

Approved: April 26, 1995
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY.

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on March 9, 1995 in Room 313-S-of the Capitol.

All members were present except:

Representative Clyde Graeber - Excused
Representative Candy Ruff - Excused
Representative Vince Snowbarger - Excused

Committee staff present: Jerry Donaldson, Legislative Research Department
Jill Wolters, Revisor of Statutes
Cindy Wulfkuhle, Committee Secretary

Conferees appearing before the committee:

Attorney General Carla Stovall
Maggie Hardy, Overland Park Safe Homes
Rueneaka Harvey, Lawrence Shelter for Battered Persons
Shelly Mann, Shelter for Battered Persons
Mari Jean Cockran, Cowley County Safe Homes
Paul Morrison, Johnson County District Attorney
Francis Kastner, Kansas Food Dealers Association
Elwaine Pomeroy, Kansas Collection Association
Captain Fred Johnson, Capitol Police

Others attending: See attached list

Hearings on **SB 222** - Crime victims assistance fund; grants, were opened.

Attorney General Carla Stovall appeared before the committee in support of the proposed bill. She told the committee that this bill would correct language changes that were made last year, which would allow programs that provide services to children to be able to apply for grant money. (Attachment 1)

Maggie Hardy, Overland Park Safe Homes; Rueneaka Harvey, Lawrence Shelter for Battered Persons; Shelly Mann, Shelter for Battered Persons; Marijean Cockran, Cowley County Safe Homes, appeared before the committee in support of the proposed bill. They urged the committee to support the legislation which would help provide safety for children. (Attachments 2-5)

Hearings on **SB 222** were closed.

Hearings on **SB 223** - Victims of crime; compensation; administration of protection from abuse fund, were opened.

Attorney General Carla Stovall appeared before the committee as a proponent of the bill. She stated that this bill would make five changes in the Crime Victims Compensation Act and requested that the committee amend the amount paid to the Fund from 19% to 22%. (Attachment 6)

Hearings on **SB 223** were closed.

Hearings on **SB 299** - Allowing county or district attorneys to collect administrative handling costs from maker or drawer of bad checks, were opened.

Paul Morrison, Johnson County District Attorney, appeared before the committee in support of the proposed bill. He told the committee that most county and district attorneys offices are not equipped to handle the large volume of bad check cases that are filed with the courts. This bill is a way to have the courts recoup money that has been lost because of the amount of time that these cases take. (Attachment 7)

Chairman O'Neal commented that the 1994 Legislature attempted to address this issue. The main purpose of that bill was to create a disincentive to merchants who use the courts as a collection agency. Representative

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY, Room 313-S-Statehouse, at 3:30 p.m. on March 9, 1995.

Garner commented that the bill last year accessed a fee on the merchants who use district attorneys offices instead of civil court to collect on bad checks.

Francis Kastner, Kansas Food Dealers Association, appeared before the committee as a proponent of the bill. She stated that the bill would assist County & District Attorneys because it would increase their budgets since they are the ones collecting for bad checks. (Attachment 8)

Elwaine Pomeroy, Kansas Collection Association, appeared before the committee as an opponent of the bill. He told the committee that they have concerns as to why an administrative cost would be accessed in worthless check cases when it isn't for other criminal crimes.

Hearings on SB 299 were closed.

Hearings on SB 296 - Capitol area security patrol; jurisdiction, were opened.

Captain Fred Johnson, Kansas Highway Patrol, appeared before the committee as a proponent of the bill. He stated that this bill would expand the jurisdiction of the Capitol Area Security Patrol to include all of Shawnee County with the exception of certain state properties. It would also include a change providing that the Patrol would turn over arrestees to the Shawnee County Department of Corrections . (Attachment 9)

Hearings on SB 296 were closed.

SB 129 - CINC cases, placement by secretary of SRS subject to review of the court.

Representative Edmonds made a motion to report SB 129 favorably for passage. Representative Pugh seconded the motion.

Representative Rutledge made a substitute motion to change "make" in line 19 to "select". Representative Pauls seconded the motion. The motion failed.

Heinemann made a motion to include "The court may recommend to the secretary where the child should be placed." Representative Goodwin seconded the motion. The motion carried.

Representative Pauls made a motion to add the language that "within 10 days of the order awarding the custody of the child to the secretary, any proposed placement of the child, whichever occurs first." Representative Ott seconded the motion. The motion carried.

Representative Edmonds made a motion to report SB 129 favorably for passage as amended. Representative Haley seconded the motion. The motion carried.

The next meeting is scheduled for March 13, 1995.

HOUSE JUDICIARY COMMITTEE GUEST LIST

DATE: 3/9/95

NAME	REPRESENTING
James Clardy	KCDJA
Chwayne J. Ramsey	Kansas Collectors Assn Kansas Credit Attorneys Assn
Valia Taylor	Interw - Edmonds
Mark Gleeson	OJA
Dodie Lacey	KCA
Dish. Bloodner	KASDV
Bueneaka Harwey	Women's Transitional Care Services
Maryann Coker	Cowley Co. Safe Homes - Winfield
Shelley Mann	SOS, INC. in Emporia
J. J. A.	CUCB
Shannon Peterson	KBA
KEITH R. LANDIS	CHRISTIAN SCIENCE COURSE ON PUBLICATIONS FOR KS
Elizabeth Craig	
Maggie Haroldo	SAFEHOME, Johnson County
Amy Coker	WTCS, Douglas County
Connie Burk	WTCS, Douglas County
Jeanne McKenna	
Fred Johnson	Capitol Police
Pat [unclear]	Capitol Police

