

Approved: 3-25-97
Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Senator Lana Oleen at 11:00 a.m. on February 12, 1997 in Room 254-E of the Capitol.

All members were present.

Committee staff present: Mary Galligan, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Midge Donohue, Committee Secretary

Conferees appearing before the committee:

Senator Steve Morris
Judge Marla J. Luckert, Chair of Judicial Council, Judicial Branch, Board of
Indigent Defense Services Advisory Committee, Topeka
Judge James Buchele, Shawnee County District Judge, Topeka
Sheriff Dave Meneley, Shawnee County, Topeka
Joan M. Hamilton, District Attorney, Kansas Third Judicial District, Topeka
Ms. Rena R. Smith, Barb's Bail Bonds, Hutchinson
Mr. Jerry W. Watson, National Association of Bail Insurance Companies, Tyler,
Texas
Mr. Michael F. Brunton, Attorney at Law, Topeka
Mr. Edwin H. Bideau III, Attorney at Law, Chanute

Others attending: See attached list

Before opening the hearings on **SB 158** which would direct judicial districts to establish own recognizance-cash deposit pretrial release programs, Senator Oleen reminded the committee that provisions of this bill had initially been contained in **SB 28**, which relates to recoupment of certain state expenditures to provide counsel and other defense services to indigent defendants, but those provisions had been taken out of that bill because it is a separate and distinct issue.

SB 158: An act concerning crimes, punishment and criminal procedure; directing judicial districts to establish own recognizance-cash deposit pretrial release programs

Senator Steve Morris addressed the committee in support of **SB 158 (Attachment #1)**. Senator Morris discussed the background of the proposal which he said came about following discussions by the Judicial Council during a study last fall of the continuing problem of funding for indigent defense in Kansas. He said the proposal to allow the courts to administer the bail bond program was motivated by the ever increasing dollars required from the state treasury to pay for indigent defense. He told the committee he believed the practice of having the courts administer the bail bonds program would be most effective in the urban counties and would probably be of benefit to rural counties as well.

Judge Marla J. Luckert, District Court Judge and Chair of the Judicial Council Judicial Branch/Board of Indigent Defense Services Advisory Committee, testified on behalf of the Judicial Council in support of **SB 158 (Attachment #2)**. Judge Luckert told the committee the proposal was brought forward following "A Study of the Interaction Between the Judicial Branch and the Board of Indigent' Defense Services" (Attachment #3) last fall by the Judicial Council at the request of the Ways and Means Committees of both houses which gave the Council specific directions to focus on measures that would help increase the recoupment efforts of the Board of Indigent' Defense Services. She said the Council's studies led to an examination of the cash deposit pretrial release program which, where implemented, had led to an increased rate of collection of restitution, attorney fees and court costs. Judge Luckert advised that three judicial districts currently utilize the cash deposit bonding mechanism and that mandating implementation of the program would result in uniformity and set the framework for increased recoupment efforts.

Judge James Buchele, Shawnee County District Court Judge, Topeka, offered information in support of the

CONTINUATION SHEET

MINUTES OF THE SENATE FEDERAL & STATE AFFAIRS COMMITTEE, Room 254-E-Statehouse, at 11:00 a.m. on February 12, 1997.

SB 158 (Attachment # 4) He told the committee that Shawnee County had developed a pre-trial release program in response to a law suit in the mid 1980s involving the Shawnee County Jail and jail population control. He said that, although the legality of the program had been challenged, the Kansas Supreme Court responded by allowing the courts to adopt the program. Judge Buchele told the committee the program was put back into effect in 1995 and presented information (Attachment #5) showing the increase in collections that resulted. Presented also was a spreadsheet indicating the types of bonds written in the Shawnee County District Court in 1996 (Attachment #6), along with a comparison of criminal cases filed in 1994 with those filed in 1996 (Attachment #7). In regard to the latter, he noted that failure to appear cases were cut in half. Judge Buchele discussed also the First Appearance Bond Screen Form (Attachment #8) and directed the committee's attention to disbursement of bond collections (Attachment #9).

Sheriff Dave Meneley, Shawnee County, Topeka, appeared in opposition to **SB 158 (Attachment #10)**, saying he represented the views not only of his office but of the taxpayer. He takes exception to a pre-trial release program that allows criminals to post a 10% bond when many, he said, had committed serious crimes and are released at little or no expense to themselves. In regard to the overcrowding situation at the jail, he responded by saying there is no excuse for paying an agency to release prisoners just to create more room. Sheriff Meneley noted that crime increased 44.9% in Shawnee County after the pre-trial release program was implemented. He contended that the type of program proposed in **SB 158** is a disaster to the criminal justice system and sheriff's departments across the country where it has been implemented. Further, he stated that professional bondsmen perform a vital service, saying when bondsmen become involved in the process it ensures collection of the entire bond.

Joan M. Hamilton, District Attorney, Kansas Third Judicial District, Topeka, appeared in opposition to **SB 158 (Attachment #11)**, saying she has seen both sides of the criminal justice system. Her main concern as chief law enforcement officer in Shawnee County is that this bill would not ensure safeguards for the community and fails to make the defendant accountable for his actions. She said the problem with the pre-trial release program is that there is no one to go get the defendant if he fails to appear, and she questioned who would be responsible for bringing the defendant in. Ms. Hamilton discussed sentencing guidelines, saying what some people consider non-violent crimes really are not, and directed the committee's attention to her written testimony listing the various levels. She suggested an amendment that would include requiring restitution to the victims as a priority and payment of any transportation costs associated with bringing the defendant to the jurisdiction. Ms. Hamilton urged the committee to consider public safety and report the bill unfavorably.

Ms. Rene R. Smith, Barb's Bail Bonds, Hutchinson, appeared in opposition to **SB 158 (Attachment #12)** and explained the role of a bondsman to the committee, saying a lot of people do not understand the service a bondsman performs at no cost to the state or taxpayer. She noted the success of bonding companies in getting defendants to appear in court and stressed the importance of the program. Ms. Smith questioned where the money would come from to administer the program if the bill passes, saying it would cost a lot of money to implement, which is not available in the county.

Mr. Walter Gatsche, Gatsche Bail Bonding Agency, Manhattan, yielded his time to Mr. Jerry W. Watson, National Association of Bail Insurance Companies, Tyler, Texas, who spoke in opposition to **SB 158 (Attachment #13)**. Mr. Gatsche provided written testimony to the committee (Attachment #18). Mr. Watson told the committee his clients write approximately 82% of all bonds in the United States, and he provided background information on the company he represents. He prefaced his remarks about his opposition to **SB 158** by saying, if it passes, it would put his clients in Kansas out of business, as it seeks to put county government into the commercial court appearance bonding business. Mr. Watson then outlined his reasons for opposition to the bill, stating that it is unworkable in terms of getting persons to court, it creates a public safety danger and is economically unsound. He asked that the bill be defeated.

Senator Oleen extended the hearing ten minutes to allow for additional conferees to be heard because she had used some of the hearing time for committee information.

Mr. Michael F. Brunton, Attorney at Law, Topeka, addressed the committee in opposition to **SB 158 (Attachment #14)**. He enumerated several reasons for opposing the bill, stating there is no need for such legislation, that it should be postponed pending determination by the Kansas Supreme Court on the constitutionality of pretrial release procedures; that the need does not exist for own-recognizance cash deposit bond, that the procedure proposed will not work, and that it would create a new bureaucracy with no benefit to the taxpayer while eliminating a substantial number of private enterprise jobs.

Mr. Edwin H. Bideau, Attorney at Law, Chanute, appeared in opposition to **SB 158 (Attachment #15)** and echoed the remarks made by Mr. Brunton concerning the bill. He expressed concern with the provision that would require the innocent to pay 10% of the bond even though they were not guilty and pointed out that, if

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MINUTES OF THE SENATE FEDERAL & STATE AFFAIRS COMMITTEE, Room 254-E-Statehouse, at 11:00 a.m. on February 12, 1997.

the bill passes, it would be the first time in the State of Kansas that someone would have to pay before they were convicted.

Due to time constraints, all conferees listed did not have an opportunity to present oral testimony. Senator Oleen acknowledged those who were not heard, asked them to identify themselves and told them she would remain to visit with them. She assured them their written testimony would be made available to the committee and entered in the official record.

Written testimony offered by the following in opposition to **SB 158** and entered in the record:

Helen Stephens, representing the Kansas Peace Officers' Association and the Kansas Sheriffs' Association (Attachment #16)

Mr. Ralph Hiatt, President, Professional Bail Agents of Kansas (Attachment #17)

Mr. Walter F. Gatsche, Gatsche & Associates Bonding, Manhattan (Attachment #18)

Mr. Dwight J. Parscale, President and CEO of NewTek, Inc., Topeka (Attachment #19)

Mr. William K. Rork, Attorney at Law, Topeka (Attachment #20)

Mr. Gary Barrett, Executive Director, Strike Back, Washington, D.C. (Attachment #21)

Sheriff Philip G. McManigal, Jackson County, Holton (Attachment #22)

Mr. Manuel Baraban, Kansas Association of Professional Sureties, Overland Park (Attachment #23)

Mr. Shane L. Rolf, Aarecorp Bonding and Shane's Bail Bonds, Olathe (Attachment #24)

The meeting adjourned at 12:10 p.m. The next meeting is scheduled for February 13, 1997.

SENATE FEDERAL & STATE AFFAIRS COMMITTEE
GUEST LIST

DATE: 2/12/97

| NAME | REPRESENTING |
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| Edym. Newell | Judicial Council |
| Bob Storey | Ks Assoc. Pro Secutors |
| David Stuckman | NABIC |
| Derek Shirk | |
| Joan Hamilton | District Attorney - Shawnee |
| Bill Kenney | Wichita - |
| Mal Barbara | O.P. Hamm |
| SHANE L ROLF | ANRECOM BOARD - Olathe |
| O R Dierking | Staley & Dierking attorneys |
| Lisa Meyer | Ks Gov. Consulting |
| Kos's Greenfeather | Wichita |
| Brenda Kewig | Banks Bill Bonds. |
| Doug Smith | KAPS |
| John Hunt | NABIC |
| John [unclear] | Self |
| Michael [unclear] | Self |
| Uelen Stephens | KSA / KPOA |
| Sheriff Steve Kennedy | Lawrence County Sheriff |
| Sheriff Phil McManis | Jackson Co. Sheriff |

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TESTIMONY ON SB 158 BEFORE THE
SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

February 12, 1997

Madam Chairman and Committee Members:

Thank you for the opportunity to testify in favor of SB 158. This proposal came about because of the continuing problem of indigent defense in Kansas and the ever-increasing number of dollars required from the State Treasury to pay for the defense of indigent defendants. The FY 98 Budget of the Board of Indigents is \$12,360,910 with a supplemental of \$1,349,241 requested for FY 97.

The Senate Ways and Means Committee requested the Judicial Council study the issue of how judges declare indigency and related matters. This committee met from June through October and spent a significant amount of time discussing various proposals and brainstorming.

The proposal to allow the courts to administer the bail bonds program came from these discussions. Currently the only money from 95% of the defendants in courts across this state goes to provide "bail" to get out of jail. The state is stuck with court costs, fines, attorney fees, lack of restitution, etc. This would be one small step to help alleviate this situation. I realize it would not cover a very large percentage of the costs involved in this process, but it would help.

Senator Steve Morris
Testimony on SB 158
Senate Federal and State Affairs Committee
February 12, 1997

The caseloads in all of our courts are increasing dramatically and in turn, taking a bigger and bigger bite from the General Fund. In Finney County, one of the counties in the Senate District that I serve, the case loads have increased from approximately 4,000 in 1986 to 10,000 plus in 1996.

I believe that having the courts administer the bail bonds program would be most effective in the more urban counties and would probably be of benefit to most rural counties as well. I would be happy to answer any questions.

Judicial Council Testimony in Support of Senate Bill No. 158

Presented by Marla J. Luckert
District Court Judge and
Chair of Judicial Council
Judicial Branch/ Board of Indigent
Defense Services Advisory Committee

The 1996 Legislature requested the Kansas Judicial Council undertake a study of the interaction between the Judicial Branch and the Board of Indigents' Defense Services (BIDS). The Legislature requested a study of many aspects of BIDS, including "measures that would help increase the recoupment efforts of the Board of Indigents' Defense Services. The study should also focus on reimbursement for services and costs for those defendants found to be partially indigent and whether judges should order defendants to reimburse costs at the time of sentencing."

In part, this request was prompted by a Legislative Post Audit report conducted in September 1994 and a study funded by the Legislature and conducted by the Wichita State University Hugo Wall School of Urban and Public Affairs. These studies cited significant deficiencies in efforts to recoup attorney fees from defendants who were deemed partially indigent. In fiscal year 1995, the Board of Indigents' Defense Services expended \$8,885,936.27. Statewide the recovered amount was \$789,721.81 or 8.89 percent of the expenditures. Examining the statistics on a county by county basis, in most counties less than 25 percent was recovered; only seven counties exceeded 50 percent. The recoupment rate was as low as 0.21 percent.

To address these issues, the Judicial Council appointed the Judicial Branch/Board of Indigents' Defense Services Advisory Committee consisting of legislators, judges, and attorneys.

The committee included Representative Gayle Mollenkamp, Russell Springs, and Senator Stephen R. Morris, Hugoton. Judges serving on the committee in addition to me were Jack L. Burr; Goodland, William F. Lyle, Jr., Hutchinson; Paul E. Miller, Manhattan; and Clark V. Owens II, Wichita. Professor William Rich of Washburn University, Mark J. Sachse, Kansas City and Ronald Wurtz, Topeka were the attorney members.

Very early in the course of our committee's work we reached the consensus that district court's should presume that defendants were able to pay some amount for defense services. The amount may be minimal or it may be a rough equivalent of the actual cost. This presumption is even stronger in presumptive probation cases, which are those listed in Senate Bill 158, because usually a defendant will be required to gain or maintain employment as a condition of probation. Hence, while a defendant may have been truly indigent when arrested or even at the time of sentence, he or she may gain the ability to pay the costs while on probation.

Kansas law before 1972 mandated repayment. However, this statute was found unconstitutional by the United States Supreme Court. *James v. Strange*, 407 U.S. 128 (1972). Subsequently, the Court, in *Fuller v. Oregon*, 417 U.S. 40 (1974), determined it was constitutional to require those able to repay to do so as long as there were hardship exceptions. The Judicial Council's recommendation is that this approach be adopted and recommendations relating to this are in Senate Bill 28 which will be considered tomorrow.

