

Approved 4-8-92
Date

MINUTES OF THE House COMMITTEE ON Computers, Communications & Technology.

The meeting was called to order by George Dean at
Chairperson

12:00 Noon on March 23, 1992 in room 529-S of the Capitol.

All members were present except: Representative Kline - Excused
Representative Patrick - Excused
Representative Rock - Excused

Committee staff present: Julian Efird, Research
Jim Wilson, Revisor
Donna Stadel, Committee Secretary

Conferees appearing before the committee:

Blaine Carter, Department of Corrections
Paul Shelby, Office of Judicial Administration
Jeff Lewis, Department of Corrections
Mike Boyer, KBI

Others attending: See attached list.

Blaine Carter, member of Sentencing Commission staff, appeared before the committee to testify in favor of H.B. 3143 relating to the development of a uniform database of offender information (attachment 1).

Discussion followed as to whether it was necessary to introduce a bill to accomplish this. Also discussed was the possibility of developing a task force to determine the content of shared data base. Mr. Carter indicated the agencies he believed needed to be involved was Office of Judicial Administration, Court Services, Department of Corrections, Community Corrections, and KBI.

Chairman Dean shared the committee's idea of having a central criminal justice integrated computer system which would have pre-sentencing data, correction history, etc., which could be shared between appropriate agencies. This system would be built a module at-a-time, with judiciary being first to be placed.

Paul Shelby appeared before the committee, not opposed to the bill, but to discuss his concerns (attachment 2). He stated his office will be glad to work with the Secretary of Corrections, or others on this project. He felt their main concern is that adequate resources be dedicated to this program in order to assure its' success.

Discussion followed on funding, what should be in the data base, whether the KBI should be included, whether DISC should be included, and where the depository should be located.

Jeff Lewis, Informational Resource Manager, Department of Corrections, appeared before the committee and stated the Secretary of Corrections has introduced a bill regarding a Criminal Justice Coordinating Council to basically address the issues brought up in this committee. The department's stand is for the coordinating council to address issues like this so more

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interaction can take place between the criminal justice agencies in Kansas.

Jim Wilson asked about the section of the bill referring to; "conferring and consulting in order to develop a common and uniform data base"; also line 17, referring to the requirements of this NEW data base. His question was "is this an additional data base, or is this changing the KBI central depository data base, statutory created criminal justice information system to fit with the other existing inputs?" One of the conferees responded by saying it was understood this would be a completely new data base system, in that the current systems were not amendable, or that you couldn't amend or rewrite the current software.

Mike Boyer, KBI, appeared before the committee advising he had written a fiscal note which has been attached to this bill addressing the cost issue. He thought he ended up with a cost of approximately \$240,000 (didn't want to be quoted), which envisioned a network going out to the 25, the 30 and the 4 central offices of parole, probation and community corrections. It did not envision, at the moment, an extensive network including everybody. He also envisioned a position at the bureau, some upgrade of computer resources to allow for that number of lines coming in. However, one of the items not brought up at all, is that the fiscal note was written from the perspective of the work already done on the software package implemented at corrections which was a joint project of these three groups. He stated they were assuming that was the underpinning in the foundation of this bill. To go back and rehash it all is a seemingly ridiculous activity, but that was their assumption in the fiscal note. The fiscal note would increase substantially if you go back and start from scratch.

Chairman Dean asked if there was federal money available for this sort of work? Mr. Boyer addressed this by saying there are two programs currently ongoing; 1) Criminal Issue Record Improvement Act which was a \$27M program spread over three years, \$9M each year. States are eligible for grants up to \$400,000 to basically improve the Criminal Issue Record System. He didn't see that money used here. 2) The 5% Set Aside Program is money coming out of the Block Grant Program currently a ward of the Governor's office, as processed through the Drug Program. That 5% of our allotment this year is approximately \$240,000, and requires a 25% match. This is only after until the state requests a waiver from the feds that we are hitting a certain level of disposition reporting as envisioned in the Act.

Chairman Dean asked if any of this money could be used for this study? Mr. Boyer thought the 5% Set Aside Program could be stretched for this. It is intended to be used for information assistance in criminal justice to enhance disposition reporting. It could be stretched, as has been done in the past; i.e., you go

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on probation and you need to know when you come off. In essence this is the disposition probation. There was also discussion regarding possibility of using the \$400,000 from the Criminal Issue Record Improvement Act.

There was discussion regarding inclusion of child in need of care in the statute. Also, whether SRS, Highway Patrol and numerous other criminal justice entities be represented in the task force.

Chairman Dean presented the minutes from February 27, and March 2, for approval. Rep. McKechnie moved the minutes be approved. Rep. Paul seconded. Motion carried.

