smith	Topeka	KBI
Nancy Lindberg	Topeka	AG
Rob Hedges	Topeka	Ks Telecom Assn
Mike Leebert	Topeka	AT+T
John Humphord	Topeka	KTOP radio
John A. [unclear]	Topeka	WFFL
James Dader	Junction City	Cofc
Larry Whelan	Junction City	PI Riley Ks
Pat A. McNeely	Topeka	Ks Public Radio



STATE OF KANSAS

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ATTORNEY GENERAL

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STATEMENT OF
DEPUTY ATTORNEY GENERAL EDWIN A. VAN PETTEN
BEFORE THE SENATE JUDICIARY COMMITTEE
RE: S.B. 152
FEBRUARY 22, 1989

On behalf of the Attorney General's Task Force on Drugs, I ask for your favorable consideration of Senate Bill 152, which enhances the classification for second and subsequent convictions in violating K.S.A. 21-3610a.

This is one of the steps requested by the task force, based upon society's realization that "narcotics" is not an all encompassing term for "dangerous drug."

More and more we are faced with drug abuse by our young people, which quite often results in harm, sometimes in nightmare. It is obvious by merely looking around that the easiest drug to obtain is alcohol, and therefore is the most abused drug by young people today. Passage of Senate Bill 152 would let people know that we consider the furnishing of cereal malt beverages to those who are not of legal age to be a serious matter and hopefully will discourage further violations.

*Attachment I
Senate Judiciary
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As you are aware, the bill also removes the minimum penalty provision of the violation regarding a first violation. It appears this was done to avoid excess language, as no minimum sentence is spelled out for second and subsequent violations. In the event this language is not stricken, I would suggest that a minimum penalty of at least twice the penalty for the first violation be set.

Society has made great strides in recent years in coming to grips with drug abuse. We ask that you assist the task force by discouraging those who provide one of the most plentiful and widely abused drug to our youth.



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STATEMENT OF
DEPUTY ATTORNEY GENERAL EDWIN A. VAN PETTEN
BEFORE THE SENATE JUDICIARY COMMITTEE
RE: S.B. 153
FEBRUARY 22, 1989

The Attorney General's Task Force on Drugs requests your further assistance in stopping the abuse of alcohol by our young people by approving Senate Bill 153.

We feel that increasing the classification of this violation for repeat offenders will act as a deterrent to our youth, and hopefully prevent this continued abuse. It is my experience that the first contact with the court system, makes a very big impact on most young people, especially juveniles, and the threat of enhanced penalties will be constantly present with the individuals that are convicted of an initial violation. Hopefully this threat will then be communicated to the surrounding peer group.

I am sure that you do not need additional lectures on the evils of early drinking or of drug abuse in any form. My fear is that you will let the flood of information available take the place of legislative action. This bill will not affect

Attachment II
SJC
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those who listen and learn when the opportunity presents itself. The fact is, some do not care. Our job is to protect society from those who do not care.

I ask that you approve Senate Bill 153 as one more step toward that goal.



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 OF SPECIAL AGENT SUPERVISOR DALE A. FINGER
KANSAS BUREAU OF INVESTIGATION
ON SENATE BILL 151
BEFORE THE
SENATE JUDICIARY COMMITTEE

On behalf of the Attorney General's Task Force on Drugs, of which I am a member, I am asking that you consider making it a crime for a person to arrange for illegal drug sales or purchases by use of a communication facility, i.e. by use of a telephone.

For the past 15 years, I have been employed as a Special Agent by the Kansas Bureau of Investigation to investigate narcotic violations in the state. From my experiences working undercover and also by operating court-authorized wiretaps, I have found communication facilities to be a common means by which illegal drug deals are transacted. These facilities are utilized by both the sellers and users of illegal drugs.

In creating a new law making it a crime to conduct illegal drug transactions by use of a communication facility, law enforcement will have the means by which to attack the drug problem on both the supply side and the demand side.

Regarding the supply side of this issue, it is well known and documented that illicit drug organizations cannot operate efficiently without using some type of communication facility, whether the facility be a telephone or a computer network. By enacting a law making it illegal to use a communication facility in conducting illicit drug business, law enforcement would have yet another tool in combating suppliers of illegal

Attachment III

*SJC
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drugs inside and outside the State. A tool particularly effective against the better organized and insulated organizations of today.