This leaves the difficult issue of how to effectively recoup the expended attorney fees. Our studies of this question lead us to examination of the cash deposit pretrial release program which, where implemented, had lead to an increased rate of collection of restitution, attorney fees and court costs. The committee strongly felt that the program accomplished several things: (1) it brings cash

into the account when a defendant and defendant's family are highly motivated; (2) it emphasizes the obligation to repay the State for the expenses of an attorney; and (3) it utilizes the "bird in hand" philosophy and becomes one of the most effective collection devices.

In the interests of public safety, however, the proposed legislation applies only in situations where the pending charge is one where the presumptive sentence under sentencing guidelines is probation. Further, the bill does not exclude the use of other bonding procedures in any case. If under the circumstances of the case the judge does not feel the cash deposit is the appropriate form of bond, the judge may require a professional surety, surety, cash or other form of bond.

The American Bar Association in the American Bar Association Standards for Criminal Justice, Pretrial Release Standard 10-5.4(a) and the National District Attorney's Association in the National Prosecution Standards, Second Edition, Pretrial, Section 45.6, Money Bail, both recommend the ten percent cash deposit bail options.

The cash deposit bonding mechanism is now available to judges. Three judicial districts utilize the program (the 3rd, Shawnee County; 11th, Crawford, Cherokee, and Labette counties; and the 20th, Barton, Ellsworth, Rice, Russell and Stafford counties). However, as previously noted, one of the major criticisms in the legislative post audit report was lack of uniformity. Mandating the implementation of the program will result in that uniformity and in setting the framework for increased efforts at recoupment.



KANSAS JUDICIAL COUNCIL

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February 11, 1997

TO THE MEMBERS OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

Dear Senators:

Enclosed is a copy of "A Study of the Interaction Between the Judicial Branch and the Board of Indigents' Defense Services," as approved by the Kansas Judicial Council.

The study is the origin of Senate Bill 158 relating to the establishment of own recognizance - cash deposit pretrial release programs which will be heard Wednesday, February 12, 1997, and Senate Bill 28 relating to recoupment of certain expenditures to provide counsel and other defense services which will be heard Thursday, February 13, 1997.

Very truly yours,

Randy M. Hearrell

RMH/ts
Enclosure

Sen. Federal & State Affairs Comm.
Date: 2-12-97
Attachment: #3

**A STUDY OF THE INTERACTION
BETWEEN THE JUDICIAL BRANCH AND THE
BOARD OF INDIGENTS' DEFENSE SERVICES**

**Prepared by the Kansas
Judicial Council Judicial Branch/
Board of Indigents' Defense Services
Advisory Committee**

**Approved by the
Kansas Judicial Council
November 22, 1996**

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A STUDY OF THE INTERACTION BETWEEN THE JUDICIAL BRANCH AND THE BOARD OF INDIGENTS' DEFENSE SERVICES

BACKGROUND

The 1996 Legislature requested the Kansas Judicial Council undertake a study of interaction between the Judicial Branch and the Board of Indigents' Defense Services. The request from the Legislature also included the following language:

“The study should include suggestions about how to help judges determine indigence, how to ensure that judges are actually scrutinizing the required affidavits of indigence, what factors are appropriate to examine in determining indigence, and any other measures that would help increase the recoupment efforts of the Board of Indigents' Defense Services. The study should also focus on reimbursement for services and costs for those defendants found to be partially indigent and whether judges should order defendants to reimburse defense costs at the time of sentencing.”

The Judicial Council reviewed the request, accepted the study, and appointed an advisory committee consisting of district judges, legislators, and practicing lawyers. The following are the members of the Kansas Judicial Council Judicial Branch/Board of Indigents' Defense Services Advisory Committee: Judges: Honorable Marla J. Luckert, Chair, Topeka; Honorable Jack L. Burr, Goodland; Honorable William F. Lyle Jr., Hutchinson; Honorable Paul E. Miller, Manhattan; and Honorable Clark V. Owens II, Wichita. Legislators: Representative Gayle Mollenkamp, Russell Springs; and Senator Stephen R. Morris, Hugoton. Lawyers: Professor William Rich, Topeka; Mark J. Sachse, Kansas City; and Ronald E. Wurtz, Topeka.

The committee met five times and, in addition, the Chair of the committee reported on the work of the committee to the Kansas Judicial Conference, which is semi-annual meeting of all of the judges in Kansas.

The committee has reviewed applicable statutes, rules and regulations, Attorney Generals' opinions, reports, research, practices in other states, proposed legislation, and legal writings. In addition, the following persons appeared before the committee: Kathy Estes, J. Patrick Lawless, and Scott Rothe, from the State Board of Indigents' Defense Services; Ed Collister, practicing lawyer in Lawrence; Ellyn Sipp and Trish Pfannenstiel, Legislative Division of Post Audit; Honorable James P. Buchele, Shawnee County District Court Judge; Kelly Lee, Shawnee County District Court Court Services Officer; Kathy Porter, Legislative Research Department and Terri Saiya, Kansas Parole Board.

1 INTRODUCTION

2
3 The Kansas Legislature is aware of, and willing to accept, its duty to provide defense services
4 for indigent persons accused of felonies. Because of the expense of providing such constitutionally
5 required services, the Legislature has long tried to be certain that those services are being provided
6 in a cost-effective manner. The Legislature requested the Kansas Judicial Council study the
7 interaction between the Judicial Branch and the Board of Indigents' Defense Services because it was
8 thought that a study of the area could produce suggestions that would reduce costs.

9
10 In the past, much of the focus in making the delivery of defense services more efficient has
11 centered on whether or not the defendant is indigent. The committee began with a similar focus.
12 The "conventional wisdom" seems to be that about ten percent of the persons who receive defense
13 services paid for by the state are not eligible for such services. This perception is partially a result
14 of the Performance Audit Report Reviewing the Operations of the Board of Indigents' Defense
15 Services, Legislative Division of Post Audit (September, 1994) which found: "About ten percent of
16 the defendants whose cases we reviewed appeared to have income or property holdings which might
17 disqualify them for free legal services." This finding is not consistent with what those committee
18 members who are directly involved in the criminal justice system believe they have observed.

19
20 To better understand the report of Legislative Post Audit, the Committee invited the persons
21 who conducted the audit to appear at a committee meeting to discuss the report. Two of the three
22 auditors who worked on the audit still work for the division and they met with the committee.

23
24 The auditors explained their methodology in conducting the audit. They informed the
25 Committee that they reviewed the affidavits of indigency in 192 cases. In 19 of those cases, there
26 appeared to be sufficient questions to lead the auditors to conclude those persons might not be
27 indigent. The auditors found income levels that were high enough that indigency could be
28 questioned, ownership of real estate, and wages that were under-reported. The auditors explained
29 to the Committee that they had access to privileged information, such as human resources wage
30 records and SRS welfare files, that is not available to the court. The auditors acknowledged that
31 while the 19 cases raised "red flags," they could not say with certainty which person or persons
32 where not entitled to court-appointed counsel and agreed that it was possible that all 19 were
33 indigent.

34
35 After better understanding the post audit report, the committee concluded that it would
36 require additional resources to more accurately determine indigency prior to appointing counsel.
37 The committee chose to not make such a recommendation because both the costs and results are
38 uncertain. The committee is of the opinion that it will be more effective to put a system into place
39 which requires that, after conviction, the defendant be responsible for repayment of the costs of
40 defense services paid for by the state, if the defendant is able to do so. This suggested policy of
41 focusing on collection after conviction does not mean the committee suggests less emphasis on
42 determining indigency prior to appointing counsel.

43
44 The recommendations of the committee can be divided into four categories.

1 The first category contains recommendations implementing the committee's proposal to seek
2 repayment of costs of defense services after conviction. These are recommendations numbers 1
3 through 6.
4

5 The second category contains a recommendation to improve the determination of indigency
6 procedure at the beginning of a case and appears as recommendation 7. Also note recommendation
7 14, relating to determination of indigency.
8

9 The third category contains recommendations which answer the legislature's request that the
10 committee suggest measures which will help to increase the recoupment efforts of BIDS.
11 Recommendations 1, 2, 4, 5, 6, and 7 will directly increase recoupment and several other
12 recommendations may assist in increasing recoupment.
13

14 The fourth category contains miscellaneous recommendations which the committee
15 recommends as improvements to the present system. These recommendations came to the attention
16 of the committee as it conducted the study and are numbered 8 through 13.
17

18 LIST OF RECOMMENDATIONS

19

- 20 1. Statutes relating to sentencing (21-4603 and 21-4603d), probation or suspended
21 sentence (21-4610), parole or postrelease supervision (22-3717), and conditional
22 release (22-3718) be amended to make it mandatory that the defendant
23 reimburse the state for expenditures for defense services and the amount to be
24 reimbursed be the lesser of the amount claimed by the appointed counsel on the
25 voucher for reimbursement or the amount allowed by the "Reimbursement
26 Table in Public Defender Cases" prepared by BIDS. (The statutes provide an
27 exception to defendant's obligation to pay in cases of "manifest hardship" an
28 "compelling circumstances.")
29
- 30 2. K.S.A. 22-4513 be amended to provide that, if the defendant is convicted,
31 expenditures on defendant's behalf for defense services become a civil
32 judgment.
33
- 34 3. K.S.A. 22-4507 be amended to require claims for compensation and
35 reimbursement of court-appointed counsel be presented to the court at
36 sentencing.
37
- 38 4. The Legislature enact a statute which requires each judicial district to adopt an
39 "own recognizance-cash deposit pretrial release program."
40
- 41 5. Chapter 195 of the 1996 Session Laws of Kansas be utilized to collect money
42 expended by the Board of Indigents' Defense Services.
43

- 1 6. **K.S.A. 22-4522 be amended to authorize the Board of Indigents' Defense**
2 **Services to utilize the debt collection procedures authorized by K.S.A. 75-6201**
3 **et seq.**
- 4
5 7. **The current indigency affidavit be re-drafted to be more user-friendly, to focus**
6 **more on the defendant's current income and assets rather than past earnings,**
7 **to include additional information to be used in bond screening, be sworn to by**
8 **the defendant, and K.S.A. 22-4504 be amended to require that the affidavit**
9 **become part of the permanent file of the case.**
- 10
11 8. **The Board of Indigents' Defense Services study the subject of reimbursement**
12 **of the costs of appeals and make recommendations on the subject to the**
13 **legislature.**
- 14
15 9. **The Board of Indigents' Defense Services make information about attorneys'**
16 **billings, statewide and district-wide costs for types of cases available to judges**
17 **approving vouchers.**
- 18
19 10. **The Judicial Branch include the subjects of determination of indigency and**
20 **approval of vouchers at the training for new judges and that additional training**
21 **in these areas be offered judges when appropriate.**
- 22
23 11. **Community service be used as a way of "repaying" indigents' defense costs.**
- 24
25 12. **K.S.A. 20-350 be amended to provide that fifty percent (50%) of the amount of**
26 **forfeited appearance bonds be paid into the county general fund.**
- 27
28 13. **The Board of Indigents' Defense Services amend Rule 105-3-9 which relates to**
29 **"Duties of Trial Counsel Following Sentencing" in subsection (3) to read as**
30 **follows:**
31
32 **(3) file a notice of appeal, when appropriate, in a timely**
33 **manner, unless a waiver of the right to appeal has been**
34 **signed by the defendant.**
- 35
36 14. **The Board of Indigents' Defense Services report to the legislature on the results**
37 **of the Sedgwick County indigency screening pilot project.**
- 38
39
40

DISCUSSION OF RECOMMENDATIONS

The Committee recommends:

1. **Statutes relating to sentencing (21-4603 and 21-4603d), probation or suspended sentence (21-4610), parole or postrelease supervision (22-3717), and conditional release (22-3718) be amended to make it mandatory that the defendant reimburse the state for expenditures for defense services and the amount to be reimbursed be the lesser of the amount claimed by the appointed counsel on the voucher for reimbursement or the amount allowed by the "Reimbursement Table" prepared by BIDS. (The statutes provide an exception to defendant's obligation to pay in cases of "manifest hardship" and "compelling circumstances.")**

The committee found that currently statutes relating to sentencing (21-4603 and 21-4603d), parole or postrelease supervision (22-3717), and conditional release (22-3718) are lacking specific language requiring the defendant to reimburse BIDS for expenditures made for defense services. Currently, K.S.A. 21-4610 relating to probation or suspended sentence contains such language.

The committee recommends that K.S.A. 21-4603, 21-4603d, 22-3717, and 22-3718 be amended to require the defendant to reimburse BIDS and that such amendments be drafted to recognize defendant's rights if they are unable to reimburse BIDS or if reimbursement is an undue hardship. The committee also recommends that the above listed statutes and K.S.A. 21-4610 be amended to state that the amount of such reimbursement be the lesser of the amount claimed by appointed counsel on the voucher for reimbursement or the amount allowed by the BIDS "Reimbursement Table."

This recommendation is one of several made by the committee which, while continuing current emphasis on determining indigency, places additional emphasis on repayment for defense services after conviction. There are several reasons the committee took this approach. The committee believes that the current system is doing a good job of determining indigency with the resources that are available; that increased recoupment efforts after conviction will be effective; that unlike the beginning of the case when the court is under time constraints, after conviction, the defendant will have contact with various components of the criminal justice system and the system will have leverage with respect to the defendant; that after conviction, the amount that has been spent on the defendant's defense services is known; and that if the recommended "own recognizance-cash deposit pretrial release program" is implemented on a statewide basis (see recommendation 4), it will provide additional assets for payment of court-ordered obligations, including reimbursement of BIDS.

See pages 4 through 24 of the Appendix for the proposed amendments.

2. **K.S.A. 22-4513 be amended to provide that, if the defendant is convicted, expenditures on defendant's behalf for defense services become a civil judgment.**

The committee heard testimony that under the present system there is little consistency in obtaining civil judgments requiring payment for defense services financed by BIDS. One of the

1 reasons for this is that the current statute sets out a procedure whereby BIDS may send notice to the
2 county or district attorney in the county where the defendant was convicted and that the county or
3 district attorney may petition the district court to require defendant to pay all or part of the expenses
4 for defense services. Because this is at the option of the county or district attorney that there is little
5 consistency in obtaining civil judgments in these cases.

6
7 The committee recommends that current language setting forth this procedure be stricken and
8 that language be inserted in K.S.A. 22-4513 which follows the language of K.S.A. 22-3801a that
9 makes court costs a civil judgment.