HOUSE JUDICIARY COMMITTEE GUEST LIST

DATE: 9 March 95

NAME	REPRESENTING
<i>Bruce T. ...</i>	CP
<i>Rh. ...</i>	CP



State of Kansas

Office of the Attorney General

301 S.W. 10TH AVENUE, TOPEKA 66612-1597

CARLA J. STOVALL
ATTORNEY GENERAL

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STATEMENT OF
ATTORNEY GENERAL CARLA J. STOVALL
BEFORE THE HOUSE JUDICIARY COMMITTEE
RE: SENATE BILL 222
MARCH 9, 1995

Dear Representative O'Neal and Members of the Committee:

I appreciate this opportunity to appear here today and testify regarding Senate Bill 222. This bill will correct technical defects in the law which deny grants to certain organizations. Last year the Legislature passed this law which allows additional funding for programs which provide prevention and intervention services to victims of child abuse and neglect.

The manner in which the bill was written last year denied grants to organizations whose primary function was not child abuse and neglect services. It also changed the language of the Crime Victims' Assistance Fund so that no program other than agencies whose primary functions are providing services to children could receive money. I believe this was an oversight and the Legislature did not intend to limit the grant funds. Many organizations provide valuable services to children and they should be able to apply for these funds.

Indeed many legislators indicated their dismay when the former Attorney General interpreted the law as he did. The language allowed no alternate interpretation although the reading was inconsistent with the spirit and intent of last year's bill.

The amendment in subsection (d) will correct two problems. First, it will allow the grant money collected from four percent of the fines, penalties, and forfeitures paid to the district court to be awarded to all types of victims' assistance programs. Second, it will allow programs which provide services to children to apply for the grant money. This money is generated from 50 cents of the municipal court docket fee and 50 cents of the district court docket fee.

The Senate Judiciary Committee added an additional amendment at my request to expedite the passage of this bill so that grant applications will not be delayed. Section 3 of

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Attachment 1

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this bill was changed to read that this act shall take effect and be in force from and after its publication in the Kansas Register.

I would ask the House Judiciary Committee to act on this bill as soon as possible this will allow for the needed changes so that I may administer this grant program in a timely fashion.

I would appreciate your consideration and support for passage of Senate Bill 222. Thank you.



SAFEHOME, INC.
P.O. Box 4469
Overland Park, KS
66204
(913) 432-9300

March 9, 1995
Testimony presented to the House Judiciary Committee
Supporting passage of SB 222.

On behalf of the hundreds of Kansas families served each year by SAFEHOME in Johnson County, I urge you to support this vital legislation. SB 222 will assist ours and other domestic violence programs throughout the state who are on the front lines of the combat being waged to stem the tide of violence which all too often is learned by children in their homes at very early ages.

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- In 1994, SAFEHOME provided safe shelter, food, clothing, counseling, transportation and other necessities to 417 children who escaped the violence in their homes and came to our shelter with their mothers. An additional 333 children and their mothers were turned away from our shelter due to lack of space.

Our Children's Program staff is comprised of two full time employees; a Program Coordinator who provides a therapeutic day care program for the children of shelter residents and a Children's Therapist.

- Because of a very generous grant from the Overland Park South Rotary Club, we were able to add the Coordinator to our staff in June, 1994. Because of budgetary constraints, we have never been able to offer the level of services we know is necessary to assist these children in learning alternative, non-violent behaviors and to assist them in healing from the abuse they have witnessed or experienced.

But, what will happen if the Rotary Club, or another community organization chooses not to renew their substantial financial support in 1995? Or, 1996?

Very often, our shelter staff is the first contact a family has with "the system." Although ours is primarily a crisis intervention and short term program, our children's staff members are able to assess the needs of these high risk children at a very early stage, most often before they enter the criminal justice system.

- In a study released in 1992, being abused or neglected as a child increased the likelihood of arrest as a juvenile by 53%, as an adult by 38%, and for a violent crime by 38%. (Widom, Dr. Cathy Spatz. 1992, "The Cycle of Violence." National Institute of Justice, Washington, D.C.)

Our children's staff frequently team with public school personnel who have identified specific barriers to a child's learning. Through their intervention, our staff members



are able to work with the mothers to teach them specific strategies for helping their children achieve success in an academic environment.

- Additionally, our children's staff members conduct parenting groups and work individually with the mothers on issues directly relating to their child's particular needs and to also teach parenting skills to the women.

Although SAFEHOME is located in a suburban area with a larger donor base than some of the domestic violence programs in the state, our funding, like funding for all the other domestic violence programs throughout the state of Kansas, is not stable and we cannot count on any of the revenues from last year to be available this year or next year.

Passage of SB 222 will provide us with one more source of much needed funds with which to maintain our existing programs.

On behalf of Kansas families, thank you for your support of this very important legislation.



SAFEHOME, Inc.

SAFEHOME, INC.