Regarding the demand side of this issue, it is common place for a drug user to pick up the telephone, for example, and place a call for a personal supply of illegal drugs from his supplier. By enacting the proposed law, charges could be filed against not only the supplier, but the user, too. Narcotics enforcement shouldn't focus solely on the suppliers or illegal drugs, for if there wasn't a demand for illegal drugs, there would be no suppliers.

Federal statutes have contained a law of this type for quite some time. The federal penalty for the unlawful use of a communication facility is imprisonment of up to 4 years and a fine of up to \$30,000. Second-time offenders face double the prison sentence and double the fine.

I, with the Task Force, am asking you to pass Senate Bill 151 which would establish the crime of Arranging Drug Sales or Purchases by use of a Communication Facility as a Class D felony.

OFFICE OF THE DISTRICT ATTORNEY
EIGHTEENTH JUDICIAL DISTRICT
SEDGWICK COUNTY COURTHOUSE
535 N. MAIN
WICHITA, KANSAS 67203



NOLA FOULSTON
District Attorney

(316) 268-7281

T E S T I M O N Y

TO: SENATE JUDICIARY COMMITTEE
FROM: NOLA FOULSTON, DISTRICT ATTORNEY, SEDGWICK COUNTY
RE: SENATE BILL NO. 151 - AN ACT CONCERNING USE OF
COMMUNICATION FACILITIES TO FACILITATE A DRUG DEAL.
SUBMITTED: FEBRUARY 22, 1989

I would like to thank the Chair and the Committee for allowing me the opportunity to submit these comments on the proposed addition to the Kansas Controlled Substances Act.

Senate Bill No. 151 should parallel the coverage of the Federal Act on which it is based. The Federal Act covers any felony violation of the federal drug law, including attempts and conspiracies.

I have taken the liberty of drafting some proposed changes which I have submitted with my testimony. These proposed changes would make Kansas law the same as the federal law. These changes prohibit the use of any communication facility to commit any felony violation of Kansas' drug laws, including any attempt or conspiracy to commit such a felony.

It is also requested that the definition of "communication facility" specifically state that beepers and pagers are included. These devices are widely used by drug distribution organizations in attempting to carry on their drug selling conspiracies.

Attachment IV
JFC
2-22-89

The scope of the proposed bill should be expanded to cover any felony drug violation including attempts and conspiracies because these crimes are often more serious, involve larger quantities of drugs, more money and/or greater risk to the quality of life in our communities, either from the drugs involved or the number of people involved, than do just sales and purchases of the same drugs. Restricting the prohibition to sales, offers to sell, purchases and offers to purchase, requires a substantially greater expenditure of public money to obtain the same law enforcement results that would be available at far less cost under the changes I have proposed.

Thank you, Mr. Chairman, for the opportunity to request these proposed changes. I urge your committee to give them favorable consideration.



NOLA FOULSTON
District Attorney
Sedgwick County

PROPOSED CHANGES TO SENATE BILL No. 151

AN ACT concerning controlled substances; relating to unlawfully arranging drug sales or purchases using a communication facility; penalties.

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

Section 1. (a) It shall be unlawful for any person knowingly or intentionally to use any communication facility in committing or in causing or facilitating the commission of any act or acts constituting a felony under Chapter 65, Article 41 of the Kansas Statutes Annotated, as amended; any act or acts constituting a conspiracy to commit any felony proscribed by Chapter 65, Article 41, or any act or acts constituting an attempt to commit any felony proscribed by Chapter 65, Article 41. Each separate use of a communication facility shall be a separate offense under this section.

(b) For purposes of this section, the term "communication facility" means any and all public and private instrumentalities used or useful in the transmission of writing, signs, signals, pictures or sounds of all kinds and includes mail, telephone, wire, radio, beepers, pagers and all other means of communication.

(c) Any person who violates this section shall be guilty of a class D felony.

(d) This act shall be part of and supplemental to the uniform controlled substances act.

