

Approved: 4-7-95
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Chairperson Tim Emert at 10:00 a.m. on March 8, 1995 in Room 514--S of the Capitol.

All members were present except: Senator Parkinson (excused)

Committee staff present: Michael Heim, Legislative Research Department
Jerry Donaldson, Legislative Research Department
Gordon Self, Revisor of Statutes
Janice Brasher, Committee Secretary

Conferees appearing before the committee:
Carla Stovall, Attorney General
Brent Anderson, Counselor to the Governor
Charles Simmons, Acting Secretary, Kansas Sentencing Commission

Prospective Appointees:
Glenda Cafer, Chair, Crime Victims Compensation Board
Carlos Cooper, Crime Victims Compensation Board
Larry Welch, Director, Kansas Bureau of Investigation

Others attending: See attached list

The Chair called the meeting to order at 10:00 a.m. announcing the agenda for the meeting as three confirmations and a hearing on **SB 360**. The Chair introduced Attorney General Carla Stovall to make the introductions of the appointees and to make a brief comments about the Victims Compensation Board.

Confirmation hearings:

Attorney General Carla Stovall explained that the purpose of the Crime Victims Compensation Board is to compensate victims of crimes including victims of domestic violence. General Stovall stated that this Board was formed in 1978. General Stovall described the structure of the Board. General Stovall stated that last year the Compensation Fund paid out over two million to crime victims in Kansas. General Stovall continued that last year the Compensation Board paid out over \$747,000 to domestic violence programs.

General Stovall gave a brief description of the appointees. Glenda Cafer appointee for Chair of the Victims Compensation Board is an attorney in Kansas City, and herself as a victim of a crime, was a benefactor of a Victims Compensation fund in another state. Mr. Carlos Cooper was a member of the legislature for twelve years and helped to initiate the Victims Compensation Fund.

Glenda Cafer presented information regarding her education, profession and reasons for seeking an appointment to the Board. Ms Cafer stated that she is a KU graduate, and completed law school in Louisiana where she became a victim of a crime. Ms Cafer received help from a victims fund in that state, therefore, personally knows the benefits of such a fund. Ms Cafer concluded that her experience with administrative law would be a useful in her position as Chair of the Victims Compensation Board.

Ms Cafer answered a question from the Committee by stating that so far she has attended two Board meetings.

Carlos Cooper, stated that as a former legislator, serving six terms, he helped to develop the Victims Compensation Board through years of determination. Mr. Cooper related a brief history of the Victims Compensation Crime Board and the role it plays today.

Attorney General Stovall introduced Larry Welch as her appointee as Director of the KBI. General Stovall commented on the tremendous working relationship of the Attorney General's Office and the KBI with Mr. Welch as acting director.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY, Room 514-S Statehouse, at 10:00 a.m. on March 8, 1995.

Mr. Welch informed the Committee of his work history as being retired from the FBI where during his tenure, he was Supervisor of FBI operations in Kansas. Mr. Welch was Director of Kansas Law Enforcement Training until he was appointed by the former Attorney General, Bob Stephan as Director of KBI in 1994. Mr. Welch stated that he received his law degree from the University of Kansas in 1961. Mr. Welch related his short term and long term goals for the KBI. Mr. Welch stated that dedication, service, and integrity will be priorities, as well as good stewardship of funds.(Attachment 1)

Questions and discussion followed regarding the short comings of the agency, the shortage of funding for equipment and personnel, particularly support personnel. In regards to funding, Mr. Welch stated that any offsetting funds would be subtracted from his budget. The cost and feasibility of KBI background checks was discussed. The issue of the KBI not receiving payment from the Department of Health and Environment for background checks was discussed.

Motion made by Senator Bond was seconded by Senator Reynolds to recommend for appointment as Director of KBI, Mr. Larry Welch. Motion carried.

Motion by Senator Oleen, second by Senator Reynolds to recommend the appointment of Glenda Cafer as Chair of the Victims Compensation Board. Motion carried.

Motion by Senator Bond, second by Senator Reynolds to recommend the appointment of Carlos Cooper to the Victims Compensation Board. Motion carried.

SB 360--Placements of inmates in Labette correctional conservation camp; reduction of sentence; supervised release.

