

Approved: 4-5-96
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 14, 1996 in Room 514-S of the Capitol.

All members were present except: Senator Vancrum
Senator Brady

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: Representative Ballou
Representative Toplikar
Secretary Simmons, Department of Corrections
Marilyn Scafe, Chair of the Kansas Parole Board
Kyle Smith, KBI testifying for the Attorney General
Bob Wayne, Iola, Kansas
David Post, Johnson County
Mike Post, Johnson County
Alma Webber
Brenda Leebrick

Others attending: See attached list

The Chair called the meeting to order at 10:00 a.m. The Chair explained the agendas for the next Committee meetings. The Chair stated that the Committee will meet on adjournment tomorrow and Monday to consider subcommittee reports.

HB 2700--If parole denied, hearing within 10 years of denial instead of 3 years.

Representative John Ballou testified in support of **HB 2700**. The conferee discussed the difficulties victims and families have with the parole hearings as they are scheduled under current law. (Attachment 1)

Representative Toplikar testified in support of **HB 2700**. The conferee stated that this bill will relieve the families and survivors from having to plead in front of the parole board as often, and grant more discretion to the parole board. The conferee requested that the Committee consider changing the next parole hearing for felons other than A or B or off grid back to five years instead of three years. (Attachment 2)

Secretary Simmons testified in support of **HB 2700**. The Secretary related a summary of the bill, the impact of the bill on the KDOC and the KDOC position on the bill. The Secretary stated that the KDOC recommended a three-year maximum pass. (Attachment 3)

Marilyn Scafe, Chair of the Kansas Parole Board testified in support of **HB 2700**. The conferee stated that this bill will potentially decrease the number of required hearings. The conferee referred to a provision in **HB 2700**, requiring the Board to order restitution and requested that the provision be removed. The conferee stated that the Board will continue to enforce the court orders, but in the best interest of the victims the restitution orders should remain a function of the court.

Ms Scafe requested that the provisions of **SB 731** be amended into **HB 2700** concerning the Board's ability to hold an administrative review of all file material and violation reports rather than conducting a personal interview for condition violators returned to the Board because of a new conviction. (Attachment 4)

The Committee and the conferee discussed how extending the time between parole hearings would affect the

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MINUTES OF THE SENATE COMMITTEE ON JUDICIARY, Room 514-S Statehouse, at 10:00 a.m. on March 14, 1996.

prisoner's ability to complete prescribed programs, as well as issues concerning safeguards for state penal employees .

Kyle Smith, KBI testified on behalf of Attorney General Carla Stovall in support of **HB 2700**. The conferee stated that the Attorney General is sympathetic to the agony the victims and their families feel when a parole hearing is scheduled. The Attorney General is aware of the restrictions which are frequently imposed on the Parole Board under current law. The conferee stated that the Attorney General supports striking the language on page 1, lines 36-39, which requires a court to make a conscious decision as to whether sentences are to run concurrent or consecutive. The conferee stated that the Attorney General requests that the Committee consider an amendment to K.S.A. 22-3717 which was originally **SB 698**. This amendment would require that for the worst felons, murderers and rapists, parole eligibility would require that the minimum period of confinement is served, and that the prisoner not receive any disciplinary reports for one year prior to the parole eligibility and have satisfactorily completed the treatment and educational agreement that was determined upon their admission to prison. The conferee stated that this amendment had broad support. (Attachment 5)

Kyle Smith referred to a question raised by a member of the Committee on retroactivity and stated that last year the US Supreme Court ruled in *California v Morales* that legislation almost identical to **HB 2700** is constitutional as long as the prisoner is entitled to their first parole hearing.

The Committee members discussed with the conferee issues concerning the completion of a prescribed program. The conferee stated that he had no problem with amending to include language that if the person "failed to participate." Secretary Simmons stated that the amendment would apply only to off-grid crimes there is no parole eligibility for fifteen years and certainly that should allow time for completing whatever program(s) is/are required.