10 The committee is of the opinion that obtaining civil judgments in each case will allow more
11 consistency in pursuing these amounts. It is the opinion of the committee that obtaining these civil
12 judgments will allow the state to be more successful in collection of these debts.
13

14 See recommendations 5 and 6 relating to collection of debts owed to courts.

15 See page 28 of the Appendix for the proposed amendment.

- 16
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18
19 3. **K.S.A. 22-4507 be amended to require claims for compensation and reimbursement of**
20 **court-appointed counsel be presented to the court at sentencing.**

21 In discussing recoupment of expenditures by BIDS, it was observed that one of the reasons
22 for inconsistency in courts ordering repayment of expenditures for defense services is that the costs
23 are not known at the time of sentencing. The committee proposes K.S.A. 22-4507 be amended to
24 require claims for compensation and reimbursement of court-appointed counsel be presented at
25 sentencing and thus enable the court to enter orders and judgments for a liquidated amount.
26

27 The committee also recommends language be inserted in K.S.A. 22-4507 to state that if good
28 cause is shown why the claim is not presented, a supplemental claim may be filed at a later time.
29

30 See page 27 of the Appendix for the proposed amendment.

- 31
32
33 4. **The Legislature enact a statute which requires each judicial district to adopt an "own**
34 **recognizance-cash deposit pretrial release program."**

35 The committee recommends the legislature adopt a statute which requires each judicial
36 district to adopt an "own recognizance-cash deposit pretrial release program." Such a program
37 allows the defendant to post a cash bail deposit directly with the court rather. Generally, ten percent
38 of the bond's face value is posted. If the defendant is found not guilty, nine percent of the bond's
39 face value is returned to the defendant and one percent of the bond's face value is kept as an
40 administrative fee and paid to the county general fund.
41

42 If the defendant is found guilty, the county keeps one percent of the face value of the bond
43 as an administrative fee which is placed in the county general fund. The refundable portion of the
44 bond (the remaining nine percent of the face value of the bond) is first allocated to pay court-ordered
45 obligations such as court costs, fines, restitution of victims, and reimbursement of the state for
46

1 providing defense services. If all of the refundable portion is not required to pay court-ordered
2 obligations, the balance is refunded to the defendant. If the defendant uses a bondsman and is found
3 not guilty, none of the money is refunded to him or her and none of the money is paid into the county
4 general fund. If the defendant uses a bondsman and is found guilty, none of the money goes to pay
5 court-ordered obligations and none of the money is paid into the county general fund.

6
7 The experience in counties using the "own recognizance-cash deposit pretrial release
8 program" has been the defendants' rate of appearance in court at least equals and may exceed that
9 of bail bondsmen, and that the bond screening which is implemented as part of the program protects
10 the public because it identifies dangerous persons. In addition, the collection of court-ordered
11 obligations such as fees, fines, restitution, and reimbursement is increased. As an example, in
12 Shawnee County, using 1994 as the base year, the increase over 1994 in 1995 was \$280,000 for a
13 ten month period. The increase over 1994 in 1996 was \$400,000.

14
15 The committee was impressed with the Shawnee County "own recognizance-cash pretrial
16 release program." In the Shawnee County program, a staff person does bond screening. The person
17 goes to the jail each morning and, if necessary, assists in completing the bond screening form. The
18 staff person verifies the information contained on the bond screening form and also checks the
19 accused person's criminal history. At first appearance, the staff person makes a recommendation
20 relating to bonding with the main focuses being the safety of the community and the appearance of
21 the accused person in court. The committee believes that bonding and financial information relating
22 to indigency can be gathered at the same time, and if staff is involved, with the assistance of the
23 same person.

24
25 There have been court bonding programs in Kansas for a number of years. In 1995, the
26 Kansas Supreme Court issued Administrative Order No. 96 which provides a model local rule and
27 supporting materials for establishment of a "own recognizance-cash deposit pretrial release
28 program." The administrative order requires that judicial districts which have such programs comply
29 with the rule. The American Bar Association in the American Bar Association Standards for
30 Criminal Justice, Pretrial Release Standard 10-5.4(a) and the National District Attorney's
31 Association in the National Prosecution Standards, Second Edition, Pretrial, Section 45.6, Money
32 bail, both recommend the ten percent cash deposit bail options.

33
34 The statute recommended by the committee is modeled after a statute recommended by the
35 1984 Interim Judiciary Committee.

36
37 See page 1 of the Appendix for the draft of proposed legislation

- 38
39 5. **Chapter 195 of the 1996 Session Laws of Kansas be utilized to collect money expended**
40 **by the Board of Indigents' Defense Services.**

41
42 On July 1, 1996, Senate Substitute for House Bill 2012 became law. The legislation provides
43 for collection of "debts owed to courts" which is defined as any assessment of court costs, fines, fee
44 or other charges which a district court judgment has ordered to be paid to the court. It appears
45 reimbursement for defense costs provided by BIDS may be included in the definition of "debts owed
46 to courts". To clarify this, the committee recommends that Section 1 of Chapter 195 of the 1996

1 Session Laws of Kansas (K.S.A. 75-719) be amended to insert the phrase “defense costs paid by the
2 state” in the definition of “debts owed to court.”
3

4 See page 31 of the Appendix for the draft of proposed legislation.

- 5
6 **6. K.S.A. 22-4522 be amended to authorized the Board of Indigents’ Defense Services to
7 utilize the debt collection procedures authorized by K.S.A. 75-6201 et seq.**

8
9 Article 62 of K.S.A. Chapter 75 contains an act which establishes procedures for setting off
10 against debtors the sum of any debt owed to the state. It is the opinion of the committee that debtors
11 who owe for state provided defense services should be subject to this article and K.S.A. 22-4522
12 should be amended to so provide.

13
14 See page 30 of the Appendix for the draft of proposed legislation.

- 15
16 **7. The current indigency affidavit be re-drafted to be more user-friendly, to focus more
17 on the defendant’s current income and assets rather than past earnings, to include
18 additional information to be used in bond screening, be sworn to by the defendant, and
19 K.S.A. 22-4504 be amended to require that the affidavit become part of the permanent
20 file of the case.**

21
22 The recommendation to focus more on defendant’s current income and asserts rather than
23 past earnings is made because the committee is of the opinion that information relating to current
24 income and assets is more relevant in determining the defendant’s ability to pay for defense costs.
25 The committee notes that past earnings may or may not be an indication of current assets or future
26 earnings. Private counsel focuses on the defendant’s ability to pay either the entire fee or a retainer,
27 and the financial affidavit should provide the court information on the defendant’s ability to do so.

28
29 If the committee recommendation relating to “own recognizance-cash deposit pretrial release
30 program” is enacted, the committee recommends that the financial affidavit be combined with a form
31 for gathering bond screening information. Some of the information gathered on the bond screening
32 form and the financial affidavit is similar.

33
34 The committee recommends that the affidavit be sworn to by the defendant and that K.S.A.
35 22-4504 be amended to require the affidavit to become part of the permanent file in the case. The
36 committee heard from Legislative Post Audit Division auditors that many of the files they reviewed
37 did not have the indigency affidavits in them. It was agreed by the committee members, from their
38 personal experience, that there is no standard way these financial affidavits are filed. In addition,
39 information requested on the revised affidavit could be helpful in pursuing recoupment. For these
40 reasons, it is the opinion of the committee that the combined affidavit should become part of the
41 permanent case file. In addition, it is recommended that the affidavit contain an agreement to repay
42 defense costs and the defendant be required to sign the affidavit.

43
44 The committee found the current affidavit provided by the Board of Indigents’ Defense
45 Services is not “user-friendly,” especially when compared with the Los Angeles County’s Indigency
46 Affidavit, the Eighteenth Judicial District’s Indigency Affidavit, and the Shawnee County Bond

1 screening form. The committee believes the affidavit can be made more user-friendly by
2 simplification of the material included in the affidavit, reorganization of the affidavit, and by changes
3 in spacing and type style. In addition, it is the opinion of the committee members who are active in
4 the practice of criminal law that "Table E" on the second page of the current BIDS Financial
5 Affidavit is out-of-date and the costs of representation listed do not accurately reflect today's market.

6
7 See page 25 of the Appendix for the draft of proposed legislation.

8
9 **8. The Board of Indigents' Defense Services study the subject of reimbursement of the**
10 **costs of appeals and make recommendations on the subject to the legislature.**

11
12 The committee has proposed a complete set of recommendations for recovering expenditures
13 for defense services provided by the state at the trial level. However, the committee did not have
14 adequate information to determine if it is appropriate to attempt to recoup expenditures for appellate
15 costs, and if so, how it should be done. The committee suggests the Board of Indigents' Defense
16 Services study the subject and make recommendations on the subject to the legislature.

17
18 **9. The Board of Indigents' Defense Services make information about attorneys' billings,**
19 **statewide and district-wide costs for various types of cases available to judges**
20 **approving vouchers.**

21
22 In discussing the subject of judges approving payment vouchers for indigents' defense
23 services, it was agreed by the committee that additional information would be helpful to the judges.
24 The committee is aware that as of recently BIDS has available to it additional staff positions which
25 will be able to generate and provide information about attorneys' billings and statewide and district-
26 wide costs for various types of cases to judges approving vouchers. The committee recommends that
27 such information be provided to the judges.

28
29 **10. The Judicial Branch include the subjects of determination of indigency and approval**
30 **of vouchers at the training for new judges and that additional training in these areas**
31 **be offered judges when appropriate.**

32
33 The district judges on the committee are of the opinion that more information and training
34 relating to the determination of indigency and approval of vouchers would be helpful to judges
35 hearing criminal cases. The committee also suggests that these subjects be a part of the curriculum
36 at the training for new judges.

37
38 **11. Community service be used as a way of "repaying" indigents' defense costs.**

39
40 The committee recognizes that while a indigent defendant who remains indigent cannot be
41 required to repay BIDS, such person may be an appropriate subject for community service. It is the
42 opinion of the committee that current statutes in the area of community service are adequate and that
43 while it is not always possible for judges to require community service, if actual repayment is an
44 undue financial hardship, the committee recommends consideration be given to this method of
45 "repayment."
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2. **K.S.A. 20-350 should be amended to provide that fifty percent (50%) of the amount of forfeited appearance bonds be paid into the county general fund.**

The reason for this recommendation is that the county incurs costs when a bail bond is forfeited. Among these costs are the time of the county or district attorney in forfeiting the bond and expenses of law enforcement in locating and returning the defendant to the county.

Under the current statute, none of the money from the forfeited bond goes to the county. This leaves the county officials with no incentive to pursue such forfeitures. After review of the subject of forfeiture of bonds, it is the opinion of the committee that payment of fifty percent (50%) of the amount of forfeited appearance bonds to the county general fund is appropriate. The Committee is of the opinion that increased collections will offset at least part of the loss due to the lower percentage the state will receive.

See pages 2 and 3 of the Appendix for the proposed amendment.

13. **The Board of Indigents' Defense Services should amend Rule 105-3-9 which relates to "Duties of Trial Counsel Following Sentencing" in subsection (3) to read as follows:**

(3) file a notice of appeal, when appropriate, in a timely manner, unless a waiver of the right to appeal has been signed by the defendant.

The committee discussed the subject of appeals. After discussion, it was the opinion of the committee by inserting the language "when appropriate" might be effective in reducing appeals which defense counsel considers useless.

See page 34 of the Appendix for complete text of the proposed change in the rule.

14. **The Board of Indigents' Defense Services report to the legislature on the results of the Sedgwick County indigency screening pilot program.**

Currently BIDS is beginning a pilot program to study the cost effectiveness of having a staff person screen affidavits to determine indigency. In addition to closely reviewing the affidavit, the staff person will utilize a credit reporting service to check the affidavits.

The committee recommends that when the results of this study are available, they be provided to the legislature.

1 **ANSWERS TO QUESTIONS RAISED IN LEGISLATURE'S REQUEST**

2 In the request of the legislature, the Judicial Council was asked to undertake a study of the
3 interaction between the Judicial Branch and the Board of Indigents' Defense Services. The Judicial
4 Council has conducted such a study and its recommendations are contained in this report. This part
5 of the report responds directly to questions raised by the legislature in its request.
6

7
8 **(1) Suggestions on how to help judges determine indigency.**

9
10 The committee concluded the determination of indigency may not be the problem. The
11 committee suggests an improved affidavit form, possible assistance in completing the affidavit,
12 awareness of the Sedgwick County pilot project when that information becomes available, and
13 training for judges on determination of indigency.
14

15 **(2) How to insure judges are actually scrutinizing the required affidavits of indigency.**

16 The committee recommends that the statute be amended to require the indigency affidavit
17 to be made a part of the permanent court file.
18

19
20 **(3) Factors which are appropriate to examine in determining indigency.**

21 The committee is of the opinion that the factor which is appropriate to examine in
22 determining indigency is the defendant's current income and assets. It is the committee's opinion
23 that without additional resources, there is little likelihood that judges will have increased ability to
24 scrutinize the affidavit. It is hopeful that recommendations made in this report will lead to additional
25 collections after convictions from those who were not indigent at the time of appointing counsel.
26

27
28 **(4) Measures which would help to increase the recoupment efforts of the Board of**
29 **Indigents' Defense Services.**

30 A number of the proposals made by the committee consistent with its opinion that it is more
31 effective to focus additional efforts in recovering expenditures for defense services after conviction
32 are recommended throughout the report and include: amendment of the statutes directing orders to
33 pay at various stages in the proceedings; amendment of the statute making the expenditures on
34 defense services a civil judgment; the proposal to enact a statewide "own recognizance-cash deposit
35 pretrial release program;" the amendment of L. 1996, Ch. 195 so it may be utilized to collect money
36 BIDS spent in providing defense services; amendment to utilize the state "setoff" statutes; and
37 proposed amendment of the indigency affidavit to include information which will be helpful in
38 recovering expenditures for defense services.
39

40
41 **(5) Examine issues regarding partially indigent defendant's reimbursement of defense**
42 **services and costs.**

43 Currently, there are those persons who are able to contribute part but not all of the indigents'
44 defense cost. The new affidavit form and better screening procedures may find more of these
45

1 persons. In addition, the increased emphasis on recoupment after conviction may make a
2 determination of partial indigency less important.

3
4 **(6) Advise whether judges should order defendants to reimburse defense costs at time of**
5 **sentencing.**

6
7 It is the committee's opinion that judges should order defendants to reimburse defense costs
8 at the time of sentencing. The committee found that one of the reasons this is not done is because
9 the amount of the defense costs is not available at sentencing. The committee proposes statutory
10 amendment to require claims for compensation and reimbursement of court-appointed counsel be
11 presented to the court at sentencing. In addition, the recommended statutory amendment will cause
12 expenditures on defendant's behalf for defense services to become a civil judgment, if the defendant
13 is convicted.

