Approved: WDEW 7/22/92
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY.

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

10:05 a.m. on February 17, 1992 in room 514-S of the Capitol.

All members were present.

Committee staff present:
Mike Heim, Legislative Research Department
Gordon Self, Office of Revisor of Statutes
Judy Crapser, Secretary to the Committee

Conferees appearing before the committee:
Gary Stotts, Kansas Department of Corrections
James Clark, Kansas County and District Attorneys Association
Jamie Corkhill, Kansas Department of Social and Rehabilitation Services

Chairman Winter opened the meeting by presenting a request from the Consumer Protection Division of the Attorney General's office for technical amendments to the Consumer Protection Act.

Senator Morris moved to introduce a technical cleanup bill as requested. Senator Gaines seconded the motion. The motion carried.

A request was presented for introduction of three bills from the Kansas State Fire Marshal Department. (ATTACHMENT 1)

Senator Parrish moved to introduce the bills as requested. Senator Petty seconded the motion. The motion carried.

Chairman Winter opened the hearing for SB 556.
SB 556 - creating the crime of unlawful sexual relations.

Gary Stotts, Secretary of the Kansas Department of Corrections, testified in support of SB 556. (ATTACHMENT 2)

Responding to questions concerning the propriety of co-ed prisons, Secretary Stotts stated they have changed the operational aspects to separate certain programs and activities and are looking at systems to separate the populations. He further noted the House Judiciary Committee had requested that he report back to them in three weeks on Corrections' progress in that direction. Secretary Stotts explained that parolees were included in SB 556 in order to send a very strong message to all employees that sex with inmates is totally inappropriate.

Written testimony was received in opposition to SB 556 from The American Civil Liberties Union. (ATTACHMENT 5)

This concluded the hearing for SB 556 and the hearing was opened for SB 557.
SB 557 - obstructing legal process or official duty.

Gary Stotts, Secretary of the Kansas Department of Corrections, testified in support of SB 557. (ATTACHMENT 3) He added that the bill was requested as a result of a recent Shawnee County ruling, on the basis of a civil process, that limited KSA 21-3808 to a misdemeanor.

James Clark, Kansas County and District Attorneys Association, testified in support of SB 557. He pointed out that there will be a large number of convicted felons on probation if Kansas adopts determinate sentencing guidelines. The scope of SB 557 will be important in supervising a large population.

This concluded the hearing for SB 557 and the hearing was opened for SB 588.
SB 588 - child support orders; procedures, supplementing codes for care of children and juvenile offenders.

Jamie Corkhill, Department of Social and Rehabilitation Services, testified in support of SB 588. (ATTACHMENT 4)

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 10:05 a.m. on February 17, 1992.

Senator Parrish spoke on behalf of the Finance Sub-Committee and stated that they concur with the statements of Ms. Corkhill, although SB 588 is somewhat broader than the bill the subcommittee had looked at.

The hearing for SB 588 was continued to a date to be announced.

Chairman Winter opened the floor for discussion and action at the pleasure of the Committee.

Senator Martin moved to recommend SB 556 favorable for passage. Senator Gaines seconded the motion. The motion carried.

Discussion followed on whether the penalties were too severe in regard to parolees. It was the consensus of the Committee that the penalties should be limited to employees, or other individuals, who have official supervisory authority over individuals. Those in control would include employees of the Department of Corrections, Community Corrections programs, and Court Services.

Senator Morris, having voted on the prevailing side, moved to reconsider the Committee's action on SB 556. Senator Petty, having voted on the prevailing side, seconded the motion. The motion to reconsider the Committee's action carried.

Senator Bond moved to conceptually amend SB 556 to make sexual relations a crime while the individual has official responsibility over the inmate. Senator Gaines seconded the motion. The motion to amend carried.

Senator Bond moved to recommend SB 556 favorable for passage as amended. Senator Gaines seconded the motion. The motion carried.

The Committee took no action on SB 557.

The meeting was adjourned at 11:02 a.m.

