

JUDICIARY SUBCOMMITTEE ON CRIMINAL LAW

Senator Jerry Moran, Chairman

March 4, 1992

SB 668 - qualifications for holding office of attorney general

PROPOSERS

Senator Wint Winter, Jr.

OPPOSERS

none appeared

SUBCOMMITTEE RECOMMENDATION: amend so the five years legal practitioner experience requirement does not have to be immediately prior to application submittal; recommend favorable as amended.

SB 670 - providing for independent counsel.

PROPOSERS

Michael Woolf, Common Cause of Kansas (ATTACHMENT 1)

Senator Wint Winter, Jr.

OPPOSERS

none appeared

SUBCOMMITTEE RECOMMENDATION: amendatory language on page 2, lines 25-32; recommend favorable as amended.

SB 659 - authority to local governmental entities to enact or adopt local legislation involving seizure and forfeiture of property for violations of ordinances involving prostitution.

PROPOSERS

Senator Jim Ward (ATTACHMENT 2)

Paul Goward, City of Wichita Deputy Chief of Police (ATTACHMENT 3)

OPPOSERS

none appeared

SUBCOMMITTEE RECOMMENDATION: no actions taken.

SB 757 - notification period for termination of rental agreements for nonpayment of rent.

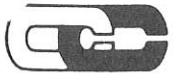
PROPOSERS

Senator Nancy Parrish

Shawnee County Landlord Association

OPPOSERS

SUBCOMMITTEE RECOMMENDATION: recommended favorable for passage.



COMMON CAUSE / KANSAS

701 Jackson, Room B-6 • Topeka, Kansas 66603 • (913) 235-3022

February 28, 1992

Senator Wint Winter
State Capitol
Room 120-S
Topeka, KS 66612

Dear Senator Winter;

As you requested, I have received some information concerning your proposed Independent Counsel bill (SB 670). Unfortunately, I was unable to find any other state that has a law similar to this proposal. West Virginia comes closest with a statutory provision for their Ethics Commission to appoint a special prosecutor under certain circumstances.

I was however, able to get considerable information on the federal Independent Counsel Provisions of the Ethics in Government Act which was reauthorized on December 15, 1987 and ruled constitutional by the Supreme Court on June 29, 1988 by a vote of 7-1.

Archibald Cox, Chairman of Common Cause and former Watergate Special Prosecutor, testified in support of the reauthorization, and I can provide you with a copy of his testimony if you would like. His testimony is broken down into seven parts:

- *Part I explains why the Independent Counsel Provisions are constitutional.
- *Part II elaborates on Common Cause's reasons for support.
- *Part III discusses instances in which available information gives strong reason to believe that the Attorney General failed to apply this law in accordance with the intent of Congress.
- *Part IV recommends an amendment that would give the court clear power to expand the jurisdiction of the Independent Counsel without the approval of the Attorney General.
- *Part V suggests that the Independent Counsel should be directed to call possible non-criminal ethics violations discovered during an investigation to the attention of the Office of Government Ethics and other appropriate agencies.
- *Part VI urges Congressional oversight to be strengthened by requiring the A.G. to make closed files available to an appropriate congressional committee on the same terms as such files are available in other criminal investigations or prosecutions.
- *Part VII suggests that the bill call the attention of the court to the need to make public the pendency of questions of law requiring its determination, together with sufficient disclosable information to enable interested parties to file briefs amici curiae.

*Criminal Law Subcommittee
March 4, 1992
Attachment 1*

One of the main reasons this statute is extremely necessary at the federal level is that the Attorney General is a presidential appointee. While that is clearly not the case here in Kansas, conflicts of interest such as personal, political and financial relationships can occur that might call into question the appropriateness of an investigation or prosecution by the A.G.

Currently, I do not have approval from my Board to support or oppose this bill, but I will be discussing it with them shortly. In the meantime, I would be happy to discuss this proposal with you further or to talk to your committee about Common Cause's position on the federal legislation, problems we have observed with it, and possible amendments to correct those problems.

Sincerely,

A handwritten signature in blue ink that reads "Michael Woolf". The signature is stylized and cursive.