P.O. Box 4469
 Overland Park, KS
 66204
 (913) 432-9300

Who We Helped in 1994

Women Sheltered.....	303
Children Sheltered.....	417
Total Sheltered.....	720
Bednights.....	11,509
Refused Shelter Due to Lack of Space.....	1,172
Women.....	839
Children....	333
Hotline Calls.....	2,604
Sexual Assault Calls.....	59
Volunteer Hours.....	13,497
Total Receiving Direct Services.....	4,479

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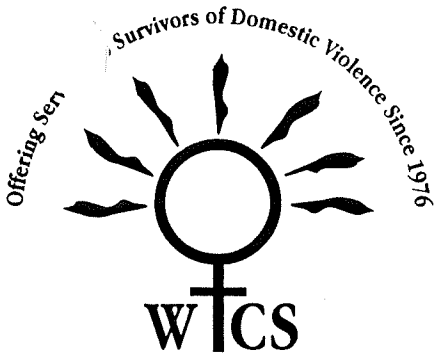
Shelter Resident Demographics

Age	Household Income
Under 18..... 2%	No Income 25%
18 - 25 24%	Up to \$4,999 20%
26 - 30 23%	\$5,000-\$9,999 ... 17%
31 - 35 19%	\$10,000-\$14,999.. 13%
36 - 40 17%	\$15,000-\$19,999.. 7%
41 - 50 7%	\$20,000-\$34,999.. 9%
51 - 60 8%	\$35,000-\$49,999.. 5%
Over 60 0%	\$50,000-\$74,999.. 4%

Community Education

Speaking Engagements	244
Audience Attendance	18,832





March 9, 1995

Dear Mr. Chairman and Members of the Committee:

More than three million children witness acts of domestic violence every year.

Children of abused mothers are six times more likely to attempt suicide and 50% more likely to abuse drugs and alcohol.

More than half of abused women who are mothers beat their children.

My purpose in being here today is to impress upon you the need for children's programs within shelters for battered women.

I am the coordinator for the Children's Program for Women's Transitional Care Services (WTCs), the Lawrence shelter for battered women and their children. Last year 51% of the residents who received our services were children. When these children arrive at the shelter, it is often with a different set of needs than those of their mother. This is reflected by the astronomical percentage of children attending support group (69% of support group attendants were children).

Our program is designed to expose children to a non-violent environment and teach them appropriate ways of expressing their feelings. The program also teaches women to use non-violent discipline techniques and increase their parenting skills. It is our hope that in providing such a program, we will break the generational pattern of domestic violence.

I sincerely believe we have two choices. We can invest our monies in programs designed to assist in breaking destructive patterns in people's lives or we can invest our monies in more prisons and victim compensation funds--to "assist" the embittered and beaten youths and their victims.

The existence of children's programs within shelters offers hope to the victims of domestic violence. As long as there is hope, there is a chance for change. Thank you for your time.

Sincerely,

Rueneaka Harvey

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LAWRENCE WOMEN'S TRANSITIONAL CARE

P.O. Box 633 • Lawrence, Kansas 66044 • (913) 843-3333

24 Hour Crisis Line • Safe Shelter • Peer Support

S.O.S.

inc.

Services for Victims of Sexual & Domestic Violence

Chairman O'Neal and Members of the Committee:

Thank you for your consideration of Senate Bill 222. My name is Shelley Mann. For 5 1/2 years I have served as coordinator of children's services at the SOS Shelter in Emporia, and worked directly with child victims of domestic violence.

I urge you to vote in favor of Senate Bill 222 for the following reasons: first of all, there are more children than women who come into the shelter within a year. Having a program for child victims of domestic violence is critical in meeting the needs of at-risk children. Children in homes where the violence is occurring may "indirectly" receive injuries. They may be hurt when household items are thrown or weapons are used. Infants may be injured if being held by their mother when the batterer strikes out. These children are physically abused or seriously neglected at a rate 1500% higher than the national average in the general population. All children are affected in some way by family violence. Even if they have not been physically hurt they feel what is going on.

The difficulties that children often face in addition to family violence may be exacerbated for the children who are brought into shelter. These children are likely to have experienced a complete disruption in their social support systems, particularly with their school, friends, neighborhood, and are facing a great deal of confusion.

The importance of having a children's program at SOS is apparent the moment a mother and her children walk into the shelter. The children have often been present during many violent episodes at home, and have often been in the middle attempting to mediate. The children carry deep feelings of guilt and responsibility. They are often robbed of normal childhoods. We are able to spend time with the children to divert their attention while mother talks to a staff member.

By providing invaluable one-on-one and support group, we are able to provide a structured environment and work on many areas: for example, reassuring the children that they are not the cause of the abuse, teaching self-protection skills, conflict resolution, raising self-esteem, and providing a safe environment to express feelings. Through education and support we can fight against the perpetuation of violence over generations. Children learn to repeat what they see their parents do. Boys who witness domestic violence are 700 times more likely to use violence later. Boys who are themselves abused are 1000 times more likely. During the time I've been at SOS, we have housed over 560 children and held over 740 support group sessions. To fight this cycle and continue our work, we need your support.