Date Feb 17, [illegible]

VISITOR SHEET
Senate Judiciary Committee

(Please sign)

Name/Company	Name/Company
Dick Carter Pete McGill & Assoc	
Jim Kaup League of Ks Municipalities	
Jim Clark - KCDAA	
Paul Shelby - OJA	
Kay Farley - OJA	
Chuck Simmons - DOC	
Gary Stotts - DOC	
Jeff DeGoffenreid	

Kansas State Fire Marshal Department
700 S.W. Jackson, Suite 600
Topeka, Kansas 66603-3714
Phone (913) 296-3401
FAX (913) 296-0151

"Serving Kansans Through Fire Safety Education, Fire Prevention Inspections and Investigation"

February 14, 1992

Senator Wint Winter
Chairman, Senate Judiciary Committee
State Capitol, Room 120-S
Topeka, Kansas 66612

Dear Senator Winter:

The State Fire Marshal is requesting the introduction of three bills by the Senate Judiciary Committee. I have attached drafts of each.

The first bill would allow members of our staff or local fire departments to obtain inspection warrants to inspect buildings covered by the fire prevention. This proposal came out of discussions we had with the Lawrence Fire Department.

The second piece of legislation would allow this office to assess monetary penalties for violations of the Kansas Fire Prevention Code. This would give us one more tool to carry out our job. The draft legislation is virtually verbatim from the Kansas Corporation Commission's administrative penalty statue, K.S.A. 55-164.

The third piece of legislation will be an amendment to K.S.A. 31-150a to allow personal service of notices of violation of the fire code.

If you have any questions or need any further information let me know.

Sincerely,

Edward C. Redmon
State Fire Marshal

James W. Coder
Assistant Attorney General

ECR:JWC:en

An Equal Opportunity Employer

Senate Judiciary Committee
February 17, 1992
Attachment 1 - 1/1

An act concerning administrative penalties for violations of the Kansas Fire Prevention Code

This legislation would provide administrative penalties to act as actual and substantial economic deterrents to violations of the Kansas fire prevention code. This proposal would allow any party so cited with a penalty to appeal.

The Fiscal impact would be minimal. It would not take any additional personnel or significant additional costs.

This proposed legislation would allow the fire marshal to assess monetary fines for violating the fire prevention. It would simply provide one more enforcement tool in addition to cease and desist orders and injunctions. This would be used for certain serious violations, like chained or improperly blocked or locked exits or other repeated violations.

There would be no impact on other state agencies.

An Act concerning violations of the Kansas Fire Prevention Code.

Administrative penalties; hearings and orders; procedures; appeals; disposition of moneys. (a) In addition to any other penalty provided by law, the Fire Marshal upon finding that any person has violated the provisions of this act, may impose a penalty not to exceed $10,000, which shall constitute an actual and substantial economic deterrent to the violation for which the penalty is assessed. In the case of continuing violation, every day such violation continues shall be deemed a separate violation.

(b) No penalty shall be imposed pursuant to this section except upon the written order of the Fire Marshal to the person who committed to the violation. The order shall state the violation, the penalty imposed and the right to appeal to the order issuing agency. Any such person, within 30 days after service of such order, may make written request to the Fire Marshal for a hearing thereon. The Fire Marshal shall conduct a hearing in accordance with the provisions of the Kansas administrative procedure act within 30 days after receipt of such request.

(c) Any person aggrieved by any order issued pursuant to this section may appeal therefrom in accordance with the provisions of the act for judicial review and civil enforcement of agency actions.

(d) All moneys received from penalties imposed pursuant to this section shall be remitted to the state treasurer who shall deposit the entire amount thereof in the state treasury to the credit of the State General Fund.

Amend K.S.A. 30-150a regarding service of notice of violations.

This proposed amendment would allow notice of violations of the Kansas fire prevention code to be served personally. As currently exists, notice of the violations must be sent by restricted mail.

The fiscal impact would be minimal. In lieu of $2.50 per letter for registered mail, this would allow inspectors to serve notice of violation at the time of inspection or reinspection of a jurisdictional facility.

This is proposed to assist this office when immediate action is warranted. As it exists now, hazards may continue for several days while the notice is processed through the mail service.

There is no impact on other state agencies.

