

Approved 5-2-91
Date

MINUTES OF THE House COMMITTEE ON Judiciary

The meeting was called to order by Representative John M. Solbach at
Chairperson

3:30 ~~am~~/p.m. on March 19, 1991 in room 313-S of the Capitol.

All members were present except:

Representatives Parkinson, Douville, Gomez, Heinemann, Sebelius, Hamilton, Snowbarger, and Vancrum who were excused

Committee staff present:

Jerry Donaldson, Legislative Research
Jill Wolters, Office of Revisor of Statutes
Gloria Leonhard, Secretary to the Committee

Conferees appearing before the committee:

Dr. James Pretz, Mayor's Special Task Force on Crime, Kansas City, Ks.
Mr. James White, Mayor's Special Task Force on Crime, Kansas City, Ks.
Doug G. Bach, City Administrator's Office
John Smith, Division of Vehicles
Chip Wheelen, Kansas Medical Society

The Chairman called the meeting to order and called for hearing on HB 2551, requiring juvenile offenders and their parents to attend counseling.

Dr. James Pretz, member of Kansas City, Kansas, Mayor's Special Task Force on Crime, appeared in support of HB 2551 and distributed (Attachments #1 and #2).

Revisor's Staff explained that the amendments set out in HB 2551 are current law; except that on Page 2, Line 1 (A) "may has been changed to "shall".

Mr. James White, also a member of Kansas City, Kansas, Mayor's Special Task Force on Crime, appeared in support of HB 2551.

Committee questions followed.

There being no further conferees, the hearing was closed on HB 2551.

The Chairman called for hearing on HB 2553, authorizing the court to revoke drivers' license for any crime.

Doug G. Bach, City Administrator's Office, appeared in support of HB 2553. (See Attachment # 3).

Committee questions followed.

John Smith, Division of Vehicles, appeared to note that HB 2553 will place "one more straw" on the back of the Drivers License Bureau. Mr. Smith questioned language on Page 2, (b) and noted K.S.A. 21-4610 has broad provisions and states "and any other condition the court wishes to propose."

Committee questions followed.

There being no further conferees, the hearing on SB 102, was closed.

The Vice-Chair called for hearing on SB 102, increase in compensation for members of screening panels.

Chip Wheelen, Kansas Medical Society, appeared in support of SB 102. (See Attachment # 4.)

Committee questions followed.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Judiciary,
room 313-S, Statehouse, at 3:30 ~~am~~/p.m. on March 19, 1991

There being no further conferees, the hearing on SB 102 was closed.

The meeting adjourned at 4:15 P.M. The next meeting is scheduled for March 20, 1991,
at 3:30 P.M. in room 313-S.



CITY OF KANSAS CITY, KANSAS



EXECUTIVE CHAMBER
ONE MCDOWELL PLAZA

KANSAS CITY, KANSAS 66111
PHONE (913) 573-5000

March 19, 1991

COMMENTARY ON HOUSE BILL NO. 2551

Page 1, (7), line 40: Place the juvenile offender under a house arrest program administered by the court pursuant to K.S.A. 21-2603b and amendments thereto.

Page 4, (g), line 27: The board of county commissioners of a county may provide by resolution that the parents of any juvenile offender placed under a house arrest program pursuant to subsection (a)(7) shall be required to pay to the county the cost of such house arrest program. The board of county commissioners shall further prepare a sliding financial scale based on the ability of the parents to pay for such a program.

1. In 1978, the Kansas Legislature enacted the Community Corrections Act to help ease prison overcrowding. As a part of this act, Wyandotte County has added a House Arrest Electronic Monitoring program. The current system has a capacity of 200 offenders at any one time, and is limited to specific categories of adult felons. Only twenty offenders are now supervised in the program, and Mr. Joseph Ruskowitz, Director of Wyandotte County Community Corrections informs us that additional offenders can be added to the program at a cost of \$7.00 per day.

2. The case load in juvenile court is increasing (see attached chart) and the crimes are more serious. Until 1989, shoplifting was the most common crime committed by juveniles, but now assault and battery, and burglary, are greater and auto theft is close. Juvenile detention facilities, like prisons, are overcrowded and are, practically speaking, schools for crime.

3. While remaining under surveillance, the offender could attend school, a job, and medical and counselling services.

4. It costs the state \$18,000 or more a year to confine an adult in an existing prison, and \$3,500 a year to supervise the same prisoner in the House Arrest Electronic Monitoring Program. Costs are comparable for juveniles, and, as provided in item (g) page 4, line 27, it is possible that parents of offenders may be required to pay all or part of this program's cost.

5. Under these circumstances, extending the house arrest program to juvenile offenders, if intelligently organized and funded, would be reasonable, effective and relatively inexpensive, and is recommended by the Kansas City Kansas Mayor's Special Task Force on Crime.

6. After consulting with Mr. Terry Showalter, Director of Wyandotte County Juvenile Court, three additional points should be made:

a. The present wording of the proposed statute allows house arrest only

"...a respondent has been adjudged to be a juvenile offender."