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Support Groups • Shelter • 24hr. Hot Line • Information & Referral •

316-342-1870 P.O. Box 1191 Emporia, Kansas 66801

COWLEY COUNTY SAFE HOMES

P.O. Box 181

Winfield, Kansas 67156

Attention: House Judiciary Committee
Chairman: Michael O'Neal - Representative, District 104
In reference to: Senate Bill #222

Position: In favor of Senate Bill #222

Cowley County Safe Homes, Inc. is a non-profit organization dedicated to meeting the needs of victims of sexual assault and domestic violence. Many of the victims we serve have children that are also the victims of abuse. The children that come to the shelter with their mother are often frightened and confused. They have not only witnessed their mother being abused either physically or mentally, but also many times have suffered the abuse themselves. Our support for this bill is outlined as follows:

- **The cycle of violence within families is powerful.** Children who grow up abused and neglected are far more likely to be arrested as juveniles and are more likely to commit violent crimes themselves as adults. 73% of abusers were abused as children and 80% of men in prisons grew up in violent homes. ¹ Being abused or neglected as a child increased the likelihood of arrest as a juvenile by 53%, as an adult by 38% and for a violent crime by 38%. ² Our organization provided services to 463 children in 1994. We sheltered 65 children, who are considered "homeless" when they arrive in our shelter. Many of these children have witnessed violence and have been the recipient of violence in their homes.
- **An identified need for a children's program.** Our organization has surveyed victims, community professionals, and individuals and has determined a necessity for expanded children's services. To this end, we have developed goals to implement a children's program.
- **Funding is needed to implement our children's program.** In October of 1994, our organization applied for funding from the Crime Victims' Assistance Fund for Child Abuse to help us implement our goals. Due to the wording in SB 807 our funds were denied. This has caused many of our goals to be postponed until we can procure adequate, continuous funding.

We would appreciate your committee's support of this bill. If you have any questions or concerns, please feel free to contact us.

Marijean Cockran - Cowley County Safe Homes - 316-221-7300

References:

#1 Annotated Bibliography on Spouse Abuse. Wife Abuse: The Facts. Response to Violence in the Family and Sexual Assault. National Clearing House on Domestic Violence. Center for Women Policy Studies. January, 1980, Washington, DC.

National Coalition Against Domestic Violence Report. April 1985.

National Woman Abuse Prevention Project. 1989. Washington, D.C.

#2 National Institute of Justice.

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State of Kansas

Office of the Attorney General

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STATEMENT OF
ATTORNEY GENERAL CARLA J. STOVALL
BEFORE THE HOUSE JUDICIARY COMMITTEE
RE: SENATE BILL 223
MARCH 9, 1995

Dear Representative O'Neal and Members of the Committee:

I am here today to ask for your support of Senate Bill 223. This bill will make five changes to the Crime Victims Compensation Act.

The first amendment would extend the coverage provided under the Act to include victims of vehicle crashes. Currently, victims of vehicle crashes are not compensated unless there was a drunk driver involved or the vehicle was used to intentionally harm someone. The amendment in section 1 (8) (B) would allow victims where the offender left the scene of a crash and when severe injury or death results from the crash to apply for compensation. We do not anticipate a great demand on the fund because of this change, however, it would assist several crime victims each year.

The second amendment, Section (2) (d) eliminates the financial stress information required of each applicant before eligibility is determined. In 1989 the Legislature deleted the financial means test required of all applicants. The financial stress information requires the Crime Victims Compensation staff to ask each claimant about their income and financial resources, as well as living expenses, etc. While this information has always been required, it is not the basis on which the Board makes decisions on claims. What the Board uses to determine eligibility are the other resources the claimant has to assist in paying the expenses incurred as a result of being a crime victim such as health/life insurance, Medicaid, Medicare, Workers Compensation, etc. Only in a handful of cases has the Board denied a claim based on other financial assets held by the victim or the victim's family. It is the Board's belief and mine that crime victims should not be penalized in terms of justified compensation based upon their net worth. The way the law is written now, however, the requirement that additional financial information be disclosed

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results in some victims withdrawing their applications when asked about income and personal assets. This is particularly true of elderly victims who are protective of their personal resources and are not willing to share their financial information in order to receive compensation. We believe this additional financial information is not necessary in order to determine a claimant's eligibility and would ask that you eliminate the language from the statute.

The third change, Sec. 3 of the bill, is in the content of the annual Crime Victims' Compensation Board report submitted to the Governor and the Legislature. I would like the Legislature to remove the language that requires that each claim investigated by the Board be included in the report. This has become a very time consuming task with the 1200-plus claims the Board processes. Instead, I suggest and believe that a statistical summary of claims and awards made and denied would be sufficient.

The fourth amendment in Section 4 (c) would transfer the responsibility of administering the Protection From Abuse Fund from the Crime Victims Compensation Board which is under the authority of the attorney general to my office. The amendment merely consolidates the grant administration procedures under the Attorney General's authority. This procedure will provide a more efficient way to administer grants. It will also allow the Crime Victims Compensation Board to direct its responsibilities on processing the claims of violent crime victims. I believe that current staff and resources within my office can be used to perform this function.

The last change requested in Section 5 would change the amount of funds received for awarding compensation claims from the fines, penalties and forfeitures paid to the district courts. The bill originally stated that the increase would be from 19% to 22%. The Senate Judiciary Committee amended the bill to 21%. I am requesting that you amend it back to the 22% which was requested in the original bill. You may recall that last session, the Senate and House approved a bill to increase the percentage of fines, penalties and forfeitures which go to the compensation fund. House Judiciary conferees agreed to include this increase in a conference committee report; however, as a result of this provision being overlooked as staff prepared the final draft of the report, the increase was left out. This year it is even more critical that the compensation fund be increased. The 22% increase was proposed because the budget for this program for FY 1996 demonstrates a \$382,409 shortfall in compensation funds at the B level and a \$486,793 shortfall at the C level. New revenue sources have been created by the Department of Corrections pursuant to 1994 Supp. K.S.A 75-5278 from inmate funds and charges to inmates on work release and parolees. My office estimates such new revenues to be \$172,000 for FY 1996. Each percentage increase of fines, penalties and forfeitures

credited to the fund will provide an additional \$90,320. An increase from 19 to 22 percent will provide additional funding of \$270,960, which, with the Department of Corrections money, would fall just below the C level estimates. This new level of money should sustain the fund for FY 1996. The alternative would be to delay funding for awards during FY 1996 and pay them in FY 1997. If this should happen it would create greater deficits and delay the ability to make 1997 awards for compensation.