31-150a. Same; violation act is class B misdemeanor; injunction. (a) Any person who violates any provision of this act or the act of which this act is amendatory, or who violates any rule or regulation adopted pursuant thereto. or who violates any lawful order issued by the state fire marshal or by any of the persons designated in K.S.A. 1972 Supp. 31-137, shall be guilty of a class B misdemeanor, and each day that the offense continues after receipt of written notice thereof issued by the state fire marshal, or by any other person designated in K.S.A. 1972 Supp. 31-137, shall constitute a separate violation. Notice of any such violation shall be sent by restricted mail, as defined in K.S.A. 1972 Supp. 60-103, but refusal of the addressee to receive such notice shall constitute receipt thereof, or notice may be served personally by the State Fire Marshal or his deputies.

(b) At the request of the state fire marshal or any other person designated in K.S.A. 1972 Supp. 31-137, the attorney general or the proper district or county attorney may obtain an injunction to restrain any violation designated in subsection (a), where such violation is a continuing offense or where it constitutes an immediate hazard to life or property. The application for an injunction pursuant to this subsection shall be made to the district court of the county in which the violation occurs, and any such injunction shall be governed by the provisions of article 9 of chapter 60 of the Kansas Statutes Annotated.

History: L.1974, ch. 172, 3; July 1.

An act concerning inspections and issuance of inspection warrants.

Be it enacted by the Legislative of the state of Kansas:

Section 1

The district court in the county in which an occupancy is located may issue an inspection warrant upon the written statement of the State Fire Marshal and those persons designated in K.S.A. 31-137, under oath or affirmation which states facts sufficient to show:

(1) that an inspector has been denied access to inspect the occupancy or has been unable, after reasonable effort, to obtain voluntary consent to inspect the occupancy and,

(2) the inspection is a routine inspection, or there is a reasonable suspicion that the occupancy is constructed or maintained in violation of the Kansas fire prevention code.

(3) All reasonable and necessary force may be used to effect entry into any occupancy to execute an inspection warrant. A person executing an inspection warrant may call upon the aid of any law enforcement officer.

Section 2

As used in this act, the following terms shall have the meanings indicated unless the context otherwise indicates:

(a) Routine inspection means an inspection of an occupancy for the purpose of determining compliance with the Kansas fire prevention code as part of a systematic inspection of those occupancies subject to the Kansas fire prevention code.

(b) Inspector means any official in K.S.A. 31-137 given the authority to enforce the Kansas fire prevention code.

(c) Inspection warrant means a warrant obtained pursuant to this act which authorizes the inspection of a specified occupancy for the purpose of determining compliance with the Kansas fire prevention code.

(d) occupancy means any improvement upon real estate subject to compliance with the Kansas fire prevention code.

An act concerning inspection warrants

This bill would allow those persons charged with enforcement of the Kansas Fire Prevention Code to obtain inspection warrants from a court if the owner of a jurisdictional facility denies entry for the purpose of inspection.

There would be no fiscal impact.

The current law in this area is unsettled. Some judges and D.A.'s will not issue warrants for inspections. This proposed legislation would simply make the law clear and make inspection warrants available as a means of obtaining entry to a facility under the jurisdiction of the fire prevention code.

No other state agency would be affected.

STATE OF KANSAS

DEPARTMENT OF CORRECTIONS

OFFICE OF THE SECRETARY
Landon State Office Building
900 S.W. Jackson—Suite 400-N
Topeka, Kansas 66612-1284
(913) 296-3317

Joan Finney
Governor

Gary Stotts
Secretary

TO: Senate Judiciary Committee

FROM: Gary Stotts
Secretary of Corrections

RE: Senate Bill 556

DATE: February 17, 1992

The Department of Corrections requested this bill in order assist in addressing a problem of inappropriate sexual relationships between employees and inmates. The bill provides that it would be unlawful for an employee of the Department of Corrections, or an employee of a contractor who is under contract to provide services in a correctional institution, to engage in sexual relations with an inmate or parolee. Consent of the inmate or parolee would not be a defense to this action. Violation of this law would be a class E felony.