Michael Woolf
Executive Director

MW/ses

JIM WARD
 SENATOR, DISTRICT TWENTY-NINE
 SEDGWICK COUNTY

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TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS
 RANKING MINORITY MEMBER: FEDERAL AND STATE
 AFFAIRS
 MEMBER: EDUCATION
 FINANCIAL INSTITUTIONS AND INSURANCE
 PUBLIC HEALTH AND WELFARE

TESTIMONY IN SUPPORT OF SENATE BILL 659

TO: SENATE JUDICIARY COMMITTEE

FROM: SENATOR JIM WARD

DATE: 4 MARCH 1992

Thank you Mr. Chairman and members of the Senate Judiciary Committee for allowing me to appear before you in support of Senate bill 659. I also am speaking on behalf of the Progressive Neighborhood Improvement Association who support this bill, but could not be here today. They have asked that I provide you copies of a letters from their president and a small business person in their area. These are people who have first hand knowledge of the problems associated with prostitution.

Senate bill 659 is an attempt to change people's attitudes regarding the crime of prostitution. It is no longer appropriate to wink and laugh when discussing this crime. The ideas of boys will be boys, or of the kind hearted prostitute are wrong and misrepresent what is really involved with this crime. This is not a victimless crime. It is a crime of exploitation. It is a crime against neighborhoods. It is a crime of destruction.

No one grows up dreaming of being a prostitute. People feel they have no choice but to sell themselves. It is traditionally assumed that people sell themselves because of financial need, but unfortunately drugs are more likely to be the reason today. The willingness to do anything for the next fix, or the need to pay off a drug debt increasingly drives people into prostitution. There is no disagreement, that no matter what the justification, prostitution is destructive to that person.

What about the neighbors who are subjected to this activity in their front yards; whose kids are asked if they are a prostitute, or if they want to buy a prostitute, on the way to junior high in the morning. These neighborhoods are being destroyed. Who wants to live in an area that is the home to hookers, pimps and drug dealers. In Wichita it is a running joke that South Broadway is the red light district, the place for a night of sin. This is a joke that the neighbors in that area do not find funny.

Senate bill 659 is an effort to address the demand side of the prostitution question by putting the buyer at risk. Risk that

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could be more effective than jail because as we know jail space is at a premium and crimes of prostitution are a low priority. Risk that could involve the loss of property, significant property. For example vehicles used by the buyers in buying a prostitute. It could be used to address the problem of hotels/motels owners who claim to see no evil, hear no evil, but make a profit from prostitutes who used their businesses? They too could be subject to potential property loss. I would anticipate local governments providing protection to the truly innocent hotel/motel owner by providing an exemption if current law the operation of their business, including the registration of guests are met. An exemption could be made for those that work with law enforcement officials to prevent their businesses from being used for prostitution.

Senate bill 659 provides that each local government would have the authority to enact seizure laws in the area of prostitution crimes. These local laws would have to comply with the procedures in article 41 of chapter 65 of Kansas law. What this bill does is to allow local governments to review the situation in their locality and have creative enforcement tools available to eliminate the problems of prostitution.

Senator Jim Ward
Twenty Ninth District
Sedgewick County,

MAR 0 9 1992

Mar. 2, 1992
215 E. Hilber
Wichita, KS 67211

How Sen. Ward.

We surely are anxious for this Senate Bill
659, by you - to be passed, and put in action
as soon as possible.

We who live in the blighted areas - live a life
of harassment, embarrassment, in convenience and
complexity - after years of nothing being done -
We now feel like there could be a light at the
end of the tunnel, if only the state of Kansas
will join with us and give us leverage to
see us through -

These junkies, Pimps and hookers that
surround us by alley, side st. and in front.
Cause pollution untold, by vehicles cluttering
up the streets, extra traffic jams. wrecks & etc.
These junkies set in business parking areas by
the hr. I've seen dope being sold out of
car windows - I've seen dope sold by dope
peddlers and Pimp walking on the st. -
I've heard these Pimps tell young men

2. (the best piece of (you know what) is on
the st - at such & such matel - " also
Wait a minute and I wash down there with
you - Iie found their dope needles
toss on my lawn - Iie seen fights
among them selves at the laundress mat
across the st. from me, with home made
katchets in their hands - Police afraid &
move in with out extra help -

Iie seen Car loads of hookers brought
in here dumped on our sts. by Pimps
from other states and cities - Iie
seen these pimps driving their plush cars
into mauch fights among their selves.