I ask for your consideration of this bill and the proposed amendment to increase the fines, penalties, and forfeitures paid to the Crime Victims Compensation Fund from 19% to 22%. The proposed changes in the Crime Victims Compensation Act will be beneficial to victims of crime. The Crime Victims' Compensation Board and I believe that these legislative proposals deserve support. We ask for your consideration of Senate Bill 223. Thank you.



State of Kansas

Office of the Attorney General

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612-1597

CARLA J. STOVALL
ATTORNEY GENERAL

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MEMORANDUM

To: Gloria M. Timmer, Director of Budget
Attn: Sabrina Wells

From: Neil A. Woerman, Director, Budget & Special Projects

Re: Fiscal Note Assistance for S223

Date: February 20, 1995

The bill makes a number of amendments to the crime victims compensation act, all which were requested by the attorney general. Such amendments include broadening the scope of the act to include victims injured by hit-and-run drivers. Although now victims of DUI are covered by the act's terms, if the driver should flee, and it is not possible to demonstrate that the driver was under the influence of alcohol or drugs, the victim is not covered by the act. Such incidents may only arise before the board a few times a year, and, thus, are not fiscally significant; however, they are significant in the apparent inequity of not being able to provide assistance.

A second amendment would eliminate the financial stress test in determining claimant eligibility. Such test now requires the board to gather information to make a finding that the claimant will suffer financial stress as a result of economic loss from the crime. The act requires the board to consider, among other things, the claimant's usual living expenses and assets. While claims are seldom rejected for this reason, and, thus, no discernible fiscal impact can be estimated, it is known that often elderly victims, in particular, do not pursue claims with the board once they learn they will have to disclose their savings and other assets.

A third section, eliminates language which has become a needless burden in requiring that the board's annual report to provide the name and a brief description of the facts of each case investigated by the board, along with the amount of compensation awarded. Instead, a statistical summary of claims and awards made and denied would be required. This will allow several days of work by staff in compiling such report to be saved and will reduce the report to a fraction of the size required to report on the 1,200 claims a year the board now receives. This will save in staff time and

resources, which can be devoted to the agencies program functions rather than reporting.

A fourth section would move from the crime victims compensation board to the attorney general, the board's appointing authority, the administration of protection from abuse fund grants. This is intended to consolidate with the attorney general the administration of grants often made to the same organizations through this fund and the crime victims assistance fund, already administered by the attorney general. It should produce efficiencies in grant administration, coordination and consistency, as well as freeing the board to concentrate on its responsibilities of directly serving the victims of violent crime. It is believed the attorney general can perform the new grant administration functions with existing staff and resources.

The fifth section of the bill would increase the percentage of fines, penalties and forfeitures paid at the district courts from 19 percent to 22 percent. This section was proposed because the budget for this program for Fiscal Year 1996 demonstrates a \$382,409 shortfall in crime victims compensation fund money at the B level and a \$468,793 shortfall at the C level. Certain new money is estimated to be available to the fund in Fiscal Year 1996 through the Department of Corrections pursuant to L. 1994, ch. 227, sec. 9, from inmate funds and charges to parolees and inmates on work release. This office estimates such new revenues to be \$172,000 in Fiscal Year 1996. Based on Fiscal Year 1994 collections to the crime victims compensation fund (\$1,716,072 from fines, penalties and forfeitures), each percentage increase of fines, penalties and forfeitures credited to the fund will provide an additional \$90,320. Thus, an increase from 19 to 22 percent will provide incremental funding of \$270,960, which, with the Corrections money, would fall just below the C level estimates. It is not certain whether this new money will sustain the fund beyond Fiscal Year 1996; however, this section should allow the fund to remain current with Fiscal Year 1996 awards. The alternative, would be to carry the several hundred thousand dollars in awards which could not be paid over into Fiscal Year 1997, when they could. This, of course, would continue to cause even greater deficits and delay in the ability to pay Fiscal Year 1997 awards.

cc: Carla Stovall
John Campbell
Nancy Lindberg
Juliene Maska
Frank Henderson
Julene Miller
Patrick Peters

COMMENTS TO MEMBERS OF HOUSE JUDICIARY COMMITTEE

Date: March 9, 1995

The passing of bad checks is a major economic problem in this nation. Trade groups estimate that over five hundred million bad checks are bounced in this nation every year. The Jackson County, Missouri prosecutor's office estimates that well over \$1,000,000,000 in bad checks are written in that county each year. It would be a very, very conservative estimate to say that hundreds and hundreds of millions of dollars in bad checks are written across the state every year. Even though it is a crime, most county or district attorneys offices are ill equipped to handle the volume. It is a major economic issue for businesses, who often rely on a very small profit margin to survive. Because of the fact that law enforcement cannot deal with this issue, many businesses are forced to pay collection agencies to collect bad checks.

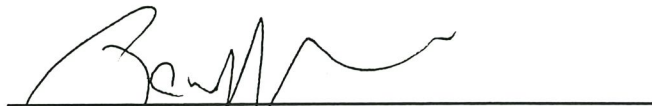
At least twelve states have passed legislation in recent years that allows for prosecutors' offices to collect a small administrative fee for each bad check processed through the office. The fee is paid by the bad check writer. This allows for the service charge and full restitution to be given back to the business owner. It helps fund bad check prosecution departments. It takes the burden off the tax paying citizens to fund those operations. It is financed by the criminal. This is as it should be.