Personal relationships between employees and inmates adversely impacts the security and orderly operation of correctional facilities. The credibility of the employee, and the Department, is diminished by such relationships and the opportunity for pressure to introduce contraband or take part in other improper activities is increased. This makes the facility less secure and less safe for other employees and inmates.

In the past the Department of Corrections has taken disciplinary action against employees who have been found to have participated in sexual relationships with inmates. When such incidents have been confirmed the disciplinary action has been to terminate the employee. However, the threat of disciplinary action has not fully resolved the problem. Unfortunately, some employees still participate in this kind of activity. To create a greater deterrent to such activity, it is suggested that the activity be made unlawful.

Senate Judiciary Committee
February 17, 1992
Attachment 2 1/2

Although the relationship between the inmate and the employee may appear to be voluntary on the part of both parties, it is clear that an employee is in a position of authority over inmates or parolees. This authority position creates the opportunity for an employee to gain sexual favors from an inmate through pressure or coercion whether direct or indirect. Even when the inmate may appear to consent, this may not in fact be the case. As such, the legislation provides that the employee would not be able to use the consent of the inmate as a defense to a prosecution for this offense. This would not prevent a prosecution for other felony offenses, such as rape or sexual battery, in the event the facts of the incident indicated a violation of those statutes.

In the recent past we have confirmed that a female inmate became pregnant by a male employee and that a female employee became pregnant by an inmate. Other incidents of personal relationships involving both male and female employees have been investigated and in some cases confirmed. It is apparent that for a minority of our employees such activity continues even though policy prohibits such employee/inmate relationships and they know that they will lose their employment if the activity is confirmed. A greater deterrent appears warranted. Favorable action on SB 556 is therefore requested.

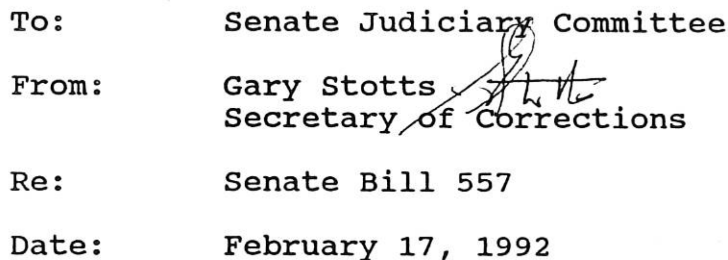
GS:CES/pa

STATE OF KANSAS

DEPARTMENT OF CORRECTIONS
OFFICE OF THE SECRETARY
Landon State Office Building
900 S.W. Jackson—Suite 400-N
Topeka, Kansas 66612-1284
(913) 296-3317

Joan Finney
Governor

Gary Stotts
Secretary



To: Senate Judiciary Committee

From: Gary Stotts
Secretary of Corrections

Re: Senate Bill 557

Date: February 17, 1992

The Department of Corrections requested this bill for the purpose of clarifying the offense of obstructing legal process or official duty as defined in K.S.A. 21-3808. The intent of the proposed amendments is to make it clear that it is a class E felony for an individual to obstruct or resist the service of a warrant for a parole or probation violation from a felony offense.

A court in Shawnee county recently ruled that parole revocation is a civil process and not a criminal process. Consequently, the court held that an individual who resisted or interfered with service of a warrant for parole violation could not be convicted of a felony under K.S.A. 21-3808. We believe that if an individual is on parole or probation from a felony offense and resists or interferes with service of a parole or probation violation warrant, that individual is committing a felony offense.

If an individual believes that they face only a misdemeanor offense, that individual may be more likely to resist service of a warrant for parole or probation violation. Any resistance a law enforcement officer receives places that officer at a greater risk to his or her personal safety. In addition, as a matter of public safety it is important that individuals for whom parole or probation warrants have been issued be taken into custody as soon as possible. Law enforcement officers should be encouraged to take this action. Treating resistance or interference to the service of the warrant as a misdemeanor diminishes the importance of doing so.

Favorable action on Senate Bill 557 will provide an additional supervision and public safety tool in dealing with felony offenders.