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15
16 JUDICIAL COUNCIL JUDICIAL
17 BRANCH/BOARD OF INDIGENTS'
18 DEFENSE SERVICES ADVISORY
19 COMMITTEE

APPENDIX

BILL NO. _____

1 New Section 1. On or before January 1, 1998, each judicial district shall provide by rule for an "own
2 recognizance-cash deposit pretrial release program" which shall be in addition to the current
3 statutory pretrial release system. The rule shall provide that in all misdemeanors; level 7, 8, 9 and
4 10 felonies; drug severity level 4 felonies and unranked or unclassified felonies except for off-grid
5 felonies, the "own recognizance-cash deposit pretrial release program" is available as an alternative
6 to the current statutory pretrial release system. The "own recognizance-cash deposit pretrial release
7 program" shall provide that an accused person may deposit with the clerk of the court a cash sum
8 not to exceed 10 percent of the amount of the appearance bond set by the court. If the defendant
9 makes such a cash deposit, 90 percent of the deposit shall be returned to the defendant upon
10 performance of all required appearances and payment of all court ordered obligations or a finding
11 of not guilty. The remainder of the deposit and any interest thereon shall be deposited in the county
12 treasury and credited to the county general fund.

1 New Section 2. The clerk of the district court shall remit at least monthly to the county treasurer of
2 each county in the judicial district, for deposit in the county treasury and credit to the county general
3 fund, the amount equal to 50% of total amount of bail forfeitures received in such county during the
4 preceding calendar month.

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PROPOSED AMENDMENT TO 20-350

20-350. Disposition of money received by clerk; investment of moneys held; disposition of interest. (a) Except for fines and penalties authorized to be paid to counties pursuant to K.S.A. 19-101e and amendments thereto and as provided for bail forfeitures in section 2 and amendments thereto, all moneys received by the clerk of the district court from the payment of fines, penalties and forfeitures shall be remitted to the state treasurer, in the manner provided by K.S.A. 20-2801 and amendments thereto, and the state treasurer shall deposit the same in the state treasury to the credit of the state general fund, except as provided in K.S.A. 74-7336, and amendments thereto.

(b) The administrative judge may invest any moneys on deposit in the district court account if the moneys are not immediately required for the purposes for which they were collected or received. Such moneys may be invested in: (1) Time deposits, open account or certificates of deposit, for periods not to exceed six months, or savings deposits, in commercial banks located in the county, except that amounts invested which are not insured by the United States government shall be secured in the manner and amounts provided by K.S.A. 9-1402 and amendments thereto; (2) United States treasury bills or notes with maturities not to exceed six months; or (3) savings and loan associations located in the county. No investment of more than the amount insured by the federal deposit insurance corporation shall be made in any one savings and loan association. Interest received from the investment of moneys pursuant to this subsection shall be paid to the state treasurer in the manner provided by K.S.A. 20-2801 and amendments thereto, and the state treasurer shall deposit the same in the state treasury to the credit of the state general fund.

(c) Upon application of a party to an action in which such party claims ownership of moneys held by the district court, the administrative judge may invest such moneys in the same manner as provided by subsection (b). Interest received from the investment of moneys pursuant to this subsection shall become the property of the person found to be the owner of the moneys.

History: L. 1976, ch. 146, 45; L. 1977, ch. 109, 16; L. 1978, ch. 108, 9; L. 1981, ch. 134, 1; L. 1989, ch. 239, 2; L. 1990, ch. 94, 1; July 1.

PROPOSED AMENDMENT TO K.S.A. 21-4603

21-4603. Authorized dispositions; crimes committed prior to July 1, 1993.

(a) Whenever any person has been found guilty of a crime and the court finds that an adequate presentence investigation cannot be conducted by resources available within the judicial district, including mental health centers and mental health clinics, the court may require that a presentence investigation be conducted by the Topeka correctional facility or by the state security hospital. If the offender is sent to the Topeka correctional facility or the state security hospital for a presentence investigation under this section, the correctional facility or hospital may keep the offender confined for a maximum of 60 days, except that an inmate may be held for a longer period of time on order of the secretary, or until the court calls for the return of the offender. While held at the Topeka correctional facility or the state security hospital the defendant may be treated the same as any person committed to the secretary of corrections or secretary of social and rehabilitation services for purposes of maintaining security and control, discipline, and emergency medical or psychiatric treatment, and general population management except that no such person shall be transferred out of the state or to a federal institution or to any other location unless the transfer is between the correctional facility and the state security hospital. The correctional facility or the state security hospital shall compile a complete mental and physical evaluation of such offender and shall make its findings and recommendations known to the court in the presentence report.

(b) Except as provided in subsection (c), whenever any person has been found guilty of a crime, the court may adjudge any of the following:

(1) Commit the defendant to the, custody of the secretary of corrections or, if confinement is for a term less than one year, to jail for the term provided by law;

(2) impose the fine applicable to the offense;

(3) release the defendant on probation subject to such conditions as the court may deem appropriate, including orders requiring full or partial restitution. In felony cases, the court may include confinement in a county jail not to exceed 30 days, which need not be served consecutively, as a condition of probation;

(4) suspend the imposition of the sentence subject to such conditions as the court may deem appropriate, including orders requiring full or partial restitution. In felony cases, the court may include confinement in a county jail not to exceed 30 days, which need not be served consecutively, as a condition of suspension of sentence;

(5) assign the defendant to a community correctional services program subject to such conditions as the court may deem appropriate, including orders requiring full or partial restitution;

1 (6) assign the defendant to a conservation camp for a period not to exceed 180 days;

2
3 (7) assign the defendant to a house arrest program pursuant to K.S.A. 21-4603b and
4 amendments thereto;

5
6 (8) order the defendant to attend and satisfactorily complete an alcohol or drug education or
7 training program as provided by subsection (3) of K.S.A. 21-4502 and amendments thereto; or

8
9 (9) impose any appropriate combination of subsections (b)(1) through (b)(8).

10
11 In addition to or in lieu of any of the above, the court shall order the defendant to submit to
12 and complete an alcohol and drug evaluation, and pay a fee therefor, when required by subsection
13 (4) of K.S.A. 21-4502 and amendments thereto.

14
15 In addition to any of the above, the court shall order the defendant to reimburse the state
16 general fund for all or a part of the expenditures by the state board of indigents' defense services to
17 provide counsel and other defense services to the defendant. In determining the amount and method
18 of payment of such sum, the court shall take account of the financial resources of the defendant and
19 the nature of the burden that payment of such sum will impose. A defendant who has been required
20 to pay such sum and who is not willfully in default in the payment thereof may at any time petition
21 the court which sentenced the defendant to waive payment of such sum or any unpaid portion
22 thereof. If it appears to the satisfaction of the court that payment of the amount due will impose
23 manifest hardship on the defendant or the defendant's immediate family, the court may waive
24 payment of all or part of the amount due or modify the method of payment. The amount of attorneys
25 fees to be included in the court order for reimbursement shall be equal to the lesser of the amount
26 claimed by appointed counsel on the payment voucher for indigents' defense services or the amount
27 allowed by the Board of Indigents' Defense Services "Reimbursement Table."

28
29 In imposing a fine the court may authorize the payment thereof in installments. In releasing
30 a defendant on probation, the court shall direct that the defendant be under the supervision of a court
31 services officer. If the court commits the defendant to the custody of the secretary of corrections or
32 to jail, the court may specify in its order the amount of restitution to be paid and the person to whom
33 it shall be paid if restitution is later ordered as a condition of parole or conditional release.

34
35 The court in committing a defendant to the custody of the secretary of corrections shall fix
36 a maximum term of confinement within the limits provided by law. In those cases where the law
37 does not fix a maximum term of confinement for the crime for which the defendant was convicted,
38 the court shall fix the maximum term of such confinement. In all cases where the defendant is
39 committed to the custody of the secretary of corrections, the court shall fix the minimum term within
40 the limits provided by law.

1 (c) Whenever any juvenile felon, as defined in K.S.A. 38-16,112, and amendments thereto,
2 has been found guilty of a class A or B felony, the court shall commit the defendant to the custody
3 of the secretary of corrections and may impose the fine applicable to the offense.
4

5 (d)(1) Except when an appeal is taken and determined adversely to the defendant as provided
6 in subsection (d)(2), at any time within 120 days after a sentence is imposed, after probation or
7 assignment to a community correctional services program has been revoked, the court may modify
8 such sentence, revocation of probation or assignment to a community correctional services program
9 by directing that a less severe penalty be imposed in lieu of that originally adjudged within statutory
10 limits and shall modify such sentence if recommended by the Topeka correctional facility unless the
11 court finds and sets forth with particularity the reasons for finding that the safety of members of the
12 public will be jeopardized or that the welfare of the inmate will not be served by such modification.
13

14 (2) If an appeal is taken and determined adversely to the defendant, such sentence may be
15 modified within 120 days after the receipt by the clerk of the district court of the mandate from the
16 supreme court or court of appeals.
17

18 (e) The court shall modify the sentence at any time before the expiration thereof when such
19 modification is recommended by the secretary of corrections unless the court finds and sets forth
20 with particularity the reasons for finding that the safety of members of the public will be jeopardized
21 or that the welfare of the inmate will not be served by such modification. The court shall have the
22 power to impose a less severe penalty upon the inmate, including the power to reduce the minimum
23 below the statutory limit on the minimum term prescribed for the crime of which the inmate has been
24 convicted. The recommendation of the secretary of corrections, the hearing on the recommendation
25 and the order of modification shall be made in open court. Notice of the recommendation of
26 modification of sentence and the time and place of the hearing thereon shall be given by the inmate,
27 or by the inmate's legal counsel, at least 21 days prior to the hearing to the county or district attorney
28 of the county where the inmate was convicted. After receipt of such notice and at least 14 days prior
29 to the hearing, the county or district attorney shall give notice of the recommendation of
30 modification of sentence and the time and place of the hearing thereon to any victim of the inmate's
31 crime who is alive and whose address is known to the county or district attorney or, if the victim is
32 deceased, to the victim's next of kin if the next of kin's address is known to the county or district
33 attorney. Proof of service of each notice required to be given by this subsection shall be filed with
34 the court.
35

36 (f) After such defendant has been assigned to a conservation camp but prior to the end of 180
37 days, the chief administrator of such camp shall file a performance report and recommendations with
38 the court. The court shall enter an order based on such report and recommendations modifying the
39 sentence, if appropriate, by sentencing the defendant to any of the authorized dispositions provided
40 in subsection (b), except to reassign such person to a conservation camp as provided in subsection
41 (b)(6).

1 (g) Dispositions which do not involve commitment to the custody of the secretary of
2 corrections and commitments which are revoked within 120 days shall not entail the loss by the
3 defendant of any civil rights.
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5 (h) This section shall not deprive the court of any authority conferred by any other Kansas
6 statute to decree a forfeiture of property, suspend or cancel a license, remove a person from office,
7 or impose any other civil penalty as a result of conviction of crime.
8

9 (I) An application for or acceptance of probation, suspended sentence or assignment to a
10 community correctional services program shall not constitute an acquiescence in the judgment for
11 purpose of appeal, and any convicted person may appeal from such conviction, as provided by law,
12 without regard to whether such person has applied for probation, suspended sentence or assignment
13 to a community correctional services program.
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15 (j) When it is provided by law that a person shall be sentenced pursuant to K.S.A. 21-4628,
16 and amendments thereto, the provisions of this section shall not apply.
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18 (k) The provisions of this section shall apply to crimes committed before July 1, 1993.
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PROPOSED AMENDMENTS TO K.S.A. 21-4603d

21-4603d. Authorized dispositions, crimes committed on or after July 1, 1993.

(a) Whenever any person has been found guilty of a crime, the court may adjudge any of the following:

(1) Commit the defendant to the custody of the secretary of corrections if the current crime of conviction is a felony and the sentence presumes imprisonment, or the sentence imposed is a dispositional departure to imprisonment; or, if confinement is for a misdemeanor, to jail for the term provided by law;

(2) impose the fine applicable to the offense;

(3) release the defendant on probation if the current crime of conviction and criminal history fall within a presumptive nonprison category or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate. In felony cases except for violations of K.S.A. 8-1567 and amendments thereto, the court may include confinement in a county jail not to exceed 30 days, which need not be served consecutively, as a condition of probation or community corrections placement;

(4) assign the defendant to a community correctional services program in presumptive nonprison cases or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate, including orders requiring full or partial restitution;

(5) assign the defendant to a conservation camp for a period not to exceed 180 days as a condition of probation followed by a 180-day period of follow-up through adult intensive supervision by a community correctional services program, if the offender successfully completes the conservation camp program. If the defendant was classified in grid blocks 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes, the court may impose a nonprison sanction on the condition that the offender complete the program at the Labette correctional conservation camp. Such a placement decision shall not be considered a departure and shall not be subject to appeal;

(6) assign the defendant to a house arrest program pursuant to K.S.A. 21-4603b and amendments thereto;

(7) order the defendant to attend and satisfactorily complete an alcohol or drug education or training program as provided by subsection (3) of K.S.A. 21-4502 and amendments thereto;

1 (8) order the defendant to repay the amount of any reward paid by any crime stoppers
2 chapter, individual, corporation or public entity which materially aided in the apprehension or
3 conviction of the defendant; or repay the amount of any public funds utilized by a law enforcement
4 agency to purchase controlled substances from the defendant during the investigation which leads
5 to the defendant's conviction. Such repayment of the amount of any public funds utilized by a law
6 enforcement agency shall be deposited and credited to the same fund from which the public funds
7 were credited to prior to use by the law enforcement agency;

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9 (9) impose any appropriate combination of (1), (2), (3), (4), (5), (6), (7) and (8); or

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11 (10) suspend imposition of sentence in misdemeanor cases.

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13 In addition to or in lieu of any of the above, the court shall order the defendant to pay
14 restitution, which shall include, but not be limited to, damage or loss caused by the defendant's
15 crime, unless the court finds compelling circumstances which would render a plan of restitution
16 unworkable. If the court finds a plan of restitution unworkable, the court shall state on the record in
17 detail the reasons therefor.

18
19 If the court orders restitution, the restitution shall be a judgment against the defendant which
20 may be collected by the court by garnishment or other execution as on judgments in civil cases. If,
21 after 60 days from the date restitution is ordered by the court, a defendant is found to be in
22 noncompliance with the plan established by the court for payment of restitution, and the victim to
23 whom restitution is ordered paid has not initiated proceedings in accordance with K.S.A. 60-4301
24 et seq. and amendments thereto, the court shall assign an agent procured by the attorney general
25 pursuant to section 1 and amendments thereto to collect the restitution on behalf of the victim. The
26 administrative judge of each judicial district may assign such cases to an appropriate division of the
27 court for the conduct of civil collection proceedings.

28
29 In addition to or in lieu of any of the above, the court shall order the defendant to submit to
30 and complete an alcohol and drug evaluation, and pay a fee therefor, when required by subsection
31 (4) of K.S.A. 21-4502 and amendments thereto.