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

Department of Social and Rehabilitation Services

Winston Barton, Secretary

Senate Bills 151, 152, 153, 154, 233.

I am Larry Hinton, Administrator of Research, SRS Alcohol and Drug Abuse Services. I am representing Andrew O'Donovan, Commissioner of Alcohol and Drug Abuse Services.

We support Senate Bills 151, 152, 153, 154, and 233. They are important steps in reducing the alcohol and drug abuse problems in Kansas. Increased penalties for violation of alcohol and drug control laws have been shown to reduce incidence of those crimes. SB151, 152, and 153 increase the disincentive for alcohol and drug abuse and violation of the laws.

Among adults, there is a temptation to sit back and evaluate a young person's use of alcohol and drugs for a longer period of time and hope the problems will go away. The odds are just too high if we take this approach. National research indicates that almost one-third of all school-aged youth are affected either by their own use of mood-altering chemicals or by that of their family members. Seventy-six percent of Kansas 11th and 12th graders have used alcohol in the past 30 days. Marijuana has been used by 18 percent. In high school binge drinking is too common. In a recent survey, more than 37 percent of high school seniors surveyed reported at least one occasion of heavy drinking (an occasion in which they had five or more drinks in a row) in the past two weeks. This use accounts for the majority of teenage accidents, drownings, suicides and violent injuries.

Senate Bill 154 and 233 provide for the evaluation, identification, intervention, and treatment for a population at a very high risk for alcohol and drug problems. A proper evaluation and assessment is very important for people with alcohol and drug abuse problems. According to research, effectiveness of treatment is improved by matching patients to the most appropriate treatments. We fully support this effort to address the alcohol and drug problems of those arrested or convicted of crimes.

Thank you for the opportunity to support this important legislation.

Submitted by

Larry Hinton
Administrator
Department of Social and
Rehabilitation Services
296 3925

Attachment IV
LHC
2-22-89



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TESTIMONY OF ATTORNEY GENERAL
ROBERT T. STEPHAN
BEFORE SENATE JUDICIARY COMMITTEE
HEARING ON SENATE BILLS 151, 152, 153, 154
FEBRUARY 22, 1989

Realizing the tragedy of drug abuse is a real and present issue of our time, I organized a task force on drugs in October of 1986. I wanted to make every effort available to stem the tide of this problem and to direct our attention to finding solutions, wherever and whatever they may be.

The task force is a citizens committee with Becky Ridgway of Wichita serving as Chairperson. Becky is the School Team Training Administrator with the Wichita Public Schools. Four legislators served on the task force: Senator Frank Gaines, Rep. Donna Whiteman, Rep. Jo Ann Pottorff and former Rep. Bob Wunsch. You have a copy of the members of the task force.

Public hearings were held in six Kansas communities receiving input from parents, law enforcement, substance abuse prevention and treatment professionals and other community members concerning the problem of drugs in Kansas. The task force used the information from these hearings along with their own broad expertise to form legislative recommendations.

Attachment VI
Senate Judiciary
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Several of these recommendations are found in Senate Bills 151, 152, 153, and 154.

**Senate Bill 151 makes it a class D felony to arrange drug sales or purchases over the telephone. This is patterned after the federal law.

**Senate Bill 152 increases the penalty for furnishing cereal malt beverage to a minor by enhancing a second conviction to an A misdemeanor. Under current law the penalty is a B misdemeanor regardless of the number of convictions.

**Senate Bill 153 increases the penalty for purchase or consumption of liquor by a minor by making the crime a class C misdemeanor upon first conviction and a class B misdemeanor upon a second or subsequent conviction. Currently it is an unclassified misdemeanor punishable by a fine of not less than \$100 or more than \$250 and up to 40 hours public service for persons over the age of 18 but less than 21 years of age.

**Senate Bill 154 creates a new alternative for the courts to utilize in dealing with alcohol and drug abusers. This would allow the judge to send a defendant to a drug or alcohol rehabilitation treatment program in a secure facility prior to sentencing.

The abuse of drugs, especially among our young people, has long passed the point in which words alone can help. We need to act. These bills give us a chance to have an impact on this ever increasing problem. Thank you.