For example, in Johnson County our bad check division processed 5,365 bad checks worth \$671,322 in 1994. That is probably less than one percent of the bad checks written in our county. Nonetheless, our check division (which consists of four people) work long and hard to process those cases. Unfortunately, we do not have the resources to more aggressively deal with the bad check problem given our current level

of funding. I don't think it's right to ask the public to pay for that when we can tap bad check writers to help fund these type of county operations.

Senate Bill 299 allows for the collection of a \$10.00 fee to be put into ~~the county~~ ^{a trust fund} ~~general fund~~. This would prohibit a county or district attorney from creating their own "private fund" that is not overseen by any other entity. This is a good law. It makes sense. You should pass it.

Thank you for your time.



Paul J. Morrison, District Attorney
Johnson County, Kansas

KITING IN KANSAS

Bad-check writers flock to Johnson County

Johnson County has gained a reputation for being a good place for business, but at least one booming profession isn't giving merchants the type of boost they're seeking.

An 18-month-old crackdown on bad-check writers in Kansas City, Mo., appears to be sending more kilters to Johnson County, where state laws make prosecution more difficult.

"That's possible because bad-check writers are habitual communicators," said Carolyn Sturgeon, who heads the Johnson County district attorney's bad-check division. "They know the stores who ask for good I.D. and the ones who don't. They also know the ones who turn cases over to prosecutors and the ones that don't."

Seeking payment for bad checks in Kansas is more time-consuming and cost-prohibitive than in Missouri. As a result, fewer victims seek to recover losses and end up writing them off.

John Sullivan, director of the Jackson County prosecutor's bad-check unit, said Wal-Mart has been a prime beneficiary of the crackdown so far, collecting 20 percent more payment on bad checks.

On this side of the state line, the news isn't as good. Mary Maule, personnel manager with the Hy-Vee supermarket in Leawood, said her store is receiving about 20 percent more bad checks than it did a couple years ago. She attributed the increase to kilters scared away from Kansas City, Mo.

Hy-Vee loses between \$3,000 and \$7,000 a month on bad checks, Ms. Maule said. It quit having banks run bad checks through deposit twice to

reduce turnaround time and give thieves less time to disappear.

When Dennis Meiners opened his Apple Market in Overland Park last March, he immediately began having a problem with bad checks, many coming from Missouri. Shortly thereafter, he began issuing check-cashing cards and running first-time check cashers through the Telecheck computer. Telecheck charges 2 percent of the cost of a check, effectively taking away Meiners' small margin of profit on sales.

"People look for new business openings and commit fraud in them," said Mr. Meiners, whose family also operates four grocery stores in Missouri.

**"You have to ask yourself if it's worthwhile.
Are the time and money worth it?"**

- Carolyn Sturgeon, head of the district attorney's bad-check unit

"When I saw what was happening, I had to create a card system. I had Blue Springs and Peculiar, Mo., flocking in until I put in a restrictive policy. They were everyday customers."

In 1994, the Johnson County district attorney's office processed 5,365 bad checks worth \$671,322. Of that, the bad-check division collected \$215,437. More money was collected from cases that actually went to court, but those figures were not available.

Ms. Sturgeon wouldn't guess the total number of bad checks written in Johnson County in 1994, but District Attorney Paul Morrison said the amount processed represented "a very

small percentage."

"We barely scratch the surface," he said.

Mr. Sullivan estimated that more than \$4 billion in bad checks are written in Jackson County each year.

However, Missouri law allows units like Mr. Sullivan's to seek restitution more aggressively and to make bad-check writers pay collection fees. For recovering a check worth \$9.99 or less, the prosecutor's office charges \$5. For checks up to \$99.99, the fee is \$10. For checks of \$100 and over, kilters are charged \$25.

Operating this way, which is basically like a collection agency, makes prosecuting more cost-efficient and saves victims the trouble and expense of hiring a private collection agency.

In the last 18 months, \$1,144,735 has been collected from bad-check writers in Jackson County, Mr. Sullivan said.

"Of all the counties in Missouri, we're the most active in collecting bad

something done."

There are several other aspects of Kansas law that make life easier on kilters and tougher on merchants.

Once a bad check is discovered, a victim must go through a series of steps to prosecute. The first is sending a certified, restricted-delivery letter to the kilter requesting payment. This costs \$4.95, plus standard postage. Missouri has no such requirement, allowing businesses to go straight to the prosecutor.

In addition, Kansas businesses can't charge bad-check writers more than \$10 for each check. Banks on both sides of the state line charge merchants a fee — usually between \$2 and \$6 — to process a bad check.

Factor in the time involved for a merchant to prepare to prosecute, and it's easy to see why many don't bother to seek payment.

"You have to ask if it's worthwhile," Ms. Sturgeon said. "Are the time and money worth it?"

One supermarket, Cherokee Sun Fresh in Overland Park, has decided it is. Jerry Peck, who is retired from full-time work, now spends 30 hours a week collecting bad checks for the grocery store.

Mr. Peck estimated that the store gets \$5,000 a month in bad checks, \$4,000 of which he is able to recover by making phone calls and writing letters.