The Committee members discussed with the conferee issues concerning the discipline free requirement and restitution being set by the Parole Board.

Bob Wayne, Iola Kansas spoke in support of **HB 2700**. Mr. Wayne explained that his twelve year old daughter was abducted and brutally rape in 1972. The conferee related that because of annual parole board hearings for the perpetrator of that crime, his family suffers. The conferee discussed the effects the crime and the appearances before the parole board have on his daughter. The conferee stated that his family lives in fear because of threats from the perpetrator of that crime. The conferee expressed his feeling that a child molester cannot be rehabilitated. The conferee stated that even though the trauma can not be removed from his daughter, this bill might help others. The conferee requested that **HB 2700** be passed. (Attachment 6)

David Post and Mike Post testified in support of **HB 2700**. The conferees related that their parents and four siblings were killed by a bomb in September of 1980. The conferees explained that the person was convicted and sentenced to six life sentences, but was eligible for parole fifteen years later. The conferees stated that each time that person comes up for parole the family must relive that horrendous crime. The conferees explained that their family and friends put up an effort last August to keep the perpetrator in jail, and each time he comes up for parole the family must go through that emotional, time consuming and expensive process. The conferees stated that the law has changed since that person was sentenced to allow that the parole board can only pass for a maximum of three years. The conferee stated that the parole board is the only tool families of victims have to keep inmates like him in jail. The conferee stated that victims families have the choice of not seeing the perpetrator for up to ten years. The conferees concluded by stating that **HB 2700** would give some rights back to the victim, and urged the Committee to support the bill.

Alma Webber, former employee of the Department of Corrections, and mother of a murder victim testified in support of **HB 2700**. The conferee related that her son, Paul Weber was a Parole Officer for the State of Kansas when he was stabbed to death by one of his parolees, John Wesley Turner on October 19, 1976. The conferee related the stress her and her family must face when Mr. Turner comes up for parole. The conferee requested that consideration for parole should include: one year without disciplinary convictions, minimum security status, and completion of all recommended offender programs. The conferee concluded by stating that longer intervals of time between parole hearings would bring her and her family more peace. (Attachment 7)

Brenda Leebrick testified in support of **HB 2700**. The conferee related that her sister-in-law was brutally murdered in 1976 and the man who committed this crime was sentenced to life imprisonment. The conferee stated that because of the laws in effect at the time, that person became eligible for parole fifteen years later and every three years after that if he was not granted parole. The conferee stated that her family is forced to campaign against his release every time he is eligible for parole. The conferee stated that her family is in favor of **HB 2700**, but one problem still exists and that is the issue of the inmate's ability to apply for clemency from the governor. The conferee stated that to the victims' families the clemency issue is the same as the

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parole hearing as it requires the same effort on their part. The conferee stated that the family would like to see some wording added that addresses the issue of how frequently a convicted criminal can apply for clemency or pardon. The conferee stated that the criminal has nothing to lose, and theoretically, clemency or pardon action could happen every four years. By not addressing the clemency issue there is a loophole. The conferee stated that on behalf of her family please consider that language be added to this bill that would effectively address this problem. The conferee concluded by stating that the family's goal would be to have as much time between any hearing or clemency action as possible. (Attachment 8)

The Chair stated that those are all of the proponents listed and that the opponents will testify at tomorrow's Committee meeting.

The Chair adjourned the meeting at 11:15 a.m.

The next meeting is scheduled for March 15, 1996.