HJVO
Attachment #1
3-19-91



CITY OF KANSAS CITY, KANSAS



EXECUTIVE CHAMBER
ONE MCDOWELL PLAZA

-2-

KANSAS CITY, KANSAS 66101
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It would be very helpful if the program could also be used in the initial detention phase since detention facilities are also overcrowded.

- b. Even if approved, the program cannot be used unless funding is provided. Just last week Juvenile Courts received a letter from Chief Justice Richard Holmes instructing them to reduce personnel.
- c. Intermediate services are needed for offenders who violate the program, but still cannot be sent to overcrowded juvenile prisons.

Signed,

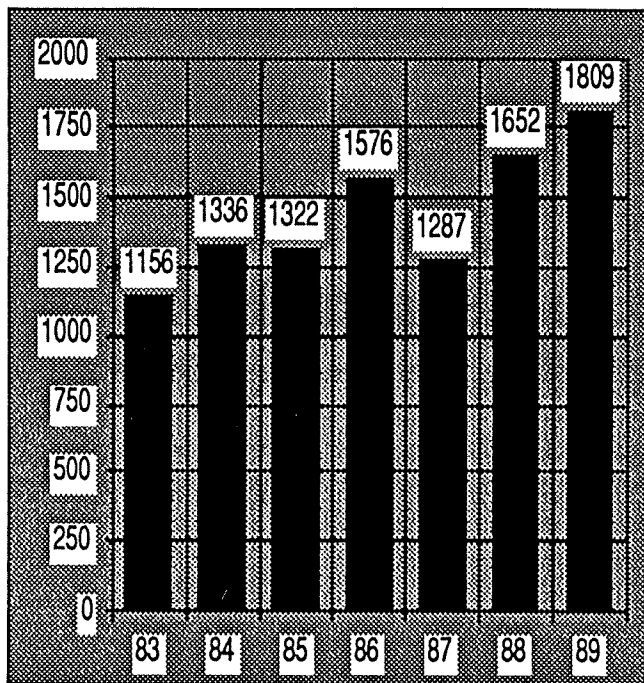
James White

James B. Pretz, M.D.

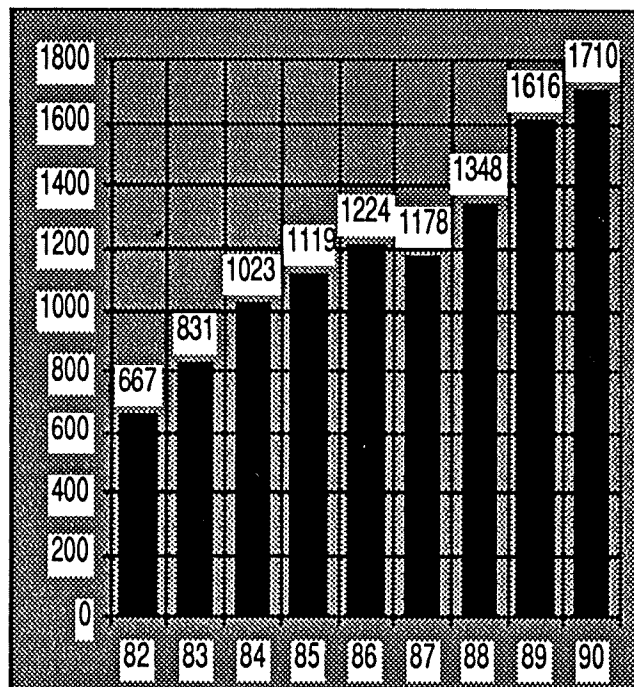
Members of the Kansas City Kansas Mayor's Special Task Force on
Crime

WYANDOTTE COUNTY JUVENILE DEPARTMENT YEARLY COMPARISONS

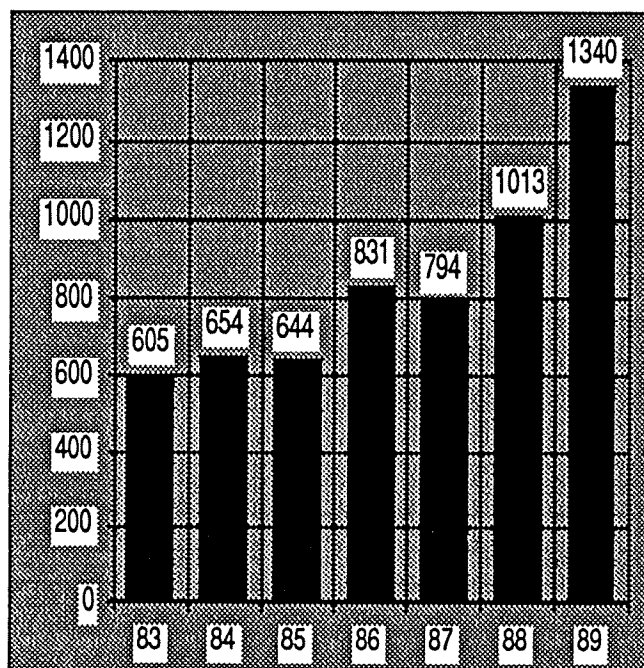
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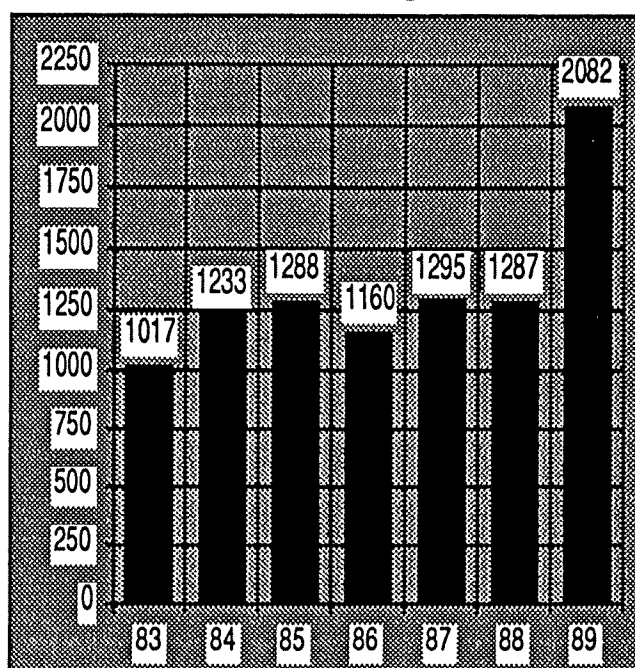
UNDER SUPERVISION