ATTORNEY GENERAL BOB STEPHAN'S TASK FORCE ON DRUGS

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2-22-89

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GOVERNOR'S LIAISON

Galen Davis
Coordinator, Drug Abuse Programs
Office of Administration - Room 263-E
State Capitol Building
Topeka, Kansas 66612-1572
Office: 913/296-3011

January, 1989

TESTIMONY

SENATE JUDICIAL COMMITTEE
February 22, 1989

Senate Bill 151, 152, 153, 154

Mr. Chairperson,

I represent the Kansas Community Alcohol Safety Action Project Coordinators Association. Our organization is in support of Senate Bill 151, 152, 153, 154 in general as providing stiffer penalties for those persons who choose to violate our laws in the State of Kansas. We also support methods in providing assistance for those offenders who are in need of professional help for their alcohol and drug problems.

In regards to Senate Bill 152, we feel Section I, Paragraph B, the Legislature should establish a minimum sentence to not be paroled or probation granted from. This could be patterned after the minimum sentence established for the DUI offenders.

Senate Bill No. 153, we would suggest that the language be changed in Section I, Paragraph B, line 37, to the following - The Court shall order the offender to 1: Perform 40 hours public service and to attend and satisfactorily complete an alcohol and drug education or training program certified by the administrative judge of the Judicial District or licensed by the Secretary of Social and Rehabilitation Services.

In regards to Senate Bill No. 154, it is hoped that the language is very clear in which the trial judge has ordered a person to a treatment program as to who is to be liable for the costs of that program. In some cases at the present time, in which Courts are ordering persons to State treatment programs on Court orders, the State is then billing the defendant for the cost of his stay at that public facility. Thank You.

Respectfully,



Gene Johnson
Legislative Liaison
Kansas Community Alcohol Safety Action Project Coordinators Association

Attachment VII

SJC
2-22-89

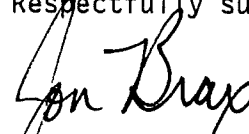
February 22, 1989

Testimony by Jon Brax
Kansans For Life At Its Best!
Senate Judiciary Committee
Senate Bills 152 and 153

Mr. Chairman and members of the committee:

Minors and adults should share in the responsibility when the possession of our most abused drug is involved. Kansans For Life At Its Best! opposes SB 152 and 153 in their present form because the bills delete the minimum fines of the statute that were added just last legislative session. We are, however, supportive of the subsequent conviction provisions offered by these bills. If this committee retained the minimum fine portions and adopted the subsequent conviction clauses, we could support the bills.

Respectfully submitted,


Jon Brax

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STATE OF KANSAS

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Testimony of
Becky Ridgway
Chairperson of
Attorney General Robert T. Stephan's
Task Force on Drugs
Senate Judiciary Committee
February 22, 1989

Mr. Chairman and Members of the Committee:

In early fall of 1986, Attorney General Bob Stephan demonstrated his concern for all of the people of Kansas when he announced the formation of a task force on drugs. For that, General Stephan, I say thank you -- from members of the task force and from the dedicated citizens across Kansas who expressed their appreciation for the opportunity to have their voices heard.

Task force membership extended to persons from across the state who represented a variety of professional backgrounds: law enforcement, the legislative and judicial systems, education, and state and community agencies. A list of members is attached.

Following the initial convening of the task force, six hearings were held across Kansas in Dodge City, Hays, Kansas City, Pittsburg, Topeka, and Wichita. At each of these

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hearings we heard from persons representing city and county law enforcement agencies; parents and other community members; and individuals in the total continuum of care related to alcohol and other drug abuse, including substance abuse prevention, intervention, treatment and after care. They presented their statements, demonstrating their concerns and hopes for the health and well-being of persons for whom they work and care.

Task force members learned from persons appearing before the group as well as from each other. These legislative responses were considered a way to address the needs identified.

The task force recognizes its responsibility of being a conduit between the persons testifying before the task force and you, members of the Legislature. Your time and attention are valuable and appreciated. Your special consideration and support of Senate Bills 151, 152, 153, and 154 would be appreciated. For all members of The Attorney General's Task Force on Drugs, I say, "Thank you."