32
33 In addition to any of the above, the court shall order the defendant to reimburse the state
34 general fund for all or a part of the expenditures by the state board of indigents' defense services to
35 provide counsel and other defense services to the defendant. In determining the amount and method
36 of payment of such sum, the court shall take account of the financial resources of the defendant and
37 the nature of the burden that payment of such sum will impose. A defendant who has been required
38 to pay such sum and who is not willfully in default in the payment thereof may at any time petition
39 the court which sentenced the defendant to waive payment of such sum or any unpaid portion
40 thereof. If it appears to the satisfaction of the court that payment of the amount due will impose
41 manifest hardship on the defendant or the defendant's immediate family, the court may waive

1 payment of all or part of the amount due or modify the method of payment. The amount of attorneys
2 fees to be included in the court order for reimbursement shall be equal to the lesser of the amount
3 claimed by appointed counsel on the payment voucher for indigents' defense services or the amount
4 allowed by the Board of Indigents' Defense Services "Reimbursement Table."
5

6 In imposing a fine the court may authorize the payment thereof in installments. In releasing
7 a defendant on probation, the court shall direct that the defendant be under the supervision of a court
8 services officer. If the court commits the defendant to the custody of the secretary of corrections or
9 to jail, the court may specify in its order the amount of restitution to be paid and the person to whom
10 it shall be paid if restitution is later ordered as a condition of parole or conditional release.
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12
13 When a new felony is committed while the offender is incarcerated and serving a sentence
14 for a felony or while the offender is on probation, assignment to a community correctional services
15 program, parole, conditional release, or postrelease supervision for a felony, a new sentence shall
16 be imposed pursuant to the consecutive sentencing requirements of K.S.A. 21-4608, and
17 amendments thereto, and the court may sentence the offender to imprisonment for the new
18 conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this
19 event, imposition of a prison sentence for the new crime does not constitute a departure.
20

21 Prior to imposing a dispositional departure for a defendant whose offense is classified in the
22 presumptive nonprison grid block of either sentencing guideline grid, prior to sentencing a defendant
23 to incarceration whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing
24 guidelines grid for nondrug crimes, or prior to revocation of a nonprison sanction of a defendant
25 whose offense is classified in the presumptive nonprison grid block of either sentencing guideline
26 grid or grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes, the court
27 shall consider placement of the defendant in the Labette correctional conservation camp. Pursuant
28 to this paragraph the defendant shall not be sentenced to imprisonment if space is available in the
29 conservation camp and the defendant meets all of the conservation camp's placement criteria unless
30 the court states on the record the reasons for not placing the defendant in the conservation camp.
31

32 The court in committing a defendant to the custody of the secretary of corrections shall fix
33 a term of confinement within the limits provided by law. In those cases where the law does not fix
34 a term of confinement for the crime for which the defendant was convicted, the court shall fix the
35 term of such confinement.
36

37 (b) Dispositions which do not involve commitment to the custody of the secretary of
38 corrections shall not entail the loss by the defendant of any civil rights.
39

1 (c) This section shall not deprive the court of any authority conferred by any other Kansas
2 statute to decree a forfeiture of property, suspend or cancel a license, remove a person from office,
3 or impose any other civil penalty as a result of conviction of crime.
4

5 (d) An application for or acceptance of probation or assignment to a community correctional
6 services program shall not constitute an acquiescence in the judgment for purpose of appeal, and any
7 convicted person may appeal from such conviction, as provided by law, without regard to whether
8 such person has applied for probation, suspended sentence or assignment to a community
9 correctional services program.
10

11 (e) The secretary of corrections is authorized to make direct placement to the Labette
12 correctional conservation camp of an inmate sentenced to the secretary's custody if the inmate: (1)
13 Has been sentenced to the secretary for a probation revocation or as a departure from the
14 presumptive nonimprisonment grid block of either sentencing grid; and (2) otherwise meets
15 admission criteria of the camp. If the inmate successfully completes the 180-day conservation camp
16 program, the secretary of corrections shall report such completion to the sentencing court and the
17 county or district attorney. The inmate shall then be assigned by the court to 180 days of follow-up
18 supervision conducted by the appropriate community corrections services program. The court may
19 also order that supervision continue thereafter for the length of time authorized by K.S.A. 21-4611
20 and amendments thereto.
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22 (f) When it is provided by law that a person shall be sentenced pursuant to K.S.A. 1993
23 Supp. 21-4628, prior to its repeal the provisions of this section shall not apply.
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PROPOSED AMENDMENT TO K.S.A. 21-4610**21-4610. Conditions of probation or suspended sentence.**

(a) Except as required by subsection (d), nothing in this section shall be construed to limit the authority of the court to impose or modify any general or specific conditions of probation, suspension of sentence or assignment to a community correctional services program, except that the court shall condition any order granting probation, suspension of sentence or assignment to a community correctional services program on the defendant's obedience of the laws of the United States, the state of Kansas and any other jurisdiction to the laws of which the defendant may be subject.

(b) The court services officer or community correctional services officer may recommend, and the court may order, the imposition of any conditions of probation, suspension of sentence or assignment to a community correctional services program. For crimes committed on or after July 1, 1993, in presumptive nonprison cases, the court services officer or community correctional services officer may recommend, and the court may order, the imposition of any conditions of probation or assignment to a community correctional services program. The court may at any time order the modification of such conditions, after notice to the court services officer or community correctional services officer and an opportunity for such officer to be heard thereon. The court shall cause a copy of any such order to be delivered to the court services officer and the probationer or to the community correctional services officer and the community corrections participant, as the case may be.

(c) The court may impose any conditions of probation, suspension of sentence or assignment to a community correctional services program that the court deems proper, including but not limited to requiring that the defendant:

(1) Avoid such injurious or vicious habits, as directed by the court, court services officer or community correctional services officer;

(2) avoid such persons or places of disreputable or harmful character, as directed by the court, court services officer or community correctional services officer;

(3) report to the court services officer or community correctional services officer as directed;

(4) permit the court services officer or community correctional services officer to visit the defendant at home or elsewhere;

(5) work faithfully at suitable employment insofar as possible;

(6) remain within the state unless the court grants permission to leave;

(7) pay a fine or costs, applicable to the offense, in one or several sums and in the manner as directed by the court;

(8) support the defendant's dependents;

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3 (9) reside in a residential facility located in the community and participate in educational,
4 counseling, work and other correctional or rehabilitative programs;

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6 (10) perform community or public service work for local governmental agencies, private
7 corporations organized not for profit, or charitable or social service organizations performing
8 services for the community;

9
10 (11) perform services under a system of day fines whereby the defendant is required to
11 satisfy fines, costs or reparation or restitution obligations by performing services for a period of days
12 determined by the court on the basis of ability to pay, standard of living, support obligations and
13 other factors;

14
15 (12) participate in a house arrest program pursuant to K.S.A. 21-4603b, and amendments
16 thereto; or

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18 (13) in felony cases, except for violations of K.S.A. 8-1567 and amendments thereto, be
19 confined in a county jail not to exceed 30 days, which need not be served consecutively.

20
21 (d) In addition to any other conditions of probation, suspension of sentence or assignment
22 to a community correctional services program, the court shall order the defendant to comply with
23 each of the following conditions:

24
25 (1) Make reparation or restitution to the aggrieved party for the damage or loss caused by
26 the defendant's crime, in an amount and manner determined by the court and to the person specified
27 by the court, unless the court finds compelling circumstances which would render a plan of
28 restitution unworkable. If the court finds a plan of restitution unworkable, the court shall state on the
29 record in detail the reasons therefor;

30
31 (2) pay the probation or community correctional services fee pursuant to K.S.A. 21-4610a,
32 and amendments thereto; and

33
34 (3) reimburse the state general fund for all or a part of the expenditures by the state board
35 of indigents' defense services to provide counsel and other defense services to the defendant. In
36 determining the amount and method of payment of such sum, the court shall take account of the
37 financial resources of the defendant and the nature of the burden that payment of such sum will
38 impose. A defendant who has been required to pay such sum and who is not willfully in default in
39 the payment thereof may at any time petition the court which sentenced the defendant to waive
40 payment of such sum or of any unpaid portion thereof. If it appears to the satisfaction of the court
41 that payment of the amount due will impose manifest hardship on the defendant or the defendant's
42 immediate family, the court may waive payment of all or part of the amount due or modify the
43 method of payment. The amount of attorneys fees to be included in the court order for
44 reimbursement shall be equal to the lesser of the amount claimed by appointed counsel on the
45 payment voucher for indigents' defense services or the amount allowed by the Board of Indigents'
46 Defense Services "Reimbursement Table."

PROPOSED AMENDMENT TO K.S.A. 22-2802**22-2802. Release prior to trial.**

(1) Any person charged with a crime shall, at the person's first appearance before a magistrate, be ordered released pending preliminary examination or trial upon the execution of an appearance bond in an amount specified by the magistrate and sufficient to assure the appearance of such person before the magistrate when ordered and to assure the public safety. If the person is being bound over for a felony, the bond shall also be conditioned on the person's appearance in the district court or by way of a two-way electronic audio-video communication as provided in subsection (11) at the time required by the court to answer the charge against such person and at any time thereafter that the court requires. The magistrate may impose such of the following additional conditions of release as will reasonably assure the appearance of the person for preliminary examination or trial:

(a) Place the person in the custody of a designated person or organization agreeing to supervise such person;

(b) place restrictions on the travel, association or place of abode of the person during the period of release;

(c) impose any other condition deemed reasonably necessary to assure appearance as required, including a condition requiring that the person return to custody during specified hours; or

(d) place the person under a house arrest program pursuant to K.S.A. 21-4603b, and amendments thereto.

(2) In addition to any conditions of release provided in subsection (1), for any person charged with a felony, the magistrate may order such person to submit to a drug abuse examination and evaluation in a public or private treatment facility or state institution and, if determined by the head of such facility or institution that such person is a drug abuser or incapacitated by drugs, to submit to treatment for such drug abuse, as a condition of release.

(3) The appearance bond shall be executed with sufficient solvent sureties who are residents of the state of Kansas, unless the magistrate determines, in the exercise of such magistrate's discretion, that requiring sureties is not necessary to assure the appearance of the person at the time ordered.

(4) A deposit of cash in the amount of the bond or in the amount set by the court pursuant to section one of this act may be made in lieu of the execution of the bond by sureties.

(5) In determining which conditions of release will reasonably assure appearance and the public safety, the magistrate shall, on the basis of available information, take into account the nature and circumstances of the crime charged; the weight of the evidence against the defendant; the defendant's family ties, employment, financial resources, character, mental condition, length of residence in the community, record of convictions, record of appearance or failure to appear at court proceedings or

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3 of flight to avoid prosecution; the likelihood or propensity of the defendant to commit crimes while
4 on release, including whether the defendant will be likely to threaten, harass or cause injury to the
5 victim of the crime or any witnesses thereto; and whether the defendant is on probation or parole
6 from a previous offense at the time of the alleged commission of the subsequent offense.

7
8 (6) The appearance bond shall set forth all of the conditions of release.

9
10 (7) A person for whom conditions of release are imposed and who continues to be detained as a
11 result of the person's inability to meet the conditions of release shall be entitled, upon application,
12 to have the conditions reviewed without unnecessary delay by the magistrate who imposed them.
13 If the magistrate who imposed conditions of release is not available, any other magistrate in the
14 county may review such conditions.

15
16 (8) A magistrate ordering the release of a person on any conditions specified in this section may
17 at any time amend the order to impose additional or different conditions of release. If the imposition
18 of additional or different conditions results in the detention of the person, the provisions of
19 subsection (7) shall apply.

20
21 (9) Statements or information offered in determining the conditions of release need not conform
22 to the rules of evidence. No statement or admission of the defendant made at such a proceeding shall
23 be received as evidence in any subsequent proceeding against the defendant.

24
25 (10) The appearance bond and any security required as a condition of the defendant's release shall
26 be deposited in the office of the magistrate or the clerk of the court where the release is ordered. If
27 the defendant is bound to appear before a magistrate or court other than the one ordering the release,
28 the order of release, together with the bond and security shall be transmitted to the magistrate or
29 clerk of the court before whom the defendant is bound to appear.

30
31 (11) Proceedings before a magistrate as provided in this section to determine the release conditions
32 of a person charged with a crime including release upon execution of an appearance bond may be
33 conducted by two-way electronic audio-video communication between the defendant and the judge
34 in lieu of personal presence of the defendant or defendant's counsel in the courtroom in the discretion
35 of the court. The defendant may be accompanied by the defendant's counsel. The defendant shall be
36 informed of the defendant's right to be personally present in the courtroom during such proceeding
37 if the defendant so requests. Exercising the right to be present shall in no way prejudice the
38 defendant.
39

PROPOSED AMENDMENT TO K.S.A. 22-3717

22-3717. Parole or postrelease supervision; eligibility; interviews, notices and hearings; rules and regulations; conditions of parole or postrelease supervision.

(a) Except as otherwise provided by this section, K.S.A. 1993 Supp. 21-4628 prior to its repeal and K.S.A. 1994 Supp. 21-4635 through 21-4638 and amendments thereto, an inmate, including an inmate sentenced pursuant to K.S.A. 21-4618 and amendments thereto, shall be eligible for parole after serving the entire minimum sentence imposed by the court, less good time credits.

(b) (1) Except as provided by K.S.A. 1994 Supp. 21-4635 through 21-4638 and amendments thereto, an inmate sentenced to imprisonment for the crime of capital murder, or an inmate sentenced for the crime of murder in the first degree based upon a finding of premeditated murder, committed on or after July 1, 1994, shall be eligible for parole after serving 25 years of confinement, without deduction of any good time credits.

(2) Except as provided by subsection (b)(1) or (b)(4), K.S.A. 1993 Supp. 21-4628 prior to its repeal and K.S.A. 1994 Supp. 21-4635 through 21-4638, and amendments thereto, an inmate sentenced to imprisonment for an off-grid offense committed on or after July 1, 1993, shall be eligible for parole after serving 15 years of confinement, without deduction of any good time credits.

(3) Except as provided by K.S.A. 1993 Supp. 21-4628 prior to its repeal, an inmate sentenced for a class A felony committed before July 1, 1993, including an inmate sentenced pursuant to K.S.A. 21-4618 and amendments thereto, shall be eligible for parole after serving 15 years of confinement, without deduction of any good time credits.

(4) An inmate sentenced to imprisonment for a violation of subsection (a) of K.S.A. 21-3402 and amendments thereto committed on or after July 1, 1996, shall be eligible for parole after serving 10 years of confinement without deduction of any good time credits.