DETENTIONS & TOCs



REPORTS



CREATION DATE-03/07/90



CITY OF KANSAS CITY, KANSAS



EXECUTIVE CHAMBER
ONE MCDOWELL PLAZA

KANSAS CITY, KANSAS 6610
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March 19, 1991

COMMENTARY ON HOUSE BILL NO. 2551

Page 2, (B) line 4: The court may order the juvenile offender and the parents of the juvenile offender to participate in mediation as the court directs. Participants in such mediation may include, but shall not be limited to, the victim, the juvenile offender and the juvenile offender's parents, but participation by the victim shall not be mandatory.

It is universally recognized that disintegration of the family is one of the most prominent features of our society and this is particularly true in regard to juvenile offenders. Any effort to help redeem the family is worth consideration.

Allowing the court to require parents of the juvenile offenders to participate in mediation could help in the following ways:

1. Parents may be helped, encouraged and required to assume more responsibility for their children.
2. Parents may recognize the need for outside help, made aware of medical, mental health, counselling, and social services and encouraged, helped and required to use them.
3. Juveniles may be less likely to commit crimes if they know that, if caught, their parents will be required to take part in the court process.
4. Parental participation may enable court officials to recognize dis-asterously dysfunctional homes, earlier than usual, and, if possible prevent future crimes by timely intervention.
5. Enactment of this legislation is recommended by the Kansas City Kansas Mayor's Special Task Force on Crime.

Signed,

James White

James B. Pretz, M.D.

Members of the Kansas City Kansas Mayor's Special Task Force on Crime

HJUD
Attachment # 2

3-19-91



CITY OF KANSAS CITY, KANSAS



EXECUTIVE CHAMBER
ONE MCDOWELL PLAZA

KANSAS CITY, KANSAS 66101
PHONE (913) 573-5000

March 19, 1991

COMMENTARY ON HOUSE BILL No. 2553

Page 2, (8), line 3: Any crime for which the court orders revocation of the person's driving privileges pursuant to K.S.A. 21-4603 and amendments thereto.

Page 3, (i) line 21: order revocation of the defendant's driving privileges.

These two provisions would simply add to the court's armanentarium in combating and punishing crime.

It was the initial recommendation of the Task Force that mandatory revocation of a drivers' license be required for anyone involved in a "drive-by" shooting. However, the complexities of enforcing this specific rule led us to recommend the nonspecific provisions.

Signed,

James White

James B. Pretz, M.D.

Members of the Kansas City Kansas Mayor's Special Task Force on Crime

HJVD
Attachment 3
3-19-91



KANSAS MEDICAL SOCIETY

1300 Topeka Avenue • Topeka, Kansas 66612 • (913) 235-2383
Kansas WATS 800-332-0156 FAX 913-235-5114

March 19, 1991

TO: House Judiciary Committee
FROM: Kansas Medical Society *Chap Steelman*
SUBJECT: Senate Bill 102; Compensation Paid Screening Panel
Members

Thank you for this opportunity to express our support of SB 102. Some of our members who have served on screening panels have reported to us that because such panels must review extensive, technical information, the panels devote a substantial amount of time to their deliberations and report. When analyzed in comparison to the modest compensation paid to panel members, this translates into a rather low fee per hour of service.

We believe that an increase in the amount paid to panel members will encourage more physicians to serve as members and will encourage more attorneys to serve as chairmen. This bill amends the law governing malpractice screening panels of other professions as well as health care providers. A similar bill was passed by the House unanimously last year but because of many pressing priorities, was never reported out of the Senate Committee. For these reasons, we respectfully request your favorable recommendation on SB 102. Thank you for your consideration.

CW/cb

17500
Attachment # 4
3-19-91