Department of Social and Rehabilitation Services

Winston Barton - Secretary

Statement regarding: Senate Bill 233

Title: An act concerning criminal procedure; relating to release prior to trial; amending K.S.A. 22-2802 and repealing the existing section.

Purpose: On all felonies, as a condition of release prior to trial, the magistrate shall order a drug abuse examination and evaluation in a public or private treatment facility or state institution. If treatment is recommended, it must be obtained as a condition of release.

Background: The bill would insure assessment, intervention, and treatment in a very high risk group of people.

Effect of Passage: As noted above, the bill would provide services to a group of people with high levels of alcohol and drug abuse. Required treatment prior to trial should increase the motivation to cooperate in treatment. The bill could add to the waiting lists at SRS/ADAS funded programs and state hospital programs.

Recommendations: Support.

Andrew O'Donovan, Commissioner
Alcohol and Drug Abuse Services
296-3925

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Department of Social and Rehabilitation Services

Winston Barton - Secretary

Statement regarding: Senate Bill 151

Title: An act concerning controlled substances; relating to unlawfully arranging drug sales or purchases using a communication facility; penalties.

Purpose: Using a communications facility to sell or purchase controlled substances will be a class D felony.

Background: Makes use of public utilities such as the telephone and computer communications illegal in the sale or purchasing of controlled substances.

Effect of Passage: The bill should reduce the use of communications facilities to sell and purchase controlled substances.

Recommendations: Support

Andrew O'Donovan, Commissioner
Alcohol and Drug Abuse Services
296-3925

Department of Social and Rehabilitation Services

Winston Barton - Secretary

Statement regarding: Senate Bill 152

Title: An act concerning crimes and punishments; relating to the crime of furnishing cereal malt beverage to a minor; increasing penalty; amending K.S.A. 21-3610a and repealing the existing section.

Purpose: The bill increases the second or subsequent offense, furnishing cereal malt beverage to a minor, from class B to A misdemeanor.

Background: Current law does not differentiate between first and subsequent offenses.

Effect of Passage: Increased penalties for repeat violations will be a disincentive for violations. This will reduce alcohol abuse among minors.

Recommendations: Support.

Andrew O'Donovan, Commissioner
Alcohol and Drug Abuse Services
296-3925

Department of Social and Rehabilitation Services

Winston Barton - Secretary

Statement regarding: Senate Bill 153

Title: An act concerning the purchase or consumption of liquor by a minor; increasing penalty; amending K.S.A. 1988 Supp. 41-727 and repealing the existing section.

Purpose: Purchase or consumption of liquor by a minor, age 18 through 20, upgrades second or subsequent offense to class B misdemeanor. Less than age 18 imposes a fine not exceeding \$500.

Background: Current law does not impose a higher penalty for those age 18 through 20 for repeat violations of this statute.

Effect of Passage: The bill will provide increase disincentive for repeat violations of the law. The bill will help to reduce alcohol abuse among the age group affected.

Recommendations: Support.

Andrew O'Donovan, Commissioner
Alcohol and Drug Abuse Services
296-3925

Department of Social and Rehabilitation Services

Winston Barton - Secretary

Statement regarding: Senate Bill 154

Title: An act concerning criminal procedure; relating to alcohol and drug abuse; deferring sentence pending examination; treatment at state or county institutions.

Purpose: The bill provides for the identification, intervention and treatment of alcohol and drug abuse and addiction after conviction and prior to sentencing of a defendant.

Background: As part of pre-sentence investigation, trial judge may order drug and alcoholism examination and evaluation in a state institution or public treatment facility. Defendant may assume expense for evaluation in private treatment facility. If in need of care, the judge may order treatment in a state or county institution offering alcohol and drug programs. Judge may impose liability upon the defendant, those responsible for his support, or upon county or state for cost of admission, care and discharge of defendant.

Effect of Passage: The bill provides for the identification, intervention and treatment for a population at high risk for alcohol and drug abuse problems. Treatment beds currently exist in state hospital units to treat those so ordered by the court. Waiting lists at those units could increase.

Recommendations: Support.

Andrew O'Donovan, Commissioner
Alcohol and Drug Abuse Services
296-3925