(c) Except as provided in subsection (e), if an inmate is sentenced to imprisonment for more than one crime and the sentences run consecutively, the inmate shall be eligible for parole after serving the total of:

(1) The aggregate minimum sentences, as determined pursuant to K.S.A. 21-4608 and amendments thereto, less good time credits for those crimes which are not class A felonies; and

(2) an additional 15 years, without deduction of good time credits, for each crime which is a class A felony.

(d) (1) Persons sentenced for crimes, other than off-grid crimes, committed on or after July 1, 1993, will not be eligible for parole, but will be released to a mandatory period of postrelease supervision upon completion of the prison portion of their sentence as follows:

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3 (A) Except as provided in subparagraphs (C) and (D), persons sentenced for nondrug
4 severity level 1 through 6 crimes and drug severity levels 1 through 3 crimes must serve 36 months,
5 plus the amount of good time earned and retained pursuant to K.S.A. 1994 Supp. 21-4722 and
6 amendments thereto, on postrelease supervision.

7
8 (B) Except as provided in subparagraphs (C) and (D), persons sentenced for nondrug
9 severity level 7 through 10 crimes and drug severity level 4 crimes must serve 24 months, plus the
10 amount of good time earned and retained pursuant to K.S.A. 1994 Supp. 21-4722 and amendments
11 thereto, on postrelease supervision.

12
13 (C) (I) The sentencing judge shall impose the postrelease supervision period provided in
14 subparagraph (d)(1)(A) or (d)(1)(B), unless the judge finds substantial and compelling reasons to
15 impose a departure based upon a finding that the current crime of conviction was sexually violent
16 or sexually motivated. In that event, departure may be imposed to extend the postrelease supervision
17 to a period of up to 60 months.

18
19 (ii) If the sentencing judge departs from the presumptive postrelease supervision period, the
20 judge shall state on the record at the time of sentencing the substantial and compelling reasons for
21 the departure. Departures in this section are subject to appeal pursuant to K.S.A. 1994 Supp. 21-4721
22 and amendments thereto.

23
24 (iii) In determining whether substantial and compelling reasons exist, the court shall
25 consider:

26 (a) Written briefs or oral arguments submitted by either the defendant or the state;

27 (b) any evidence received during the proceeding;

28
29 (c) the presentence report, the victim's impact statement and any psychological evaluation
30 as ordered by the court pursuant to subsection (e) of K.S.A. 1994 Supp. 21-4714 and amendments
31 thereto; and

32 (d) any other evidence the court finds trustworthy and reliable.

33
34 (iv) The sentencing judge may order that a psychological evaluation be prepared and the
35 recommended programming be completed by the offender. The department of corrections or the
36 parole board shall ensure that court ordered sex offender treatment be carried out.

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38 (v) In carrying out the provisions of subparagraph (d)(1)(C), the court shall refer to K.S.A.
39 1994 Supp. 21-4718 and amendments thereto.

40
41 (vi) Upon petition, the parole board may provide for early discharge from the postrelease
42 supervision period upon completion of court ordered programs and completion of the presumptive
43 K.S.A. 22-3717

postrelease supervision period, as determined by the crime of conviction, pursuant to subparagraph (d)(1)(A) or (B). Early discharge from postrelease supervision is at the discretion of the parole board.

(vii) Persons convicted of crimes deemed sexually violent or sexually motivated, shall be registered according to the habitual sex offender registration act, K.S.A. 1994 Supp. 22-4901 through 22-4910 and amendments thereto,

(D) The period of postrelease supervision provided in subparagraphs (A) and (B) may be reduced by up to 12 months based on the offender's compliance with conditions of supervision and overall performance while on postrelease supervision. The reduction in the supervision period shall be on an earned basis pursuant to rules and regulations adopted by the secretary of corrections.

(E) In cases where sentences for crimes from more than one severity level have been imposed, the highest severity level offense will dictate the period of postrelease supervision. Supervision periods will not aggregate.

(2) As used in this section, "sexually violent crime" means: (A) Rape, K.S.A. 21-3502, and amendments thereto;

(B) indecent liberties with a child, K.S.A. 21-3503, and amendments thereto;

(C) aggravated indecent liberties with a child, K.S.A. 21-3504, and amendments thereto;

(D) criminal sodomy, subsection (a)(2) and (a)(3) of K.S.A. 21-3505 and amendments thereto;

(E) aggravated criminal sodomy, K.S.A. 21-3506, and amendments thereto;

(F) indecent solicitation of a child, K.S.A. 21-3510, and amendments thereto;

(G) aggravated indecent solicitation of a child, K.S.A. 21-3511, and amendments thereto;

(H) sexual exploitation of a child, K.S.A. 21-3516, and amendments thereto;

(I) aggravated sexual battery, K.S.A. 21-3518, and amendments thereto;

(J) any conviction for a felony offense in effect at any time prior to the effective date of this act, that is comparable to a sexually violent crime as defined in subparagraphs (A) through (I), or any federal or other state conviction for a felony offense that under the laws of this state would be a sexually violent crime as defined in this section;

(K) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302, 21-3303, and amendments thereto, of a sexually violent crime as defined in this section; or

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4 (L) any act which at the time of sentencing for the offense has been determined beyond a
5 reasonable doubt to have been sexually motivated. As used in this subparagraph, "sexually
6 motivated" means that one of the purposes for which the defendant committed the crime was for the
7 purpose of the defendant's sexual gratification.

8
9 (e) If an inmate is sentenced to imprisonment for a crime committed while on parole or
10 conditional release, the inmate shall be eligible for parole as provided by subsection (c), except that
11 the Kansas parole board may postpone the inmate's parole eligibility date by assessing a penalty not
12 exceeding the period of time which could have been assessed if the inmate's parole or conditional
13 release had been violated for reasons other than conviction of a crime.

14
15 (f) If a person is sentenced to prison for a crime committed on or after July 1, 1993, while
16 on probation, parole, conditional release or in a community corrections program, for a crime
17 committed prior to July 1, 1993, and the person is not eligible for retroactive application of the
18 sentencing guidelines and amendments thereto pursuant to K.S.A. 21-4724 and amendments thereto,
19 the new sentence shall not be aggregated with the old sentence, but shall begin when the person is
20 paroled or reaches the conditional release date on the old sentence. If the offender was past the
21 offender's conditional release date at the time the new offense was committed, the new sentence shall
22 not be aggregated with the old sentence but shall begin when the person is ordered released by the
23 Kansas parole board or reaches the maximum sentence expiration date on the old sentence,
24 whichever is earlier. The new sentence shall then be served as otherwise provided by law. The period
25 of postrelease supervision shall be based on the new sentence, except that those offenders whose old
26 sentence is a term of imprisonment for life, imposed pursuant to K.S.A. 1993 Supp. 21-4628 prior
27 to its repeal, or an indeterminate sentence with a maximum term of life imprisonment, for which
28 there is no conditional release or maximum sentence expiration date, shall remain on postrelease
29 supervision for life or until discharged from supervision by the Kansas parole board.

30
31 (g) Subject to the provisions of this section, the Kansas parole board may release on parole
32 those persons confined in institutions who are eligible for parole when: (1) The board believes that
33 the inmate should be released for hospitalization, for deportation or to answer the warrant or other
34 process of a court and is of the opinion that there is reasonable probability that the inmate can be
35 released without detriment to the community or to the inmate; or (2) the secretary of corrections has
36 reported to the board in writing that the inmate has satisfactorily completed the programs required
37 by any agreement entered under K.S.A. 75-5210a and amendments thereto, or any revision of such
38 agreement, and the board believes that the inmate is able and willing to fulfill the obligations of a
39 law abiding citizen and is of the opinion that there is reasonable probability that the inmate can be
40 released without detriment to the community or to the inmate. Parole shall not be granted as an
41 award of clemency and shall not be considered a reduction of sentence or a pardon.

42
43 (h) The Kansas parole board shall hold a parole hearing during the month prior to the month
44 an inmate will be eligible for parole under subsections (a), (b) and (c). At least the month preceding
45 the parole hearing, the county or district attorney of the county where the inmate was convicted shall
46 give written notice of the time and place of the public comment sessions for the inmate to any victim

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3 of the inmate's crime who is alive and whose address is known to the county or district attorney or,
4 if the victim is deceased, to the victim's family if the family's address is known to the county or
5 district attorney. Except as otherwise provided, failure to notify pursuant to this section shall not be
6 a reason to postpone a parole hearing. In the case of any inmate convicted of a class A felony the
7 secretary of corrections shall give written notice of the time and place of the public comment session
8 for such inmate at least one month preceding the public comment session to any victim of such
9 inmate's crime or the victim's family pursuant to K.S.A. 74-7338 and amendments thereto. If
10 notification is not given to such victim or such victim's family in the case of any inmate convicted
11 of a class A felony, the board shall postpone a decision on parole of the inmate to a time at least 30
12 days after notification is given as provided in this section. Nothing in this section shall create a cause
13 of action against the state or an employee of the state acting within the scope of the employee's
14 employment as a result of the failure to notify pursuant to this section. If granted parole, the inmate
15 may be released on parole on the date specified by the board, but not earlier than the date the inmate
16 is eligible for parole under subsections (a), (b) and (c). At each parole hearing and, if parole is not
17 granted, at such intervals thereafter as it determines appropriate, the Kansas parole board shall
18 consider: (1) Whether the inmate has satisfactorily completed the programs required by any
19 agreement entered under K.S.A. 75-5210a and amendments thereto, or any revision of such
20 agreement; and (2) all pertinent information regarding such inmate, including, but not limited to, the
21 circumstances of the offense of the inmate; the presentence report; the previous social history and
22 criminal record of the inmate; the conduct, employment, and attitude of the inmate in prison; the
23 reports of such physical and mental examinations as have been made; comments of the victim and
24 the victim's family; comments of the public; official comments; and capacity of state correctional
25 institutions.

26
27 (I) In those cases involving inmates sentenced for a crime committed after July 1, 1993, the
28 parole board will review the inmates proposed release plan. The board may schedule a hearing if
29 they desire. The board may impose any condition they deem necessary to insure public safety, aid
30 in the reintegration of the inmate into the community, or items not completed under the agreement
31 entered into under K.S.A. 75-5210a and amendments thereto. The board may not advance or delay
32 an inmate's release date. Every inmate while on postrelease supervision shall remain in the legal
33 custody of the secretary of corrections and is subject to the orders of the secretary.

34
35 (j) Within a reasonable time after an inmate is committed to the custody of the secretary of
36 corrections, a member of the Kansas parole board, or a designee of the board, shall hold an initial
37 informational hearing with such inmate and other inmates.

38
39 (k) Before ordering the parole of any inmate, the Kansas parole board shall have the inmate
40 appear before it and shall interview the inmate unless impractical because of the inmate's physical
41 or mental condition or absence from the institution. Every inmate while on parole shall remain in
42 the legal custody of the secretary of corrections and is subject to the orders of the secretary.
43 Whenever the Kansas parole board formally considers placing an inmate on parole and no agreement
44 has been entered into with the inmate under K.S.A. 75-5210a and amendments thereto, the board
45 shall notify the inmate in writing of the reasons for not granting parole. If an agreement has been
46 entered under K.S.A. 75-5210a and amendments thereto and the inmate has not satisfactorily

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3 completed the programs specified in the agreement, or any revision of such agreement, the board
4 shall notify the inmate in writing of the specific programs the inmate must satisfactorily complete
5 before parole will be granted. If parole is not granted only because of a failure to satisfactorily
6 complete such programs, the board shall grant parole upon the secretary's certification that the
7 inmate has successfully completed such programs. If an agreement has been entered under K.S.A.
8 75-5210a and amendments thereto and the secretary of corrections has reported to the board in
9 writing that the inmate has satisfactorily completed the programs required by such agreement, or any
10 revision thereof, the board shall not require further program participation. However, if the board
11 determines that other pertinent information regarding the inmate warrants the inmate's not being
12 released on parole, the board shall state in writing the reasons for not granting the parole. If parole
13 is denied for an inmate sentenced for a crime other than a class A or class B felony or an off-grid
14 felony, the board shall hold another parole hearing for the inmate not later than one year after the
15 denial unless the parole board finds that it is not reasonable to expect that parole would be granted
16 at a hearing if held in the next three years or during the interim period of a deferral. In such case,
17 the parole board may defer subsequent parole hearings for up to three years but any such deferral by
18 the board shall require the board to state the basis for its findings.. If parole is denied for an inmate
19 sentenced for a class A or class B felony or an off-grid felony, the board shall hold another parole
20 hearing for the inmate not later than three years after the denial unless the parole board finds that it
21 is not reasonable to expect that parole would be granted at a hearing if held in the next 10 years or
22 during the interim period of a deferral. In such case, the parole board may defer subsequent parole
23 hearings for up to 10 years but any such deferral shall require the board to state the basis for its
24 findings.

25
26 (l) Parolees and persons on postrelease supervision shall be assigned, upon release, to the
27 appropriate level of supervision pursuant to the criteria established by the secretary of corrections.

28
29 (m) The Kansas parole board shall adopt rules and regulations in accordance with K.S.A.
30 77-415 et seq., and amendments thereto, not inconsistent with the law and as it may deem proper or
31 necessary, with respect to the conduct of parole hearings, postrelease supervision reviews, revocation
32 hearings, orders of restitution, reimbursement of expenditures by the state board of indigents'
33 defense services and other conditions to be imposed upon parolees or releasees. Whenever an order
34 for parole or postrelease supervision is issued it shall recite the conditions thereof.

35
36 (n) Whenever the Kansas parole board orders the parole of an inmate or establishes
37 conditions for an inmate placed on postrelease supervision, the board:

38
39 (1) Unless it finds compelling circumstances which would render a plan of payment
40 unworkable, shall order as a condition of parole or postrelease supervision that the parolee or the
41 person on postrelease supervision pay any transportation expenses resulting from returning the
42 parolee or the person on postrelease supervision to this state to answer criminal charges or a warrant
43 for a violation of a condition of probation, assignment to a community correctional services program,
44 parole, conditional release or postrelease supervision;

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3 (2) to the extent practicable, shall order as a condition of parole or postrelease supervision
4 that the parolee or the person on postrelease supervision make progress towards or successfully
5 complete the equivalent of a secondary education if the inmate has not previously completed such
6 educational equivalent and is capable of doing so; and

7
8 (3) may order that the parolee or person on postrelease supervision perform community or
9 public service work for local governmental agencies, private corporations organized not-for-profit
10 or charitable or social service organizations performing services for the community.