Mr. Charles Simmons, Department of Corrections, spoke in support of **SB 360**. Mr. Simmons stated that his department requested this bill to meet requirements of the provisions in the Federal Crime Bill in order access grant funds. This bill reduces from 20% to 15% the good time which can be earned by an inmate. The bill addresses offender management problems related to the 90-day incarceration period for violation of conditions of postrelease supervision. The bill also provides a mechanism for the secretary of corrections to make direct placement of inmates to the Labette Correctional Conservation Camp in order to increase utilization of that sentencing alternative.(Attachment 2)

Questions and discussion followed.

Mr. Brent Anderson from the Office of Governor Graves testified in favor of **SB 360**. Mr. Anderson stated that the Governor strongly supports this bill as it reduces good time credit. This bill responds to a message from the public to make certain that offenders are held accountable for their conduct outside prison as well as within. The passage of this bill will qualify the state for federal funding through the Federal Crime Bill.(Attachment 3)

Motion by Senator Reynolds, second by Senator Oleen to recommend SB 360 favorably for passage.

The Chair expressed concerns of the Revisor regarding a couple of problems in the bill, stating it is uncertain whether they are printer errors or errors that need to be amended, but they are very technical. The Chair assured the Revisor, if this bill passed out of Committee, of latitude in the motion for correction of these errors.**

Substitute motion was made by Senator Bond, and seconded to amend to delete 180 day provision and pass out favorably as amended. Motion failed.

Original motion by Senator Reynolds, second by Senator Oleen was made to recommend **SB 360** favorably for passage with the necessary technical amendments, if applicable, to be made by the Revisor. Motion carried, with Senator Vancrum noted as opposing.

Meeting adjourned at 11:00 a.m.

The next meeting is scheduled for March 9, 1995.

Information from revisor stated that the errors were printing errors. No technical amendments needed. **SB 360 was passed out favorably.

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: 3-8-95

NAME	REPRESENTING
Nancy Lindberg	AG
Rudolph	CVCB
Julienne Maslow	AG office
Paula Cooper	CVCB
Wale Singer	KBI
Mark Pappas	KBI
Larry Welch	KBI
Brent Anderson	Governor's office
Bobby Sabes	AG
Nancy Lindberg	AG
Charlie Shumplin	KDHE
Grace Whit	KU
Whitney Fry	Page
Sally Gilmore	Page
Paul Shelley	OIA
Charles Simmons	KDOC
Scott Alisopher	Budget
Angela Goering	Kash Crime Commission
Curdy Denton	" "



LARRY WELCH
DIRECTOR

KANSAS BUREAU OF INVESTIGATION
DIVISION OF THE OFFICE OF ATTORNEY GENERAL
STATE OF KANSAS

LARRY WELCH
Director of Kansas Bureau of Investigation



CARLA J. STOVALL
ATTORNEY GENERAL

KBI
1620 SW Tyler
Topeka, Kansas 66612-1837
913-296-8200

- Age 59
- Native of St. John, Kansas
- Graduated St. John High School, 1954
- Entered K.U., 1954
- Graduated K.U., 1958, and K.U. Law School, 1961
- Entered FBI Academy, Quantico, Virginia, 1961
- FBI Service, 1961-1986 (Knoxville, Tennessee; Washington, D.C.; Miami, Florida; West Palm Beach, Florida; San Juan, Puerto Rico; McAllen, Texas; Kansas City, Missouri; Wichita, Kansas) Special Agent and FBI Supervisor; retired June, 1986
- Named Associate Director, Kansas Law Enforcement Training Center, June, 1986
- Named Director of Kansas Law Enforcement Training Center and Director of Police Training in Kansas, July, 1989
- Named Director of KBI, July, 1994, by Attorney General Bob Stephan
- Retained as KBI Director, January, 1995, by Attorney General Carla Stovall
- Married 38 years (August 26, 1994) to Shirley Barnes Welch (high school sweetheart, native of Macksville)

- Son, Ladd Welch (K.U. graduate) Manager of Operations, Rent-A-Center Corporate Headquarters, Wichita; wife Shelly (K.U. graduate) and children Natalie, age 11, Austin age 7
- Son, Lanny Welch (K.U. graduate and Washburn graduate) Assistant U.S. Attorney, Wichita; wife Janell (K.U. graduate) and children Dylan, age 4, Alexandra, age 18 months
- Daughter, Laurie Welch (K.U. graduate) Assistant to Director of Admissions, University of Kansas, Lawrence