Iie seen these pimps slap these hookers
out here in these parking lots.

I had my home broken into - while I
was out watering my yard by a black
dude who had been loitering around my
home for 2 or 3 hrs and stole my purse.
I saw him as he ran out my door.

Now this is just a few of the reasons
why we need relief from all this mess -
Sincerely - Pauline Morrison 2-4/5

MAR 09 1932

3-2-92

Senator Jim Ward.

Dear Jim.

I am very hopeful and I know the people in my Neighborhood Association agree that if we can get legislation adopted to allow our joint cities in Kansas to establish their own laws based on the need to curtail and prevent activities related to prostitution, pimps and drug activities such as we encounter daily in Wichita and specifically on South Broadway. It is devastating not only to neighbors, but businesses and our school children who are being propositioned by these pimps, prostitutes and drug pushers. We can't afford to permit this type activity to continue. I am sure that other cities have similar problems.

I encourage you, you and your to use all the influence you can possibly muster to save our neighborhoods, our cities, our state and especially our children.

It is imperative that Senate Bill 659 be passed by a large majority. Thank you

Whight George
 President - South Wichita
 Progressive Association

12-5/5

Note: Larry & I couldn't get this typed.



SENATE JUDICIARY COMMITTEE
ROOM 514-S
TESTIMONY REGARDING SENATE BILL 659
WEDNESDAY, MARCH 4, 1992

MR. CHAIRMAN AND MEMBERS OF THE SENATE JUDICIARY COMMITTEE, MY NAME IS PAUL GOWARD. I AM A DEPUTY CHIEF OF POLICE IN WICHITA, KANSAS. THANK YOU FOR THE OPPORTUNITY TO SPEAK BEFORE YOU REGARDING SUPPORT FOR SENATE BILL 659 WHICH PROPOSES TO PROVIDE FOR THE AUTHORITY OF LOCAL GOVERNMENTS TO ADOPT ORDINANCES ACCOMMODATING FORFEITURE PROCEEDINGS A AGAINST PROPERTY USED OR INTENDED TO BE USED IN THE COURSE OF CRIMES ASSOCIATED WITH PROSTITUTION.

PROSTITUTION IN WICHITA, AS WELL AS IN MANY OTHER KANSAS COMMUNITIES, CONTINUES TO THREATEN THE QUALITY OF LIFE OF OUR CITIZENS. IT PROMOTES AN ENVIRONMENT WHICH BREEDS A VARIETY OF OTHER VIOLENT CRIMINAL AND NUISANCE ACTIVITIES. THE EFFECTS OF PROSTITUTION RANGE FROM SPREADING THE INFECTION OF A.I.D.S. AND ENCOURAGING TRANSIENT EXPLOITATION OF NEIGHBORHOODS TO PROMOTING CRIMES OF AGGRAVATED ASSAULT, ROBBERY, THEFT AND DRUG TRAFFICKING.

PROSTITUTION IS NOT A NEW PHENOMENON TO OUR CITIES. DECADES OF LEGISLATION HAVE ATTEMPTED TO DISCOURAGE AND PUNISH ITS PRACTITIONERS. POLICE DEPARTMENTS HAVE DEDICATED MANY HOURS TO COVERT AND OVERT ENFORCEMENT EFFORTS. CITIZENS HAVE ATTEMPTED PRO-ACTIVE MEASURES TO DEMONSTRATE THEIR DESPERATE STRUGGLE TO RID NEIGHBORHOODS OF

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THE SCOURGE OF PROSTITUTION. GOVERNING BODIES HAVE ENACTED LAWS THAT ALLOW EFFECTIVE ENFORCEMENT. THE COURTS HAVE ADJUDICATED CASES AND SENTENCED VIOLATORS TO THE BEST OF THEIR ABILITY CONSIDERING THE LIMITATIONS OF THEIR OPTIONS.