11
12 (4) Unless it finds compelling circumstances which would render a plan of payment
13 unworkable, shall order that the parolee or person on postrelease supervision reimburse the state for
14 all or a part of the expenditures by the state board of indigents' defense services to provide counsel
15 and other defense services to the person. In determining the amount and method of payment of such
16 sum, the parole board shall take account of the financial resources of the person and the nature of
17 the burden that the payment of such sum will impose.

18
19 (o) If the court which sentenced an inmate specified at the time of sentencing the amount
20 and the recipient of any restitution ordered as a condition of parole or postrelease supervision, the
21 Kansas parole board shall order as a condition of parole or postrelease supervision that the inmate
22 pay restitution in the amount and manner provided in the journal entry unless the board finds
23 compelling circumstances which would render a plan of restitution unworkable. If the parolee was
24 sentenced before July 1, 1986, and the court did not specify at the time of sentencing the amount and
25 the recipient of any restitution ordered as a condition of parole, the parole board shall order as a
26 condition of parole that the parolee make restitution for the damage or loss caused by the parolee's
27 crime in an amount and manner determined by the board unless the board finds compelling
28 circumstances which would render a plan of restitution unworkable. If the parolee was sentenced on
29 or after July 1, 1986, and the court did not specify at the time of sentencing the amount and the
30 recipient of any restitution ordered as a condition of parole or postrelease supervision, the parole
31 board shall not order restitution as a condition of parole or postrelease supervision unless the board
32 finds compelling circumstances which justify such an order.

33
34 (p) Whenever the Kansas parole board grants the parole of an inmate, the board, within 10
35 days of the date of the decision to grant parole, shall give written notice of the decision to the county
36 or district attorney of the county where the inmate was sentenced.

37
38 (q) When an inmate is to be released on postrelease supervision, the secretary, within 30
39 days prior to release, shall provide the county or district attorney of the county where the inmate was
40 sentenced written notice of the release date.

41
42 (r) Inmates shall be released on postrelease supervision upon the termination of the prison
43 portion of their sentence. Time served while on postrelease supervision will vest.

44
45 (s) An inmate who is allocated regular good time credits as provided in K.S.A. 22-3725 and
46 amendments thereto may receive meritorious good time credits in increments of not more than 90

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days per meritorious act. These credits may be awarded by the secretary of corrections when an inmate has acted in a heroic or outstanding manner in coming to the assistance of another person in a life threatening situation, preventing injury or death to a person, preventing the destruction of property or taking actions which result in a financial savings to the state.

PROPOSED AMENDMENT TO K.S.A. 22-3718**22-3718. Conditional release; notice.**

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6 An inmate who has served the inmate's maximum term or terms, less such work and good
7 behavior credits as have been earned, shall, upon release, be subject to such written rules and
8 conditions as the Kansas parole board may impose, until the expiration of the maximum term or
9 terms for which the inmate was sentenced or until the inmate is otherwise discharged. If the court
10 which sentenced an inmate specified at the time of sentencing the amount and the recipient of any
11 restitution ordered as a condition of release pursuant to this section, the parole board may set aside
12 restitution as a condition of release payment of restitution, if the board finds compelling
13 circumstances which would render a plan of restitution unworkable. If the court which sentenced an
14 inmate specified reimbursement of all or part of the expenditures by the state board of indigents'
15 defense services as a condition of release the parole board may set aside such reimbursement, if the
16 board finds compelling circumstances which would render a plan of reimbursement unworkable.
17 If the inmate was sentenced before July 1, 1986, and the court did not specify at the time of
18 sentencing the amount and the recipient of any restitution ordered as a condition of release, the
19 parole board shall order as a condition of release that the inmate make restitution for the damage or
20 loss caused by the inmate's crime in an amount and manner determined by the board unless the board
21 finds compelling circumstances which would render a plan of restitution unworkable. If the inmate
22 was sentenced before July 1, 1986, and the court did not specify at the time of sentencing the amount
23 of any reimbursement of all or part of the expenditures by the state board of indigents' defense
24 services as a condition of release, the parole board may set aside such reimbursement unless the
25 board finds compelling circumstances which would render a plan of reimbursement unworkable.
26 If the inmate was sentenced on or after July 1, 1986, and the court did not specify at the time of
27 sentencing the amount and the recipient of any restitution ordered as a condition of release pursuant
28 to this section, the parole board shall not order restitution as a condition of release unless the board
29 finds compelling circumstances which justify such an order. If the inmate was sentenced on or after
30 July 1, 1986, and the court did not specify at the time of sentencing the amount of any
31 reimbursement of all or part of the expenditures by the state board of indigents' defense services as
32 a condition of release, the parole board may set aside such reimbursement unless the board finds
33 compelling circumstances which would render a plan of reimbursement unworkable. Prior to the
34 release of any inmate on parole, conditional release or expiration of sentence, if an inmate is released
35 into the community under a program under the supervision of the secretary of corrections, the
36 secretary shall give written notice of such release to any victim or victim's family as provided in
37 K.S.A. 1994 Supp. 22-3727, and amendments thereto.
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PROPOSED AMENDMENT TO K.S.A. 22-4504

22-4504. Same; determination of indigency; partial indigency, effect; disposition of payments for appointed counsel services.

(a) When any defendant who is entitled to have the assistance of counsel, under the provisions of K.S.A. 22-4503 and amendments thereto, claims to be financially unable to employ counsel, the court shall require that the defendant file an affidavit containing such information and in the form as prescribed by rules and regulations adopted by the state board of indigents' defense services. This affidavit shall become a part of the permanent file of the case. The court may interrogate the defendant under oath concerning the contents of the affidavit and may direct the county or district attorney, sheriff, marshal or other officer of the county to investigate and report upon the financial condition of the defendant and may also require the production of evidence upon the issue of the defendant's financial inability to employ counsel.

(b) Upon the basis of the defendant's affidavit, the defendant's statements under oath, and such other competent evidence as may be brought to the attention of the court, which shall be made part of the record in the case, the court shall determine whether the defendant is financially unable to employ counsel. In making such determination the court shall consider the defendant's assets and income; the amount needed for the payment of reasonable and necessary expenses incurred, or which must be incurred to support the defendant and the defendant's immediate family; the anticipated cost of effective representation by employed counsel; and any property which may have been transferred or conveyed by the defendant to any person without adequate monetary consideration after the commission of the alleged crime. If the defendant's assets and income are not sufficient to cover the anticipated cost of effective representation by employed counsel when the length and complexity of the anticipated proceedings are taken fully into account, the defendant shall be determined indigent in full or in part and the court shall appoint an attorney as provided in K.S.A. 22-4503 and amendments thereto. If the court determines that the defendant is financially able to employ counsel, the court shall so advise the defendant and shall give the defendant a reasonable opportunity to employ an attorney of the defendant's own choosing. All determinations by a court as to whether a defendant is financially unable to employ counsel shall be subject to and in accordance with rules and regulations adopted by the state board of indigents' defense services under this act.

(c) The court shall inform the defendant for whom counsel is appointed that the amount expended by the state in providing counsel and other defense services may be entered as a judgment against the defendant if the defendant is convicted and found to be financially able to pay the amount, and that an action to recover such amount may be brought against any person to whom the defendant may have transferred or conveyed any of the defendant's property without adequate monetary consideration after the date of the commission of the alleged crime. A determination by the court that the defendant is financially unable to employ counsel or pay other costs of the defendant's defense may preclude a recovery from the defendant but may not preclude recovery from any person to whom the defendant may have transferred or conveyed any property without adequate monetary consideration after the date of the commission of the alleged crime.

(d) If found to be indigent in part, the defendant shall be promptly informed of the terms under which the defendant may be expected to pay for counsel. Any payments pursuant to such terms shall apply upon any judgment entered pursuant to K.S.A. 22-4513 and amendments thereto.

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3 Payments made for services of appointed counsel provided under K.S.A. 22-4503 and amendments
4 thereto shall be paid to the clerk of the district court. The clerk of the district court shall remit all
5 moneys received as payment for services of appointed counsel under this section to the state board
6 of indigents' defense services at least monthly and the board shall remit all moneys received under
7 this section to the state treasurer at least monthly. Upon receipt of each such remittance, the state
8 treasurer shall deposit the entire amount thereof in the state treasury to the credit of the state general
9 fund.

10
11 (e) The determination that a defendant is indigent or partially indigent shall be subject to
12 review at any time by any court before whom the cause is then pending.

13
14 (f) The state board of indigents' defense services shall adopt rules and regulations in
15 accordance with K.S.A. 77-415 et seq., and amendments thereto, relating to the income, assets and
16 anticipated costs of representation for the purpose of determining whether a defendant is financially
17 able to employ counsel and the ability of a defendant to contribute to the cost of the defendant's legal
18 defense services.
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PROPOSED AMENDMENT TO K.S.A. 22-4507

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5 **22-4507. Same; entitlement to compensation and reimbursement of expenses for services to**
6 **indigents; standards; claims, approval; filing with director; payment; proration of payments,**
7 **when; rules.**

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9 (a) An attorney, other than a public defender or assistant public defender or contract counsel,
10 who performs services for an indigent person, as provided by this act, shall at the conclusion of such
11 service or any part thereof be entitled to compensation for such services and to be reimbursed for
12 expenses reasonably incurred by such person in performing such services. Compensation for
13 services shall be paid in accordance with standards and guidelines contained in rules and regulations
14 adopted by the state board of indigents' defense services under this section.

15
16 (b) Claims for compensation and reimbursement shall be certified by the claimant and shall
17 be presented to the court at sentencing. Provided, however, if good cause is shown why the claim
18 is not presented, a supplemental claim may be filed at a later time. In accordance with standards and
19 guidelines adopted by the state board of indigents' defense services under this section, all such
20 claims shall be reviewed and approved by one or more judges of the district court before whom the
21 service was performed, or, in the case of proceedings in the court of appeals, by the chief judge of
22 the court of appeals and in the case of proceedings in the supreme court, by the departmental justice
23 for the department in which the appeal originated. Each claim shall be supported by a written
24 statement, specifying in detail the time expended, the services rendered, the expenses incurred in
25 connection with the case and any other compensation or reimbursement received. When properly
26 certified and reviewed and approved, each claim for compensation and reimbursement shall be filed
27 in the office of the state board of indigents' defense services. If the claims meet the standards
28 established by the board, the board shall authorize payment of the claim.

29
30 (c) If the state board of indigents' defense services determines that the appropriations for
31 indigents' defense services or the moneys allocated by the board for a county or judicial district will
32 be insufficient in any fiscal year to pay in full claims filed and reasonably anticipated to be filed in
33 such year under this section, the board may adopt a formula for prorating the payment of pending
34 and anticipated claims under this section.

35
36 (d) The state board of indigents' defense services may make expenditures for payment of
37 claims filed under this section from appropriations for the current fiscal year regardless of when the
38 services were rendered.

39
40 (e) The state board of indigents' defense services shall adopt rules and regulations prescribing
41 standards and guidelines governing the filing, processing and payment of claims under this section.
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PROPOSED AMENDMENT TO K.S.A. 22-4513**22-4513. Liability of defendant for expenditures by state board; determination of amount and method of payment; liability of others for expenditures.**

(a) ~~Within 30 days after any expenditure has been made by the state board of indigents' defense services to provide counsel and other defense services to any defendant and such defendant has been convicted, the state director of indigents' defense services may send to the county or district attorney of the county where the defendant was convicted a notice stating the name of the defendant and the amount of the expenditure. The county or district attorney, in such attorney's discretion, may petition the district court to require the defendant to repay to the state all or a part of the amount expended by the state board of indigents' defense services on behalf of such defendant. Subject to the provisions of subsection (b), the procedure for the filing of the petition and subsequent procedure to be followed in the action shall be the same as in other civil actions pursuant to chapter 60 of the Kansas Statutes Annotated, except that no docket fee shall be charged for the filing of the petition. At the hearing on the petition the court shall determine whether or not the defendant is or will be able to repay all or a part of the expenditures paid by the state board of indigents' defense services on behalf of the defendant. If the defendant in a criminal case is convicted, the lesser of any expenditure that has been made by the state board of indigents' defense services to provide counsel and other defense services to that defendant or the amount allowed by the Board of Indigents' Defense Services "Reimbursement Table" shall be taxed against the defendant and shall be a judgment against the defendant which may be enforced as judgments for payment of money in civil cases.~~

(b) In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.

(c) ~~Whenever any expenditure has been made by the state board of indigents' defense services to provide counsel and other defense services to any defendant~~ judgment has been entered pursuant to subsection (a) of this section, a sum equal to such judgment expenditure may be recovered by the state of Kansas for the benefit of the state general fund from any persons to whom the indigent defendant shall have transferred any of the defendant's property without adequate monetary consideration after the commission of the alleged crime, to the extent of the value of such transfer, and such persons are hereby made liable to reimburse the state of Kansas ~~for such expenditures~~ with interest at 6% per annum. Any action to recover judgment for such expenditures shall be prosecuted by the attorney general, who may require the assistance of the county attorney of the county in which the action is to be filed, and such action shall be governed by the provisions of the code of civil procedure relating to actions for the recovery of money. No action shall be brought against any

1 person under the provisions of this section to recover for sums expended on behalf of an indigent
2 defendant, unless such action shall have been filed within two years after the date of the expenditure
3 by the state board of indigents' defense services.
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PROPOSED AMENDMENT TO K.S.A. 22-4522

22-4522. Same; powers and duties.

The state board of indigents' defense services shall:

(a) provide, supervise and coordinate, in the most efficient and economical manner possible, the constitutionally and statutorily required counsel and related services for each indigent person accused of a felony and for such other indigent persons as prescribed by statute;

(b) establish, in each county or combination of counties designated by the board, a system of appointed counsel, contractual arrangements for providing contract counsel or public defender offices, or any combination thereof, on a full- or part-time basis, for the delivery of legal services for indigent persons accused of felonies;

(c) approve an annual operating budget for the board and submit that budget as provided in K.S.A. 75-3717;

(d) collect payments from indigent defendants as ordered by the court including, but not limited to, utilization of debt collection procedures authorized in K.S.A. 75-6201 et seq. And amendments thereto.

(e) adopt rules and regulations in accordance with K.S.A. 77-415 et seq., and amendments thereto, which are necessary for the operation of the board and the performance of its duties and for the guidance of appointed counsel, contract counsel and public defenders, including but not limited to:

(1) Standards for entitlement to legal representation at public expense;

(2) standards and guidelines for compensation of appointed counsel and investigative, expert and other services within the limits of appropriations;

(3) criteria for employing contract counsel; and

(4) qualifications, standards and guidelines for public defenders, appointed counsel and contract counsel;

(e) prepare and submit to the governor and legislature an annual report on the operations of the board; and

(f) hold a hearing before changing the system for providing legal services for indigent persons accused of felonies in any county or judicial district if such a hearing is requested by two or more members of the board.