Education

Bachelor of Arts, University of Kansas, 1958
Juris Doctorate (Law), University of Kansas, 1961

Professional Experience

Federal Bureau of Investigation, 1961-1986, including tenure as Supervisor of FBI operations in Kansas

Associate Director, Kansas Law Enforcement Training Center, 1986-1989

Director, Kansas Law Enforcement Training Center, July 1, 1989-July 15, 1994

Director, Kansas Bureau of Investigation, July 18, 1994

Awards and Recognition

Elected to Life Membership in Kansas Sheriff's Association

Elected to Life Membership in Kansas Peace Officers' Association

Elected to Life Membership in International Association of Directors of Law Enforcement Standards and Training

Served as moderator on first several live national law enforcement training teleconferences by the FBI and Kansas City Missouri Police Department, 1986-1987, on the Law Enforcement Satellite Training Network

Invited by U.S. Department of Justice to participate in setting up police training programs in Panama, February-March, 1990

Commended by Kansas State House of Representatives, March, 1990, for contributions to Kansas law enforcement

Invited by FBI National Academy to speak at European FBI National Academy Conference, Rome, Italy, September, 1990

Elected to Board of Governors, Adams Alumni Center, University of Kansas Alumni Association, 1992

Named Criminal Justice Professional of the Year by Wichita Crime Commission, 1992

Named University of Kansas Employee of the Year, 1993

Leader of Kansas Law Enforcement Delegation to train Russian Police, St. Petersburg, Russia, August, 1993

Governor Emeritus, Board of Governors, Kansas Peace Officers' Association

Appointed to Koch Crime Commission Law Enforcement Task Group, 1994

Appointed to Kansas Law Enforcement Training Commission, 1994

Professional Membership

Kansas Peace Officers' Association

Kansas Sheriffs' Association

Kansas Association of Chiefs of Police

Kansas University Alumni Association

Society of Former FBI Agents

FBI National Academy Associates

Kansas Bar Association

National Sheriffs' Association

International Association of Chiefs of Police

U.S. Attorney Law Enforcement Coordinating Committee

Association of State Criminal Investigative Agencies



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Charles E. Simmons
Acting Secretary

Bill Graves
Governor

M E M O R A N D U M

To: Senate Judiciary Committee
From: Charles E. Simmons
Acting Secretary of Corrections
Re: Senate Bill No. 360
Date: March 8, 1995

The Department of Corrections requested the introduction of Senate Bill No. 360 and urges its passage.

Senate Bill 360 does three things:

- (1) reduces from 20% to 15% the good time which can be earned by an inmate;
- (2) addresses offender management problems related to the 90 day incarceration period for violation of conditions of postrelease supervision;
- (3) provides a mechanism for the secretary of corrections to make direct placements of inmates to the Labette Correctional Conservation Camp in order to increase utilization of that sentencing alternative.

GOOD TIME

The current statutes allow inmates to reduce the incarceration period of their sentence by up to 20% through earned good time credits. This bill would reduce to 15% the amount of good time which could be earned by an inmate.

Provisions of the Federal Crime Bill require that for states to access grant funds through the Truth in Sentencing Grant Program they must have in place sentencing laws which provide for violent offenders to serve not less than 85% of their sentence. It may be necessary in the near future for Kansas to proceed with expansion projects to increase its prison capacity. In the event that such projects are necessary, some of the costs to the State for

Senate Judiciary
3-8-95
Attachment 2

Senate Judiciary Committee
Re: SB 360
March 8, 1995
Page 2

construction of the facilities may be reduced through federal grant funds. Amendment of the state statute now will place the State in a position to be eligible to receive these grant funds.

Good time is used as a management tool by corrections personnel. It provides an incentive for inmates to maintain appropriate behavior while incarcerated and to participate in work and programs assigned or recommended by staff. We believe that provisions for earned good time credits should be retained in statute but feel that a reduction by 5% in the good time which is available to be earned will not adversely impact its use as a management tool. The lower good time rate would apply to those crimes committed on and after the effective date of SB 360.

90 DAY REVOCATION ISSUE

Current law provides that when an offender's postrelease supervision period is revoked the maximum period of incarceration is 90 days following the offender's revocation hearing before the Kansas Parole Board. Parole and facility personnel have indicated that the short duration of this incarceration period presents management problems in both field and facility supervision.