GS:CES/pa

Department of Social and Rehabilitation Services
Donna L. Whiteman, Secretary

Senate Bill 588

Before the Senate Judiciary Committee
February 17, 1992

The primary responsibility of the SRS Child Support Enforcement Program is to establish regular and adequate child support payments. The CSE Program also performs a vital role in seeing that a child's cost of care, when placed with SRS, is fairly shared between the child's parents and the taxpayers. From that perspective, SRS strongly supports passage of Senate Bill 588.

Currently, Kansas law does not require the juvenile court to order support when a child is placed in SRS custody. Although SRS has the authority to later seek reimbursement from the parents, there is an inevitable delay between the time the child is placed with SRS and the time the CSE Unit can contact the parents to discuss paying for the child's care. This gap tends to give parents false impressions about financial responsibilities, leaves them vulnerable to suit for full reimbursement of costs, and creates frustration for those parents wanting to establish their obligations right away.

Finding a way to set support for these parents as quickly as possible requires balancing many competing interests and requirements, not least of which are federal Title IV-D requirements for use of the support guidelines and immediate income withholding. An added complication is the confidential nature of juvenile proceedings, which runs against the need of prospective creditors, abstractors, and others for full access to support payment records. We believe that SB 588 achieves an equitable balance, one which is flexible enough to accomodate conflicting needs without being unduly burdensome.

Briefly, SB 588 would add procedures in both the CINC (child in need of care) and juvenile offender codes to allow the juvenile judge to set a minimal support order and, when placement is with SRS, to require it. Exceptions would be made where parents are already ordered to pay support, where SRS requests that no support be ordered, or where the court finds that even a minimal order would cause hardship. Each parent's support order would be drawn up separately and registered under a chapter 60 case number, much the same way that a judgment under chapter 61 (limited actions) may be registered under chapter 60. Until registration, the only enforcement available would be contempt proceedings before the juvenile judge. Although SB 588 requires the juvenile court to issue an immediate income withholding order, which insures that federal requirements for Title IV-D cases are met, that order could not be served on an employer until after registration. After registration, all modification and enforcement proceedings would occur in the chapter 60 case.

One of the thorniest challenges of setting support in juvenile proceedings is that federal law requires use of the support guidelines. To prevent money issues from overshadowing the purpose of the juvenile action, and to minimize the burden for the county or district attorney, presumptions have been built into this bill to simplify calculation of the initial order. Most important is the presumption that both parents earn minimum wage, which dramatically

Senate Judiciary Committee
February 17, 1992
Attachment 4

decreases the complexity of the calculations. SRS recognizes this will result in unusually low orders in some cases, but sees this as fair exchange for having the order set quickly without the cost of getting a CSE attorney involved in the juvenile action. Furthermore, the three-month opportunity for each side to request modification provides a safety net for both the taxpayers and the parents.

The registration of support orders under chapter 60 may at first glance appear to place a burden on the clerks of court. Under present procedures, however, CSE already files separate chapter 60 actions to establish support judgments against parents. Those lawsuits, with all their accompanying demands on court resources, would not be necessary whenever orders under SB 588 could be registered instead.

SB 588 includes a few miscellaneous changes that should be noted. First, Section 1 amends the guidelines statute to insure that it covers all actions involving establishment or modification of child support. Second, Section 30 sets out in general that a parent's duty to support his or her child lasts until the child is 18 or until the end of the school year when the child turns 18. This parallels the provisions of the divorce code and parentage act and insures that support orders not based on those two articles will have the same duration unless otherwise specified.

Finally, one of SRS's goals is to treat support obligations as consistently as possible from one program to another. The provisions in SB 588 for support orders on behalf of juvenile offenders, for example, is a major step toward that goal, as SRS has not actively and uniformly required those parents to contribute financially for their children in the past. Another, smaller step is found in Section 29. That section amends the Mental Health and Retardation Services (MHRS) reimbursement statute to provide an assignment of support rights by operation of law for minors admitted to MHRS institutions. This assignment would be nearly identical to those for the Child Support Enforcement Program's assignments in public assistance and Non-AFDC cases. At present MHRS reimbursement officers are accepting written assignments of child support on behalf of minor patients to apply to the costs of the child's care. The change in Section 29 would streamline that process and insure statewide uniformity. Parents, of course, would need to be informed of the assignment during the admission process. This change would also resolve certain administrative problems that occur when an institution and public assistance programs are involved with one family.