WICHITA POLICE OFFICERS ARRESTED 273 PERSONS FOR PROSTITUTION RELATED VIOLATIONS IN 1990 AND 292 AGAIN IN 1991. THIS EFFORT CONSUMED 2,232 AND 1,608 MAN-HOURS FOR THOSE RESPECTIVE YEARS. CLEAN UP AND LIGHTING CAMPAIGNS HAVE BEEN INITIATED. MOTEL SWEEPS AND EDUCATIONAL ATTEMPTS HAVE BEEN MADE.

NEIGHBORHOODS HAVE ENACTED WATCH PROGRAMS, FORMED WALKING PATROLS, SOLICITED CITY COUNCILS, AND COOPERATED FULLY WITH LAW ENFORCEMENT TO REINFORCE THEIR RESOLVE.

LOITERING LAWS HAVE BEEN IMPROVED AND MANDATORY JAIL TERMS HAVE BEEN INTRODUCED INTO OUR LOCAL ORDINANCES.

JUDGES HAVE TRIED VIOLATORS AND ATTEMPTED EVERY TACTIC FROM THE DIPLOMACY OF PLEA BARGAINING, TO SENTENCING JAIL AND FINES, TO PUBLIC SCOLDINGS, TO ORDERING SUSPECTS OUT OF TOWN. IN 1990-1991, OF THE 565 PROSTITUTION RELATED ARRESTS MADE BY THE POLICE DEPARTMENT, 303 (54% REPEAT OFFENDERS AND 71% FEMALE) WERE ACTUALLY SENTENCED. THE AVERAGE SENTENCE, COMBINING THOSE WHO RECIEVED JAIL TIME ONLY, FINES ONLY AND THOSE WHO RECEIVED BOTH, WAS APPROXIMATELY 85 DAYS AND \$185.

AS IMPRESSIVE AS THESE FIGURES MAY APPEAR IT IS CLEAR THAT PRESENT SANCTIONS ARE SIMPLY TOO SMALL A PRICE TO PAY. HISTORY HAS SHOWN THAT THESE FORMS OF PUNISHMENT ARE NOT SUFFICIENT TO POSE A SERIOUS DETERRENT TO PROSTITUTION ACTIVITY.

THE FACT IS THAT PROSTITUTION CONTINUES TO FLOURISH. WHAT IS NEEDED MOST IS A LEGISLATIVE INITIATIVE WHICH TARGETS VALUABLE ASSETS OF THOSE WHO PROMOTE, SOLICIT, AND COMMIT ACTS DIRECTLY RELATED TO PROSTITUTION. SANCTIONS WHICH DO NOT CREATE ADDITIONAL BURDENS FOR THE SYSTEMS OF LAW ENFORCEMENT, THE COURTS, AND CORRECTION YET, SERVE TO DISCOURAGE VIOLATION THROUGH PUNISHMENT BY SIGNIFICANT PROPERTY LOSS WILL SIGNIFICANTLY CONTRIBUTE TO THE DETERRENCE OF PROSTITUTION. AVAILABILITY FOR APPLICATION OF LAW, BY OUR MUNICIPALITIES, AS PROPOSED BY SENATE BILL 659 WILL ACCOMPLISH THE NECESSARY DEMAND DETERRENCE BY IMPACTING THOSE WHO ENCOURAGE PROSTITUTION THROUGH SOLICITATION AND PROVISION OF LODGING OR CONVEYANCE, AS WELL AS THOSE WHO SUPPLY PROSTITUTION "SERVICES".

THE CITY OF WICHITA STRONGLY ENDORSES THE LANGUAGE AND INTENT OF THIS BILL AND URGES YOU TO ACT WITH EXPEDIENCY TO HELP US IN OUR STRUGGLE TO PRESERVE OUR QUALITY OF LIFE BY CONFIRMATION.