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: 3-14-96

NAME	REPRESENTING
Phyllis Roseman	Kansas Farm Bureau
Diana Kaiser	Ks. Farm Bureau
Sara Harris	Ks Farm Bureau - USD #328
Dawn Thum	Ks Farm Bureau USD #328
Angela Cullens	Ks. Farm Bureau USD #328
Seth Smith	Ks Farm Bureau USD 327
Christina Sobus	KS Farm Bureau USD 328
Jon Kepner	" USD 327
Mark Smith	" USD 327
Don Smith	" USD 327
Bob & Welcome Wagner	John Ks
Kyle Smith	KBI
Charles Simmons	KDOC
Alma Weber	
Veronica Doff	Ks. AOW
Julie Meyer	Ks. Sentencing Comm
Rebecca Woodman	Ks. Sentencing Comm
Barb Jones	Ks Sentencing Comm.
Marilyn Seife	KPB

#1
JOHN BALLOU

REPRESENTATIVE, FORTY-THIRD DISTRICT

HOME ADDRESS: 19180 SOUTH WAVERLY

GARDNER, KANSAS 66030

(913) 856-6355

OFFICE ADDRESS: STATE CAPITOL, SUITE 155-E

TOPEKA, KANSAS 66612-1504

(913) 296-7683



TOPEKA

HOUSE OF
REPRESENTATIVES
March 14, 1996

COMMITTEE ASSIGNMENTS
AGRICULTURE
EDUCATION
FEDERAL AND STATE AFFAIRS

Chairman and Members of the Senate Judiciary Committee

I stand before you today to give testimony on the importance of HB-2700, and what its impact will be.

The importance of HB-2700 is that victims and the family of victims will not have to go to a Parole Hearing every year or 3 years to testify. At the present time, every convicted felon sentenced prior to July, 1993 of A & B felons is guaranteed a parole hearing every 3 years, and C, D & E felons every year after they have served their minimum sentence. This puts an unnecessary burden on the victims and/or their family members to have to testify and relive the horror of the crime all over again, even when the Parole Board is not going to release the convicted felon anyway.

HB-2700 will still give to convicted felons their first Parole Hearing after serving their minimum sentence. However, after their first hearing and review by the Parole Board, the Parole Board will then have the discretion of setting the next hearing for ~~5~~³ years for C, D & E felons, or 10 years for A & B felons.

HB-2700 will also require judges to go on record when there is multiple sentencing, whether the sentences are to be concurrent or consecutive.

You will hear testimony later, from David Post and what HB-2700 means to him and his family. Remember, there are more families like the Post Family which are having to disrupt their lives every year or 3 years because of this very unjust law that favors the convicted felon, NOT THE VICTIM OR THEIR FAMILY.

Rep. John Ballou

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ATTACH 1

#2

STATE OF KANSAS

JOHN M. TOPLIKAR

REPRESENTATIVE, 15TH DISTRICT
507 E. SPRUCE
OLATHE, KS 66061



HOUSE OF REPRESENTATIVES

OFFICE: 155 EAST
TOPEKA, KS 66612
(913) 296-7683

March 14, 1996

Mr. Chairman and members of the Senate Judiciary Committee:

The legislation we are proposing in HB-2700 will change the current mandate for holding hearings now imposed upon the Parole Board. We feel there is a need to grant more discretion to the Parole Board in setting the next hearing date after a violent criminal has been denied parole.

HB-2700 will relieve the families and survivors of crime victims from pleading before the Board as often, in order to keep a convicted murderer or rapist off the streets. For years, the law has been overly concerned with the rights of criminals. It's time to re-focus our justice and compassion on the families of the victim.

Mr. Chairman, the House made an amendment to the bill and if your committee decides to make any additional changes, I hope you would consider changing the next parole hearing for criminals who committed crimes other than Class A or Class B, or an off grid felony, back to five years, as Representative Ballou and I had originally drafted.

John Toplikar, Representative
15th District

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ATTACH 2*

#3



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

Bill Graves
Governor

Charles E. Simmons
Secretary

MEMORANDUM

Date: March 14, 1996
To: Senate Judiciary Committee
From: Charles E. Simmons, Secretary
Subject: HB 2700

Summary of the Bill's Provisions

- Provides that the sentencing judge must state on the record whether sentences in multiple conviction cases are to be served concurrently or consecutively. Under current law, sentences run concurrently unless otherwise stated in the record or otherwise provided by law.
- Increases from 3 years to 10 years the length of a pass which the Kansas Parole Board (KPB) can impose for offenders convicted of a Class A, B or off-grid crime.
- Increases from 1 year to 3 years the length of a pass which the KPB can impose for offenders convicted of crimes in felony classes other than Class A, B or off-grid.