Fiscal Impact. Passage of SB 588 would have substantial fiscal impact on SRS, particularly on the SRS fee fund. Early establishment of foster care obligations, while not reducing the size of CSE worker caseloads, would introduce significant efficiencies into both the administrative and legal handling of foster care cases and free $365,967-worth of existing staff's time to perform tasks needed to meet federal performance standards.

As noted above, the collection of support from parents of juvenile offenders would constitute a new caseload, estimated at 1,374 referrals per year. To

absorb the new caseload, CSE would need three Collection Officers, one Office Assistant II, one Attorney I, and one Secretary II for FY93, at a total cost of $241,852. After IV-D federal financial participation, the net state cost would be $82,230. Additional needs in FY94 and FY95 are anticipated, as CSE cases only close when arrearages are paid in full. No additional staff would be required for Youth and Adult Services.

The costs of adding CSE staff would be more than offset by the anticipated increase in collections that SB 588 would bring. Of special note is the fact that over 90% of the collections and federal incentive payments generated would be returned to state coffers, due to the low proportion of federally funded cases affected. FY93 would be a phase-in year, with only new referrals including support orders from juvenile court; FY94 would be the first full year of increased collections.

During FY93, the increase in foster care collections is projected to be $338,442, with the State retaining $265,474. Federal incentives on those collections would be $20,306. The increased collections from the new juvenile offender caseload would be $507,428, with the State retaining 100%. No increase in federal incentives for those collections is expected because CSE is "capping out" on these Non-AFDC collections.

Total FY93 Fee Fund contribution................. $ 793,208
(State share + federal incentives)

For FY94, the expected increase in foster care collections would be $624,891, with the State retaining $516,303, plus federal incentives of $37,493. Juvenile offender collections would be expected to reach $936,733, with the State retaining 100%. As noted above, no additional federal incentives are expected on these Non-AFDC collections.

Total FY94 Fee Fund contribution................. $ 1,490,529
(State share + federal incentives)

For these reasons, SRS strongly urges the committee to recommend Senate Bill 588 for passage.

For more information:

Jamie L. Corkhill
Child Support Enforcement
296-3237

SB 588
SRS/CSE
Attachment "A"

Chronological Summary of Procedures

- o The County/District Attorney would include a request for child support in most CINC (child in need of care) petitions and juvenile offender complaints. Summonses and key hearing notices would include notice that one or both parents could be ordered to pay support.

- o At disposition, assuming preconditions were met, the juvenile judge would order child support based on the presumption that both parents earn minimum wage, thus preventing most support disputes while SRS' only attorney is the County/District Attorney. Support would be required when placement is with SRS, discretionary for other placements. To insure that Title IV-D requirements are met, an immediate income withholding order would normally also be issued, but it could not be served on an employer until the support order had been registered (see below). If even a minimal support order would cause hardship, an exception could be made.

- o The juvenile code requires that a respondent who is incompetent to stand trial be committed to a state, county, or private institution for treatment. SB 588 allows the court to order child support at that stage as well as the disposition stage.

- o Each support order (one for each parent) would be drawn up as a separate journal entry and registered with the Clerk of Court under its own chapter 60 case number. This would allow broad access to the support case and payment record without compromising the confidential juvenile court records. A copy or statement with the new chapter 60 number would be filed in the juvenile case, for cross-reference.

- o For the first three months after registration, either side would have the chance to file a motion to modify the support order without showing a change of circumstances -- an open opportunity to adjust the amount of the order to fit actual incomes and family circumstances. That period would allow time for SRS Youth and Adult Services to refer Title IV-D cases to Child Support Enforcement (CSE); CSE would then identify orders needing to be modified or enforced.

- o Except for the modification "window" during the first three months, the registered support order would operate just as any other support order.

.chment "B"

SOCIAL AND REHABILITATION SERVICES
Child Support Enforcement Program

SB 588
Foster Care/Juvenile Support Bill

Key changes are starred.