Many businesses have outside collection services, a move that has greatly reduced hassles for entrepreneurs like Mike Heberger, owner of Mike's Olathe Liquor.

Mr. Heberger estimated that he takes bad checks worth \$1,200 a year. He pays \$330 a year to Checkcare Systems of Independence, Mo., which guarantees him the face value of the checks. Checkcare then attempts to collect and charges the bad-check writer a service fee.

-By Tom Perrin, staff writer



EXECUTIVE DIRECTOR
JIM SHEEHAN
Shawnee Mission

OFFICERS

HOUSE JUDICIARY COMMITTEE

March 9, 1995

PRESIDENT
SKIP KLEIER
Carbondale

SUPPORTING SB 299

1st VICE-PRESIDENT
MIKE BRAXMEYER
Atwood

Thank you, Mr. Chairman, and members of the Committee for permitting me to testify before you today in support of SB 299.

2nd VICE-PRESIDENT
TREASURER
DUANE CROSIER
Seneca

I am Frances Kastner, Director of Governmental Affairs for the Kansas Food Dealers Association. Our membership includes retailers, distributors and wholesalers of food products throughout the State of Kansas.

ASST. TREASURER
JOHN CUNNINGHAM
Shawnee Mission

BOARD OF DIRECTORS

CHAIRMAN
J. R. WAYMIRE
Leavenworth

As some of you have heard in previous years, grocers are plagued with bad checks, although our members have a variety of policies in place regarding the cashing of checks. And, there are some County and District Attorneys that are helpful in reducing bad check losses. We are grateful for their concern and assistance.

GLEN CATLIN
Herington

TOM FLOERSCH
Fredonia

ROY FRIESEN
Syracuse

We support HB 299, which will allow the County and District Attorneys to assess another \$10 in an effort to increase their budget and the prosecution of more writers of worthless checks.

ARNIE GRAHAM
Emporia

STAN HAYES
Manhattan

We respectfully request that you recommend this bill favorably. I will be happy to answer any questions you may have.

JOHN McKEEVER
Louisburg

LEONARD McKINZIE
Overland Park

CLIFF O'BRYHIM
Overbrook

Frances Kastner
Frances Kastner, Director
Governmental Affairs, KFPA

BILL REUST
Parsons

LEROY WARREN
Colby

BILL WEST
Abilene

DIRECTOR OF
GOVERNMENTAL AFFAIRS

FRANCES KASTNER

House Judiciary
3-09-95
Attachment 8

SUMMARY OF TESTIMONY - SB 296
Before the House Judiciary Committee

Presented by - Captain Fred Johnson

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GOOD AFTERNOON, my name is FRED JOHNSON. I am the Troop Commander of Troop K of the Kansas Highway Patrol. Troop K consists of the Capitol Area Security Patrol (Capitol Police). I appear before you on behalf of the Superintendent of the Kansas Highway Patrol in support of SB 296 which amends KSA 75-4503. SB 296 is an agency legislative proposal.

AS PRESENTLY WRITTEN, KSA 75-4503 restricts the authority of the Capitol Area Security Patrol to "on or about any state owned, leased or rented property or building in Shawnee county, Kansas". SB 296 would provide county-wide authority for police officers of the Capitol Area Security Patrol.

ON JULY 1, 1976, legislation was enacted which placed the Capitol Area Security Patrol under the supervision and management of the Superintendent of the Kansas Highway Patrol. At that time, the seat of state government generally consisted of several buildings located within the Capitol Complex which an officer could be expected to cover on foot.

IN PAST YEARS, the trend has been for state agencies to relocate away from the Capitol Complex, becoming more widely dispersed.

IN 1987, the Capitol Area Security Patrol provided police services at thirty-nine (39) state locations throughout the city and county. To date, that number has increased to fifty-eight (58). Because of this decentralization, it is necessary that our police officers travel greater distances between locations in order to provide police services to these agencies.

THE PROBLEM WE FACE as a state law enforcement agency is twofold, 1.) While traveling between locations, the officer who is in uniform and driving a marked police car, has no more authority than that of a private citizen, therefore, the officer can take no enforcement action on any violations they may witness. 2.) An officer investigating a crime which has occurred on or about state property and who develops a suspect or witness, has no authority as a police officer to proceed off of state property to conduct additional investigation, interview a witness or suspect, serve a warrant or make an arrest for the crime committed on state property or, perform any other function in a law enforcement capacity.

INCREASED CRIMINAL ACTIVITY is placing a burden on the manpower and resources of the Topeka Police Department and Shawnee County Sheriff's Department. We do not believe it is reasonable to expect these agencies to perform our functions in addition to theirs, nor is it our intent to infringe upon their jurisdiction or duplicate services. We

simply need the same ability as any other law enforcement officer to carry through with an investigation from start to finish, identify and arrest the offender.

THERE MAY BE CONCERN that Capitol Area Security Patrol police officers would resort to stopping people for traffic violations and neglect their primary responsibilities. I can assure you, there is no cause for concern as this will be controlled within the agency through regulations restricting the stopping of persons for minor traffic violations or minor vehicle defects.

WE HAVE SOLICITED the support of the Police Chief of the Topeka Police Department and the Sheriff of Shawnee county in our efforts to achieve county-wide authority. They have voiced no opposition and have infact, expressed their support.