Impact on the Department of Corrections

The primary operational impact on the Department of Corrections results from the bill's provisions increasing the length of the pass which the KPB can issue in making parole decisions. The extent of the impact will depend on the degree to which the board exercises the authority provided in the bill. Increasing the length of time which inmates must serve before they are next considered for parole has the potential for increasing the security risks presented by those inmates, both in terms of escape potential and daily

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management, including potential for disruptive behavior and risks to departmental staff. Therefore, HB 2700 creates the potential for some realignment in the custody distribution of the inmate population, shifting affected inmates from lower to higher custody classification levels. We expect that most of the shift would occur in inmates moving from minimum custody to medium custody.

As of December 31, 1995 there were 4,028 inmates (or 57% of the total inmate population of 7,055) with indeterminate sentences only, i.e. whose release is subject to the jurisdiction of the KP. Of the 4,028, there were 1,164 inmates with a minimum custody classification, with the following felony class distribution by controlling offense: 54 Class A; 353 Class B; 525 Class C; 177 Class D; 44 Class E; 1 unclassified; 12 compact; and 92 for whom felony class was not entered in the database. Although we cannot project with certainty the number of inmates whose custody might increase as a result of this bill, our best judgment at this time is that not more than 10 percent of the indeterminate sentence minimum custody inmates might be affected.

At the current time, the department has a deficit of minimum security beds and a surplus of medium and maximum security beds. With existing capacity (including beds to be added in March upon completion of the Garland Building at Winfield Correctional Facility) and Prophet model population projections as of June 30, 1996, the department estimates, for male inmates, the minimum security bed shortfall at 203, and the medium and maximum security bed surpluses, at 175 and 206, respectively. If any upward shift in custody stays within these bounds, there would be little impact on bedspace configurations in the immediate future. Regarding future bedspace needs, the bill might contribute to a somewhat heavier weighting for higher security beds than would otherwise be the case. However, the overall impact of the bill would tend to decrease over time as the number of offenders with indeterminate sentences becomes a smaller segment of the inmate population.

Impact on Size of Inmate Population

HB 2700 carries the potential to increase inmate population levels, since fewer opportunities to parole could result in fewer parole release decisions. However, the department does not expect the impact to be significant. The extent of impact depends on the manner in which the Kansas Parole Board exercises the expanded discretion regarding length of pass. Our expectation is that the board would individualize pass length decisions in accordance with the board's judgment about future parole prospects for each inmate. If this occurs, the eventual release dates for individual inmates would not likely be substantially different from current practice, even if the board varies the time intervals at which it considers whether or not to parole the inmate. We therefore believe the impact will be minimal.

KDOC Position

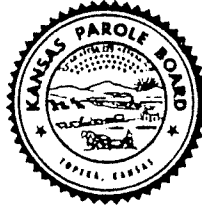
The department is supportive of providing the KPB with authority to increase pass lengths, especially in the higher felony classes where there are inmates scheduled for parole hearings who have extremely low probabilities of being paroled. Decreasing the frequency of the hearings will not likely affect parole decision outcomes, but will have the positive effect of reducing the disruptions that these hearings create in the lives of victims and victims' families.

The department recommended to the House committee that the five-year maximum pass length originally included in the bill for Class C, D, and E felony classes be set at three years instead. This amendment is included in the bill now before this committee. The five-year pass length presented a greater potential for inmate custody re-distribution within the inmate population, and therefore, greater potential for operational impact in terms of disruptive behaviors, staff safety concerns, escape risks, and inmate work assignments. A three-year maximum pass provides additional KPB discretion in setting pass length, representing a tripling of the one-year maximum currently in effect, with less operational drawbacks on offender management.