SUPPORT GUIDELINES

	1.	K.S.A. 20-165	Courts; guidelines

CHILDREN IN NEED OF CARE

	2.	K.S.A. 38-1513	Medical treatment; parentage
	3.	K.S.A. 1991 Supp. 38-1516	Parentage
	4.	K.S.A. 38-1518	Fingerprints & photos; parentage
*	5.	K.S.A. 38-1531	Pleadings
	6.	K.S.A. 38-1533	Summons
	7.	K.S.A. 1991 Supp. 38-1543	Temporary custody hearing; notice
*	8.	K.S.A. 1991 Supp. 38-1563	Dispositions; support
	9.	K.S.A. 38-1564	Rehearing; modification
*	10.	New section	Amount; presumptions; rebuttal
*	11.	New section	Journal entry; caption; contents
*	12.	New section	Registration; county/district attorney duties; effect; modification
	13.	New section	Remedies in addition, not substitution

JUVENILE OFFENDERS

	14.	K.S.A. 1991 Supp. 38-1610	Expungement of records; child support exception
	15.	K.S.A. 38-1611	Fingerprints and photographs; parentage
*	16.	K.S.A. 38-1622	Pleadings
	17.	K.S.A. 38-1626	Summons; persons served; form

4-5/6

	18.	K.S.A. 38-1632	Detention hearing; notice
	19.	K.S.A. 38-1632 (1990 Sess. L. Ch. 150)	Detention hearing; notice

(**NOTE**: 38-1632 was amended in 1990 with an effective date of 1/93. Sec. 18 amends the language presently in effect; Sec. 19 amends the language that takes effect 1/93.)

*	20.	K.S.A. 38-1637	Proceedings to determine competency; commitment to state, county or private institution; support order
*	21.	K.S.A. 1991 Supp. 38-1663	Disposition; clean-ups; support order
	22.	K.S.A. 38-1665	Modification of disposition; support
	23.	K.S.A. 38-1666	Violation of probation/placement; modification
*	24.	New section	Parentage; stay of support proceedings
*	25.	New section	Amount; presumptions; rebuttal
*	26.	New section	Journal entry; caption; contents
*	27.	New section	Registration; county/district attorney duties; effect; modification
	28.	New section	Remedies in addition, not substitution

GENERAL

*	29.	K.S.A. 1991 Supp. 59-2006	Assignment of child support rights by operation of law upon child's admission to state institution
*	30.	New section	Duration of support obligation generally
	31.	Repeal (eff. 7-1-92)	Repeal of amended sections (except what section 19 amends) **and 38-1663b**
	32.	Repeal (eff. 1-1-93)	Repeal of amended 38-1632 (1990 Sess. L. Ch. 150) on its 1-1-93 effective date
	33.	Effective date	Effective date (publication in statute book)

TESTIMONY OF THE AMERICAN CIVIL LIBERTIES UNION
ON SENATE BILL 556
Submitted to the Senate Judiciary Committee
February 1992

We appreciate the opportunity to express our concerns regarding SB 556 to the Judiciary Committee.

The ACLU of Kansas opposes SB 556. This bill creates a new crime of unlawful sexual relations. The crime is defined as an employee of the correctional institution (or contractor) having sex with an inmate, including an inmate on parole or conditional release.

We recognize the correctional institution may want to restrict sexual relations between employees and inmates because of the power positions involved. However, the institution has the ultimate power over its employees and contractors. Such restrictions can be included in rules and regulations of the institution, providing for firing of employees if they violate that regulation. Therefore, this bill is not necessary to accomplish any policy goals of the institution.

The ACLU opposes criminalizing consensual sexual relations. This bill does just that by making such relations a felony.

Thank you for the opportunity to submit these comments regarding SB 556. If you have any questions, please contact Carla Dugger, Assistant Director of the ACLU of Kansas and Western Missouri, 201 Wyandotte, Suite 209, Kansas City, MO. 64105, (816) 421-4449; or Patti Hackney, Kansas ACLU Legislative Committee Chair, (913) 842-6340.

Senate Judiciary Committee
February 17, 1992
Attachment 5