IN CONCLUSION, police officers of the Capitol Area Security Patrol are academy-certified at the Kansas Highway Patrol training academy or the Topeka Police academy and are required a minimum of 40-hours of training annually. They are held to the same standards and accountability for their actions as any other police officer in the State of Kansas. We do not ask for the authority to do more, only for the opportunity to do our job completely and more effectively. SB 296 will give us that opportunity and we ask the members of this committee to consider this bill favorably and recommend the passage of SB 296.
THANK YOU.

**** END ****



RECEIVED

FEB 27 1995

DIVISION OF THE BUDGET
Room 152-E
State Capitol Building
Topeka, Kansas 66612-1504
(913) 296-2436
FAX (913) 296-0231

Bill Graves
Governor

FEB 21 1995

Gloria M. Timmer
Director

February 21, 1995

Fred: F&I

The Honorable Tim Emert, Chairperson
Senate Committee on Judiciary
Statehouse, Room 143-N
Topeka, Kansas 66612

Dear Senator Emert:

SUBJECT: Fiscal Note for SB 296 by Senate Committee on
Judiciary

In accordance with KSA 75-3715a, the following fiscal note
concerning SB 296 is respectfully submitted to your committee.

SB 296 would give police officers in the Highway Patrol's
Capitol Area Security Patrol (CASP) law enforcement jurisdiction
anywhere in Shawnee County, with a few exceptions. Under current
law, these officers have law enforcement jurisdiction only on or
about any state-owned or leased property in Shawnee County.

The bill would have no discernible fiscal effect on the state.

Sincerely,

Gloria M. Timmer
Gloria M. Timmer
Director of the Budget

cc: Mark Manning, KHP

CAPITOL POLICE - ZONE LOCATIONS

ZONE	NAME	ADDRESS	PHC
1	Docking State Office Building	915 Harrison	296-3420
2	Judicial Center	301 W 10th	296-2654
3	Statehouse	300 SW 10th	296-3966
4	Museum - Research Center	120 W 10th	296-3251
5	State Printer/Central Duplicating	201 NW MacVicar	296-3631
6	KHP Division 1/KHP Garage	220 Gage	296-8535
7	Highway Maintenance/Div. 4 Shop	101 Gage	296-2291
8	Kansas Lottery	128 N Kansas	296-5700
9	Human Resources	512 W 6th	296-2522
10	Warehouse (DOA/Secretary of State)	1016 N Kansas	296-2493/3828
11	Cedar Crest	One Cedar Crest Dr.	272-8393
12	Health & Environment	Forbes Field, #740	296-0614
13	Human Resources (ESSI)	1309 Topeka	296-2112
13A	Human Resources	1321 S Topeka	296-2161
14	Landon State Office Building	900 Jackson	296-1818
15	Warehouse (Revenue)	3440 SE 10th	234-3586
16	Surplus Property	3400 SE 10th	296-2351
17	KDOT Thatcher Building	217 SE 4th	296-3618
18	Board of Healing Arts	235 S Topeka	296-7413
19	Capitol Complex Parking Lot #1	Judicial Center	NONE
20	Capitol Complex Parking Lot #2	1000 Block Harrison	NONE
21	Capitol Complex Parking Lot #4	1100 Block Harrison	NONE
22	Capitol Complex Parking Lot #6	1st & Van Buren	NONE
23	801 Parking Lot	801 Harrison	NONE
24	KDOT Division 1 Headquarters	121 W 21st	296-3881
25	KDOT Division 1 Lab	2141 Kansas	296-3881
26	KDOT Research & Materials Lab	2300 Van Buren	296-2231
27	KDOT Storage	2230 Lakewood Drive	296-4818
28	State Station	400 Van Buren	296-3655
29	Department of Education	120 SE 10th	296-4961
30	KBI	1620 Tyler	296-8200
31	Board of Agriculture	2016 SW 37th	267-4641
32	Grain Inspection	1208 N Kansas	296-3758
33	Human Resources/Div. of Employment	401 S Topeka	296-5000
34	Human Resources/Chief Counsel	427 S Topeka	296-4902
35	Human Resources/Mgmt Analysis	433 S Topeka	296-3609
36	SRS/Topeka Area Office	235 S Kansas	296-2500
37	Insurance Department	420 SW 9th	296-3071
38	KHP General Headquarters	122 SW 7th	296-6800
39	Kansas Museum of History	6425 W 6th	272-8681
40	Kansas Corporation Commission	1500 Arrowhead Road	271-3190
41	Capitol Complex Parking Lot #7	7th & Van Buren	NONE
42	Dept. of Administration/DISC	320 E 2nd	296-2310
43	Department of Human Resources	417 Jackson	296-5095
43A	Department of Human Resources	414/416/418/420 Jackson	296-6294
44	Department of Human Resources	1430 Topeka	296-1725
45	Driver License	3718 Burlingame Rd	266-2040
45	Motor Carrier	3718 Burlingame Rd	266-2542
46	Kansas Racing Commission	3400 Van Buren	296-5800
47	Dept. of Architectural Services	625 Polk	233-9367
48	Board of Cosmetology	603 SW Topeka	296-3155
49	KBI Warehouse	509 Harrison	232-6000
50	KHP Parking Lot	600 Jackson	296-6800
51	Mills Building	109 SW 9th	233-8283
52	Health & Environment	Forbes Field, #283	296-1570
53	SRS (Vocational Rehab.) Apartments	1312 Western	232-1258
54	Behavioral Sciences Regulatory Brd	712 S Kansas Ave.	296-3240
55	Social Rehabilitation Services	1035 Kansas Ave.	296-8680
56	Social Rehabilitation Services	200 W 30th	296-3330