CES;jj

Marilyn Scafe
Chairperson

#4



Leo "Lee" Taylor
Vice Chairperson

Christopher N. Cowger
Member

Bob J. Mead
Member

Sherman A. Parks, Jr.
Member

Micah A. Ross
Director

Sandra K. Smith
Assistant Director

KANSAS PAROLE BOARD
LONDON STATE OFFICE BUILDING
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MEMORANDUM

TO: Chairman and Members
Judiciary Committee of the Senate

FROM: Kansas Parole Board
Marilyn Scafe, Chair

DATE: March 14, 1996

RE: HB 2700, SB 731

SUMMARY

The items in HB2700 which affect the duties of the Parole Board are orders for restitution and reimbursement for the Board of Indigents' Defense services, and the extension of time between parole hearings. The change in SB731 will allow the Parole Board to streamline the revocation process on those releasees returned for new convictions.

COMMENTS

Pass Length:

The Parole Board is supportive of the extension of pass lengths. This will potentially decrease the number of required hearings. With the current statute, the Board is required to see some inmates who have obviously not become parole "suitable". Longer passes will eliminate some of these unnecessary hearings. This action will also ease the stress for victims who must appear frequently to protest a possible release.

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Orders for Restitution and Reimbursement of the Board Indigents' Defense Services:

SB655, which was recently passed by the Judiciary Committee, has relieved the Parole Board from the duty of ordering restitution. The Board will continue to enforce the court orders for restitution and reimbursement for The Board of Indigents' Defense services. It is in the victims' best interest that this remains a function of the court, since this is the more appropriate place to investigate and determine the need and amount of restitution. For these reasons, the Board opposes the inclusion of these responsibilities for the Board in this bill.

SB731:

Those convicted under the Sentencing Guidelines who have been returned to the Board because of a new conviction are clearly in violation of their conditions of release. It is the law that if revoked for a new conviction, the offender must serve his maximum on the first sentence before his time starts on the new conviction. In such cases, the Board is asking for the ability to hold an administrative review of all file material and violation reports rather than conducting a personal interview. This process would be consistent with the Board's current efforts to become more efficient.



LARRY WELCH
DIRECTOR

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



CARLA J. STOVALL
ATTORNEY GENERAL

TESTIMONY
KYLE G. SMITH, ASSISTANT ATTORNEY GENERAL
KANSAS BUREAU OF INVESTIGATION
BEFORE THE SENATE JUDICIARY COMMITTEE
IN SUPPORT OF HOUSE BILL 2700
MARCH 14, 1996

Chairman Emert and Members of the Committee:

It is a pleasure to appear today on behalf of Attorney General Carla Stovall in support of House Bill 2700 . As you are aware, General Stovall has previously served on the Kansas Parole Board and is keenly aware of the restrictions which are frequently inappropriately imposed upon the Parole Board under the current law.

Regardless of how ridiculous it might be to consider parole for certain felons, the Board is constrained by statutory language to holding such hearing. The anguish and confusion the victim and the victim's family suffer when they think the Parole Board is seriously considering releasing certain defendants is needless when the only reason is the statutory requirement. HB 2700 would extend the time frame to give the Parole Board the discretion to set hearings at an appropriate time within the broader limits of HB 2700.

We also support striking the language on page 1, lines 36-39, which in effect requires a court to make a conscious decision as to whether sentences are to run concurrent or consecutive. Hopefully that is done now, but the existing language allows the court to ignore the issue with the resulting default of concurrent sentences.