In the field, staff indicate that some offenders view the 90 day period as being too short to be a deterrent to conduct which would violate conditions of postrelease supervision. These offenders ignore efforts on the part of the parole officer to enforce conditions of supervision.

Once these offenders are revoked, facility personnel report that they encounter management and discipline problems since the offenders know they will be released in 90 days whether or not they maintain good conduct. These offenders have little incentive to maintain appropriate conduct during the incarceration period.

To address these problems, provisions in SB 360 would increase the revocation period from up to 90 days to a flat 180 days. However, offenders would have the opportunity to earn up to 90 days credit in order to be released at 90 days. The longer revocation period may deter some offenders from violating conditions of supervision and the ability to earn an earlier release may be sufficient incentive for offenders to maintain appropriate conduct while incarcerated.

The bill would also increase the length of the supervision period for all offenders by 12 months (from 12 to 24 months and from 24 to 36 months), with a provision that offenders could earn credits to reduce the supervision period by 12 months back to the existing

Senate Judiciary Committee
Re: SB 360
March 8, 1995
Page 3

terms. The intent of these amendments is to provide an incentive for offenders to maintain compliance with conditions of supervision. Currently the only incentive is the potential for revocation. This provision will establish an opportunity for the offender to control his or her future through appropriate conduct which is in compliance with conditions of supervision which have been imposed.

Both of these provisions are compatible with the department's offender management philosophy that offenders should be held responsible and accountable for their conduct. The increased revocation and supervision periods will affect only those individuals who commit crimes on and after the effective date of SB 360.

LABETTE CORRECTIONAL CONSERVATION CAMP

The LCCC has a capacity of 104. It is budgeted for an average daily population of 95. It has consistently operated with a count in the 70's. This has continued despite laws enacted during the 1994 session which were intended to increase utilization of the facility.

This facility is operated by Labette county through a grant of approximately \$1.5 million administered by the Department of Corrections. Placements to the facility are made by sentencing courts.

The amendment proposed in SB 360 would allow the Department of Corrections to make direct placements to the LCCC. Offenders placed at the facility would be those who have sentences in the presumptive non-incarceration grid boxes of either sentencing grid and meet eligibility criteria established by the LCCC. Based on past utilization by the courts it is anticipated that approximately 40 offenders would be placed at the LCCC by the Department of Corrections each year.

This amendment is intended to increase utilization of the LCCC to a level closer to that for which it is budgeted.

CES/nd

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OFFICE OF THE GOVERNOR

TESTIMONY SUBMITTED
TO THE SENATE JUDICIARY COMMITTEE
ON SENATE BILL 360
BY BRENT ANDERSON, COUNSEL TO THE GOVERNOR
MARCH 8, 1995, 10 A.M.

Governor Graves strongly supports Senate Bill 360 and urges the committee to recommend it favorably for passage. The Governor believes passage of this bill is vitally important to our state's future efforts to imprison violent offenders and to keep them there for as long as the interests of justice require.

A key provision of the bill would reduce from 20 to 15 percent the good time credit that inmates can earn during their incarceration. Not only does this provision reinforce this Legislature's commitment to determinate sentencing, as advocated by candidate Graves and most of you in this room, but it also is the final component necessary for Kansas to qualify for at least \$50 million in federal funds over the next five years to be used for construction, maintenance and operation of state prisons.

By reducing good time to 15 percent, corrections personnel maintain an effective tool in managing inmates while Kansas establishes a good time rate that is consistent with federal sentencing and a soon-to-be large majority of states. It is that consistency of message -- that those criminals who are caught and convicted must serve a minimum of 85 percent of their guidelines sentence before they are eligible for release from prison -- that assures the public that justice is being done and would-be criminals that their punishment will be fair, swift and certain.

The Governor also endorses the proposed increase in the incarceration period -- to 180 days from 90 -- for those offenders who violate the conditions of their postrelease supervision. Corrections personnel -- and the public -- need this tool to make certain that offenders are held accountable for their conduct outside prison walls as well as within. The existing 90-day term is simply too short to serve this purpose.

The Governor also supports the bill's provision that enables the Department of Corrections to fully utilize the boot camp facility operated by Labette County.

Thank you for this opportunity to emphasize Governor Graves' strong support for this important legislation.

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Senate Judiciary
3-8-95
Attachment 3