Next item on the agenda was S.B. 626 relating to pirated recordings and nondisclosure of source of recordings. Jim Wilson gave an overview of the bill, stating it was introduced at the request of Senator Dave Kerr, expanding the current law which was enacted in 1976. The primary change is to include video, as well as audio. The piracy would also include recording of any live performance. The penalty for the new dealing in pirated recording is graduated upward to include a Class E, Felony from a Class A, Misdemeanor where seven or more audio/visual recordings are involved, or a hundred or more sound recordings. Similar upward penalty graduations made the new crime nondisclosure of source recordings. Referred to as new crimes because, instead of piracy of sound recordings, it is piracy of recordings. In the Senate, a sub-note indicates the bill was supported by the Video Software dealers Association. Opponents said it would bring Kansas law in line with federal law and the law of eighteen other states.

Chairman Dean asked the committee if they would be in favor of tabling this issue for several days so a sub-committee comprised of Rep. Pauls, Chairman, Rep. Rock and Rep. Patrick could review further and report back to the committee on Friday, March 27, at 7:30 A.M. This was agreeable.

With no further business, the committee adjourned until Thursday, March 26.

HB - 3143

An act concerning criminal procedure; relating to the development of a uniform database of offender information.

This bill would require all Kansas field services agencies (Community Corrections, Court Services and Parole) to develop a common, uniform database of offender information for each offender placed in a nonincarcerative sanction.

The Task Force's data collection effort highlighted the fact that uniform data does not exist. This lack of standard data makes efficient planning and resource allocation difficult, if not impossible. Approximately 29 million dollars are allocated from a variety of sources without any firm idea of caseload, workload, or services needed statewide for over 27,000 offenders (over 32,000 with children in need of care and diversion clients).

For more information contact:

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Ben Coates, Director
Blaine Carter, Management Analyst

*House OCT
Attachment 1
3-23-92*

**Individuals Supervised by Type of Agency
May 31, 1991**

	<u>Court Services</u>	<u>Community Corrections</u>	<u>Parole</u>	<u>Total</u>
Adult Felons	6,481	2,185	5,499	14,165
Adult Misdemeanants	8,803	157	0	8,960
Juvenile Felons	1,587	49	0	1,636
Juvenile Misdemeanants	2,870	98	0	2,968
CINC	2,783	0	0	2,783
Domestic Cases	146	0	0	146
Adult Diversions	524	460	0	984
Juvenile Diversions	<u>758</u>	<u>59</u>	<u>0</u>	<u>817</u>
Total	23,952	3,008	5,499	32,459

This summary highlights the overlap of Court Services and Social and Rehabilitative Services in the juvenile offender and CINC areas. Court Services provide domestic services in some judicial districts.

House Bill No. 3143
House Judiciary Committee
March 17, 1992

Testimony of Paul Shelby
Assistant Judicial Administrator
Office of Judicial Administration

Mr. Chairman and members of the committee:

I thank you for the opportunity to discuss with you House Bill No. 3143, which directs the judicial administrator of the courts to confer and consult with the secretary of corrections in order to develop a common, uniform database of offender information. After the database has been developed it is to be the foundation of data gathered by the courts, community corrections programs and parole programs on each person sentenced to a nonincarcerative sanction. The information is to be stored in the Kansas bureau of investigation's central repository and all field service officers are to have access to the data.

This is not the first attempt to gather information to be shared among interested governmental agencies. K.S.A. 22-4701, *et seq.*, gives the mission of collecting criminal history data to the Kansas bureau of investigation. This agency presumably has an interest in the database directed by this bill, but the bill awards no role to the KBI in database development.

K.S.A. 38-1519, *et seq.*, and K.S.A. 38-1617, *et seq.*, similarly prescribe data collection systems for children in need of care and juvenile offenders. The court system has collected the data required by all three systems since the statutes were enacted. Data forms are filled out manually and are submitted regularly to the data processing arm of the Kansas bureau of investigation.

However, statutorily mandated data bases are not beneficial unless adequate financial resources for hardware and staff support are provided. You should note the bill specifies that field service officers shall have access to the system but the form of access is not spelled out. We believe that for meaningful access, there should be central decision-making authority granted so that computers in use throughout the state will be compatible with the data processing equipment and software used by the central repository. This bill does not provide that guidance.

We fear that this new requirement will only duplicate systems now in effect. Until the KBI has funds, equipment, and trained programmers which will permit them to process the data they receive from the court system, promulgation of a duplicative second database will simply be a meaningless waste of time and effort.

Thank you for permitting me to give you these pertinent facts about this bill.

House CCT
Attachment 2
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