1620 TYLER TOPEKA, KANSAS 66612
(913) 296-8200 FAX: 296-6781

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Finally, General Stovall requests that this committee consider an amendment to K.S.A. 22-3717 as shown as in the attached balloon. This amendment originated with the Department of Corrections and the Kansas Organization of Victim Assistance and requires that for the very worst felons, murderers and rapists, parole eligibility would require not just that they serve the minimum period of confinement, but also that they not receive any disciplinary reports for one year prior to the parole eligibility and have satisfactorily completed the treatment and educational agreement that was determined upon their admission to prison pursuant to K.S.A. 75-5210a. General Stovall feels that if an inmate cannot conform his or her behavior with all the guidance and restrictions provided by prison, then it is ridiculous to release such a person into society at large.

Further, by knowing that failure to complete their treatment and educational agreement or disciplinary reports will prolong their parole eligibility date, this would provide great incentive for good behavior and assist corrections in handling such individuals.

To repeat, this amendment applies only to the most serious offenders, persons convicted of A and B felonies or off grid felonies, and merely incorporates existing requirements, but gives them the force of law by making them mandatory before parole eligibility.

While not needed to be amended into this bill, I have attached a copy of K.S.A. 75-5210a which explains the treatment programs and is incorporated by reference in the balloon. I would be happy to stand for questions.

75-5210a. Programs designed to prepare inmate for release on parole or postrelease supervision; agreements between secretary and inmate; completion of program reported to parole board; inmate eligible for parole or postrelease supervision prior to completion of program, authority of board; agreement entered into inmate's record. (a) Within a reasonable time after a defendant is committed to the custody of the secretary of corrections, the secretary shall enter into a written agreement with the inmate specifying those educational, vocational, mental health or other programs which the secretary determines the inmate must satisfactorily complete in order to be prepared for release on parole or postrelease supervision. To the extent practicable, the agreement shall require the inmate to have made progress towards or to have successfully completed the equivalent of a secondary education before release on parole if the inmate has not previously completed such educational equivalent and is capable of doing so. The agreement shall be conditioned on the inmate's satisfactory conduct, employment and attitude while incarcerated. If the secretary determines that the inmate's conduct, employment, attitude or needs require modifications or additions to those programs which are set forth in the agreement, the secretary shall revise the requirements. The secretary shall agree that, when the inmate satisfactorily completes the programs required by the agreement, or any revision thereof, the secretary shall report that fact in writing to the Kansas parole board. If the inmate becomes eligible for parole or entitled to postrelease supervision before satisfactorily completing such programs, the secretary shall report in writing to the Kansas parole board the programs which are not completed. Failure to complete the required programs shall not impact the postrelease supervision date of the inmate. However, the parole board may impose conditions relating to completion of these program elements or other conditions that must be followed during the specified period of postrelease supervision.

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1 in K.S.A. 22-3725 and amendments thereto may receive meritorious good
2 time credits in increments of not more than 90 days per meritorious act.
3 These credits may be awarded by the secretary of corrections when an
4 inmate has acted in a heroic or outstanding manner in coming to the
5 assistance of another person in a life threatening situation, preventing
6 injury or death to a person, preventing the destruction of property or
7 taking actions which result in a financial savings to the state.

8 Sec. 3. K.S.A. 21-4720 and 22-3717 are hereby repealed.

9 Sec. 4. This act shall take effect and be in force from and after its
10 publication in the statute book.

(t) In addition to any other provision of law, no inmate sentenced to imprisonment for an off-grid offense committed on or after the effective date of this act shall be eligible for parole until such inmate: (1) serves the minimum period of confinement as provided in subsections (b) and (c); (2) has not received any disciplinary reports while incarcerated for a period of one year prior to parole; and (3) has satisfactorily completed the programs required by any agreement entered under K.S.A. 75-5210a and amendments thereto, or any revision of such agreement.

#6

My full name is Robert R. Wayne. My wife, Welcome, and I are here today from Iola, Kansas to tell you why we are in favor of passing the HB 2700 Bill.

Our reasons are simple. Our December 22, 1979, our 12 year old daughter was taken from in front of our home. She was taken by force and driven a few miles from home where she was brutally raped while a knife was held to her throat. He also had a gun. He was caught and given a 15 year to Life sentence in 1980.

At this point in our lives, we are wondering who has the Life sentence. We know our daughter will live with this for life. Every year before Christmas, we have to go before the parole board and plead our case to keep this rapist in prison. We feel the Parole Board should have the power to "pass over for parole" the convict for more than one or two years. Every year we are made to endure the fact that this convict might be released and will carry out this threats to kill our daughter and the entire family.

Our belief is that a child molester can not be rehabilitated and if given a chance, will again commit the same crime. This time, which is often the case, he will kill the victim.

As of this day, our daughter won't go out of the house alone after dark. She doesn't want anyone to know her address or place of employment. As parents, we weren't allowed to put in the paper about her college graduation or about the birth of our grandchild. These are just small things, which put together causes much stress within the

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immediate family. While we endure this stress every year, all the convict has to do is sit in prison and wait until the next year.

Our daughter just relayed to her grandmother in the last few weeks that she just sits and cries a lot when she is alone. She tries to stay busy to keep from thinking about what happened to her, but we're convinced she is scarred for life. We know we can't remove that trauma from her, but if we can help keep these criminals in prison and away from others, maybe another girl won't be hurt. It will help tremendously to not have to fight keeping him in every year, but allowing the Parole Board to "pass them over" for as long as possible.

Bob & Welcome Wayne
115 N. Holiday Lane
Iola, Kansas 66749
(316)365-7459

I am Alma Weber, former employee of Department of Corrections, a mother of Paul Weber, Parole Officer for the State of Kansas. Paul was stabbed to death by one of his parolees, John Wesley Turner, on October 19, 1976. On June 2, 1977, John was sentenced to a term of Life for one count of First Degree Murder and a term of 5 -- 20 for one count of Aggravated Assault to a Law Enforcement Officer. A fellow parole officer accompanied Paul to the Turner home as John and his mother were not getting along and Paul was going to find other living quarters for John.

Mr. Turner was received at the Hutchinson Correctional Facility on June 9, 1977. He was transferred to Larned State Hospital on November 14, 1978. From Larned he was transferred to the Lansing Correctional Facility on July 23, 1980. Between July 23, 1980 and August 23, 1990, John was transferred between Lansing and Larned a total of 20 times. In August of 1991, we came to our first Public Comment Session as John was eligible for parole. He was passed for two years. On January 22, 1992, Mr. Turner was transferred to the Larned Mental Health Correctional Facility where he has remained.

Again, in August of 1993, John came up for parole and we learned that he was classified Special Management, as he had pled guilty to three K.A.R. violations - one for Misuse of State Property, the second was for Fighting and the last one was for Battery. Mr. Turner was given a three-year pass that time which is the longest the Parole Board is empowered to pass an inmate.

In the fall of 1994, while working at the Topeka Correctional Facility, I discussed my visiting John Turner with Leo Taylor, Warden. Mr. Taylor and the warden of the Larned Mental Health Correctional Facility discussed the feasibility of this visit. Our reply from Phil Swope, Deputy Warden, indicated John's diagnosis was "Mentally Unstable" with a history of violence. A copy of the memo from the Mental Health Professional indicated "Mr. Turner is having enough difficulty maintaining some type of emotional equilibrium due to the symptoms of his mental illness without placing this additional burden on him." Mr. Turner continues to be sanctioned for K.A.R. violations of a serious nature resulting in seg time and in August of this year, John will again come up for parole.

As of the first of the year, as I understand, the Department of Corrections no longer grants furloughs to those incarcerated; however, the criteria for an inmate to be considered for a week-end furlough include minimum custody status, no disciplinary convictions for a year, and complete all recommended offender programs. Yet in August, Mr. Turner will not have to meet any requirements except that he has completed that pass of three years by the Board in 1993.

In addition, prior to his appearance before the Board, John and his counselor must prepare his parole plan which includes establishing a residence, a job, and a parole sponsor. Completing this plan will surely also be stressful for John and, definitely, time consuming for the staff.

In August of this year, the Weber family again will be reliving the horror of Paul's murder -- struggling through the waves of pain, grief and anger. Yet as one of my son's said, "Paul was in the parole business. What would he want?" We believe Paul would want John to remain where he can receive help and not be placed in stressful environments in which he cannot cope.

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For the sake of compassion, security and efficiency, I am asking that you empower the members of the Parole Board with the option of passing an inmate, such as John, for a length of time of ten years and the requirements for consideration for parole include: one year without disciplinary convictions, minimum security status, and completion of all recommended offender programs. And for this mother you can give the gift of longer intervals of time between waking up at night seeing my son being stabbed to death and more peace remembering Paul and his love for: cinnamon rolls, touch football, his wife and daughter, family gatherings, sailing, his family of origin, and his work.

Alma Weber

3-14-96

Lance and Brenda Leebrick
R.R.1 Box 44
Atwood, KS 67730
(913) 626-9295

Dear Senators:

March 14, 1996

Thank you for the opportunity to speak with you today.

Forgiveness and compassion should be part of the fabric of all of our lives. Justice and concern for the welfare of our families and communities is also extremely important.

In 1976, my husband's sister, Linda, was brutally murdered and the man who committed this crime was sentenced to life imprisonment. Because of the laws that were in effect at the time he was sentenced, he became eligible for parole 15 years later and every 3 years after that if he was not granted parole. Our family, and other families in our same situation, in the interest of justice and public safety, are forced to jump into action, writing letters to the parole board, circulating petitions and making phone calls, each and every time these parole hearings come up. This obviously dredges up terrible memories and revictimizes our family. Bill #2700 effectively deals with the problem our family faces in that it can, based on the parole board's decision, extend the time between these parole hearings from 3 years to 10 years. Our family is in favor of this and we commend you on the outstanding job you have done so far and urge you to support this and any similar legislation that works toward this goal.

There is one problem that still exists that this bill does not address and that is the issue of the inmate's ability to apply for clemency from the governor. In our case, we had just been through a parole hearing in September of 1994 and he was passed for parole until October of 1997. Unfortunately, we were not able to wait even that long. Just 9 short months later, in April of 1995, he applied for clemency from Governor Graves and we had to go through the painful process of letter writing, petitions and phone calls again. For the victim's family the clemency issue is just the same as the parole hearing issue. It requires the same effort on our part to make sure our opinion is heard. So, as effective as this bill is in addressing the problem our family faces, it still does not go far enough. We would

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like to see some wording added that addresses the issue of how frequently a convicted criminal can apply for clemency or pardon from the governor. The criminal has nothing to lose by applying for clemency and theoretically this could happen every four years or more often. By not addressing the clemency issue in this bill, there is a loop-hole left for the criminal's benefit. It seems that the victim's rights are being neglected when a criminal who has been sentenced to spend the rest of his life in prison can use his time (and tax payer's money!) to, in effect, continue revictimizing the family by forcing them to be constantly vigilant in their efforts to make their opinion concerning the situation heard. It also seems unfortunate to have a bill before us that comes so close to solving this problem and yet, because it does not deal with this one issue, in fact ends up only solving part of the problem.

Our family would greatly appreciate your efforts in adding a clause to this bill that would be effective in addressing this problem. Our goal is to have some kind of language in the law that puts as much time as possible between any and all types of requests for hearings and clemency that would involve the family's intervention. Thank you for your time and attention to this matter.

Sincerely,

Lance Leebrick
Brenda Leebrick

Lance and Brenda Leebrick
(Brother and sister-in-law of Linda Leebrick)

Virginia Leebrick
Wilbur Leebrick
Wilbur and Virginia Leebrick
(Parents of Linda Leebrick)