History: L. 1982, ch. 142, 4; July 1.

PROPOSED AMENDMENT TO 75-719**75-719.**

(a) The attorney general is authorized to enter into contracts in accordance with this section for collection services for debts owed to courts or restitution owed under an order of restitution.

(b) As used in this section:

- (1) "Beneficiary under an order of restitution" means the victim or victims of a crime to whom a district court has ordered restitution be paid;
- (2) "contracting agent" means a person, firm, agency or other entity who contracts hereunder to provide collection services;
- (3) "cost of collection" means the fee specified in contracts hereunder to be paid to or retained by a contracting agent for collection services. "Cost of collection" also includes any filing fee required under K.S.A. 60-4303 and amendments thereto or administrative costs prescribed by the attorney general pursuant to rules and regulations; and
- (4) "debts owed to courts" means any assessment of court costs, fines, fees, defense costs paid by the state or other charges which a district court judgment has ordered to be paid to the court, and which remain unpaid in whole or in part, and includes any interest or penalties on such unpaid amounts as provided for in the judgment or by law. "Debts owed to courts" also includes the cost of collection when collection services of a contracting agent hereunder are utilized.

- (c) (1) Contracts authorized by this section may be entered into with state or federal agencies or political subdivisions of the state of Kansas, including contracts for participation in the collection program authorized by K.S.A. 75-6201 *et seq.* and amendments thereto. Such contracts also may be entered into with private firms or individuals selected by a procurement negotiation committee in accordance with K.S.A. 75-37,102 and amendments thereto, except that the attorney general shall designate a representative to serve as the chief administrative officer member of such committee and that the other two members of such committee shall be designated by the director of purchases and the judicial administrator.
- (2) Prior to negotiating any contract for collection services, this procurement negotiation committee shall advertise for proposals, negotiate with firms and individuals submitting proposals and select among those submitting such proposals the party or parties to contract with for the purpose of collection services.

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4 (3) The attorney general may adopt rules and regulations as deemed appropriate for the
5 administration of this section, including procedures to be used in the negotiation and
6 execution of contracts pursuant to this section and procedures to be followed by those
7 who utilize collection services under such contracts.

8
9 (4) For purposes of this section, the agencies, firms or individuals with whom contracts
10 are entered under this section shall be known as contracting agents. The attorney
11 general shall publish a list of the contracting agents for use by courts or beneficiaries
12 under orders of restitution who desire to utilize the collection services of such agents.

13
14 (5) Each contract entered pursuant to this section shall provide for a fee to be paid to or
15 retained by the contracting agent for collection services. Such fee shall be designated
16 as the cost of collection hereunder, and shall not exceed 33% of the amount of the
17 debt to be collected. The cost of collection shall be deducted from the amount
18 collected and shall not be in addition to the debts owed to the courts or restitution.

19
20 (d) Judicial districts of the state of Kansas are authorized to utilize the collection services of
21 contracting agents pursuant to this section for the purpose of collecting all outstanding debts owed
22 to courts. Subject to rules and orders of the Kansas supreme court, each judicial district may
23 establish by local rule guidelines for the compromise of court costs, fines, attorney fees and other
24 charges assessed in district court cases.

25
26 (e) Any beneficiary under an order of restitution entered by a court after this section takes
27 effect is authorized to utilize the collection services of contracting agents pursuant to this section for
28 the purpose of collecting all outstanding amounts owed under such order of restitution.

29
30 (f) Contracts entered hereunder shall provide for the payment of any amounts collected to
31 the clerk of the district court for the court in which the debt being collected originated. In accounting
32 for amounts collected from any person pursuant to this section, the district court clerk shall credit
33 the person's amount owed in the amount of the gross proceeds collected and shall reduce the amount
34 owed by any person by that portion of any payment which constitutes the cost of collection pursuant
35 to this section.

36
37 (g) With the appropriate cost of collection paid to the contracting agent as agreed upon in the
38 contract hereunder, the clerk shall then distribute amounts collected hereunder as follows:

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40 (1) When collection services are utilized pursuant to subsection (d), all amounts shall be
41 applied against the debts owed to the court as specified in the original judgment creating
42 the debt;
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4 (2) when collection services are utilized pursuant to subsection (e), all amounts shall be paid
5 to the beneficiary under the order of restitution designated to receive such restitution,
6 except where that beneficiary has received recovery from the Kansas crime victims
7 compensation board and such board has subrogation rights pursuant to K.S.A. 74-7312
8 and amendments thereto, in which case all amounts shall be paid to the board until its
9 subrogation lien is satisfied.

10
11 (h) Whenever collection services are being utilized against the same debtor pursuant to both
12 subsections (d) and (e), any amounts collected by a contracting agent shall be first applied to satisfy
13 subsection (e) debts, debts pursuant to an order of restitution. Upon satisfaction of all such debts,
14 amounts received from the same debtor shall then be applied to satisfy subsection (d) debts, debts
15 owed to courts.
16

PROPOSED AMENDMENT TO K.A.R. 105-3-9

105-3-9. Duties of trial counsel following sentencing.

(a) In order to protect a convicted defendant's right to appeal, it shall be the duty of each trial counsel to:

- (1) file a motion for modification of sentence pursuant to K.S.A. 1991 Supp. 21-4603(2), when appropriate;
- (2) file a motion for release on appeal bond pursuant to K.S.A. 22-2804, when appropriate;
- (3) file a notice of appeal, ~~when appropriate~~, in a timely manner, unless a waiver of the right to appeal has been signed by the defendant;
- (4) upon filing the notice of appeal, obtain a court order for the trial transcript, and a transcript of any pretrial or posttrial proceedings from which a claim of error may arise;
- (5) upon filing the notice of appeal, obtain an order from the district court appointing the state appellate defender as counsel for the appeal and file the order of appointment with the clerk of the district court within five days of the filing of the notice of appeal; and
- (6) submit a draft of the docketing statement and all documents necessary to docket the appeal required by Supreme Court Rule 2.041 to the appellate defender within 10 days of the filing of the notice of appeal.

(b) Requests for compensation for services set forth in subsection (a) shall be included in the claim filed with the board.

(Amended May 1, 1987; January 11, 1992.)

IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS
THIRD JUDICIAL DISTRICT

INFORMATION REGARDING OR-CASH DEPOSIT BONDS

1. Kansas residents who meet certain specified screening requirements may be eligible for release on an OR-Cash Deposit bond. This bond requires personal recognizance or surety and by a cash deposit of ten (10) percent of the face amount of the bond.

2. When a defendant qualifies for an OR-Cash Deposit bond, ten percent of the bond in cash shall be deposited with and held by the Clerk of District Court until such time as the defendant has fully performed all appearance conditions of the bond and discharged all court ordered financial obligations. The cash deposit shall be returned to the defendant upon filing the receipt with the Clerk, less ten percent which shall be retained by the Clerk as an administrative fee. No interest will be paid on the cash deposit. The Court will only refund cash deposits to the defendant or persons having possession of the receipt and an assignment of the cash deposit executed by the defendant.

3. The cash deposit shall be retained by the Clerk of the Court until the defendant has performed all conditions of the bond and has been discharged from all financial obligations ordered by the Court, including payment of fines, court costs, attorneys fees, restitution, child support or any other court ordered financial obligation.

4. The cash deposit may be forfeited should one or more of the following events occur:

- a. Defendant makes a false statement or provides false information in the written document entitled "SUPPLEMENTAL CONDITIONS" which is attached to and becomes a part of his/her OR-Cash Deposit bail bond;
- b. Defendant fails to make any required court appearance;
- c. Defendant fails to report as directed to a Court Services Officer;
- d. Defendant fails to perform any other special condition of bail imposed by the Court.

If the defendant's bond is forfeited, the defendant and any sureties will be obligated for the full face amount of the bond. The cash deposit will be applied to such obligation and remain the absolute property of the State of Kansas.

5. An application for return of the refundable portion of the cash deposit must be made within one year after termination or final judgment is entered in the case. If such application is not made within such period of time, the cash deposit shall become the absolute and permanent property of the State of Kansas.

6. The OR-Cash Deposit bail bond program is voluntary. If a defendant does not participate in this program he/she retains the right to seek or obtain pretrial release under any other statutory provision for admitting defendants to bail.

7. NOTICE: ANY PERSONS POSTING BOND FOR ANOTHER ARE DEEMED BY THE COURT AS MAKING A LOAN TO THE ARRESTED PARTY. THE COURT IS NOT OBLIGATED TO REFUND A CASH DEPOSIT TO ANYONE OTHER THAN THE ARRESTED PARTY. ALL CASH DEPOSITS ARE SUBJECT TO FORFEITURE UPON DEFAULT AND TO APPLICATION TO COURT ORDERED FINANCIAL OBLIGATIONS.

8. This information sheet should be attached to every receipt for an OR-Cash Deposit.

I have read the foregoing and have received a copy of this information sheet.

(Defendant)(Surety)

Name and Mailing Address (Please Print)

Date: _____

GENERAL BOND CONDITIONS

1. It is a bond condition that you attend all court settings of your case. If you miss court, this bond will be revoked. You must be in court on the date and at the time your case is scheduled. If you miss court, you will be arrested again and taken back to jail. Also, missing court is a criminal offense and the District Attorney can charge you with the crime of failure to appear in court.
2. It is a bond condition that you remain a law abiding citizen. If you are arrested on new criminal charges while you are on bond, your bond may be revoked and the bond on the new charges will usually be set at a higher amount and with more restrictions than the bond you had in pending cases.
3. If you bonded out on an arrest report (before a case is filed) to avoid being arrested again, you should contact the Clerk of the District Court (233-8200 Ext. 5157) weekly to learn when formal charges have been filed and your next court setting. Sometimes charges are not filed for many weeks after an arrest.
4. It is a bond condition that you maintain contact with your lawyer. This means your lawyer must always have an address and telephone number where you can be reached. If your lawyer advises the Court that he/she cannot contact you, your bond may be revoked.
5. It is a condition of your bond to report to Court Services when directed to do so. This may be for bond supervision or preparation of a presentence report. Failure to report to Court Services when directed to do so can result in your bond being revoked.

SPECIAL NOTICE TO PERSONS PROVIDING CASH FOR BAIL BONDS

1. Any money received by the Jail for bail bonds is deposited in the inmates account and is considered the property of the inmate.
2. Money posted for Cash bonds or O.R. Cash Deposit Bonds will be refunded by the Court to the inmate under certain conditions.
3. Any money paid to bail bondsman becomes the property of the bondsman and is not refundable to anyone.
4. ANY PERSON POSTING BOND FOR ANOTHER IS DEEMED BY THE COURT AS MAKING A LOAN TO THE ARRESTED PARTY. THE COURT IS NOT OBLIGATED TO REFUND A CASH DEPOSIT TO ANYONE OTHER THAN THE ARRESTED PARTY. ALL CASH DEPOSITS ARE SUBJECT TO FORFEITURE UPON DEFAULT AND TO APPLICATION TO COURT ORDERED FINANCIAL OBLIGATIONS.
5. THE FOREGOING MEANS THE ONLY PERSON YOU MAY LOOK TO FOR REPAYMENT OF MONEY YOU ADVANCE FOR A BAIL BOND IS THE PERSON BEING BONDED OUT (THE INMATE). NO ONE ELSE IS OBLIGATED TO RETURN MONEY TO YOU.

**COLLECTIONS YEAR TO DATE COMPARED
WITH 1994 YEAR TO DATE
AS OF DECEMBER 1996
COLLECTIONS IN 1996**

| | <i>Criminal</i> | <i>Traffic</i> | <i>Juvenile</i> | TOTAL |
|-------------------------|-----------------------|---------------------|--------------------|-----------------------|
| <i>Docket Fees</i> | \$237,839.28 | \$309,643.50 | \$15,936.08 | \$563,418.86 |
| <i>Fines</i> | \$71,869.70 | \$331,757.97 | \$4,463.50 | \$408,091.17 |
| <i>Restitution</i> | \$458,148.10 | \$1,058.00 | \$10,815.62 | \$470,021.72 |
| <i>Atty Fee(State)</i> | \$31,369.28 | \$0.00 | \$0.00 | \$31,369.28 |
| <i>Atty Fee(County)</i> | \$111,807.33 | \$10,063.12 | \$24,778.45 | \$146,648.90 |
| <i>Probation Fees</i> | \$20,919.00 | \$3,140.00 | \$0.00 | \$24,059.00 |
| <i>Others</i> | \$109,657.89 | \$145,210.95 | \$469.00 | \$255,337.84 |
| TOTAL | \$1,041,610.58 | \$800,873.54 | \$56,462.65 | \$1,898,946.77 |

COLLECTIONS IN 1994

| | <i>Criminal</i> | <i>Traffic</i> | <i>Juvenile</i> | TOTAL |
|-------------------------|---------------------|---------------------|--------------------|-----------------------|
| <i>Docket Fees</i> | \$140,450.37 | \$351,877.60 | \$8,078.25 | \$500,406.22 |
| <i>Fines</i> | \$58,689.40 | \$330,524.18 | \$3,467.00 | \$392,680.58 |
| <i>Restitution</i> | \$337,613.74 | \$50.00 | \$13,752.89 | \$351,416.63 |
| <i>Atty Fee(State)</i> | \$17,188.20 | \$0.00 | \$0.00 | \$17,188.20 |
| <i>Atty Fee(County)</i> | \$62,322.19 | \$13,168.83 | \$33,832.73 | \$109,323.75 |
| <i>Probation Fees</i> | \$8,744.33 | \$2,638.50 | \$0.00 | \$11,382.83 |
| <i>Others</i> | \$72,348.88 | \$108,906.02 | \$503.50 | \$181,758.40 |
| TOTAL | \$697,357.11 | \$807,165.13 | \$59,634.37 | \$1,564,156.61 |

| | | | | |
|-------------------|---------------------|--------------------|--------------------|---------------------|
| <i>Difference</i> | \$344,253.47 | -\$6,291.59 | -\$3,171.72 | \$334,790.16 |
|-------------------|---------------------|--------------------|--------------------|---------------------|

*Percent of
In(+) or De(-)
over last year
on Dept. totals*

49.37% -0.78% -5.32% 21.40%

**INDIVIDUAL ACCOUNT PERCENTAGES
OF THE IN(+) OR DE(-)
OVER LAST YEAR**

| | <i>Criminal</i> | <i>Traffic</i> | <i>Juvenile</i> |
|-------------------------|-----------------|----------------|-----------------|
| <i>Docket Fees</i> | 69.34% | -12.00% | 97.27% |
| <i>Fines</i> | 22.46% | 0.37% | 28.74% |
| <i>Restitution</i> | 35.70% | 2016.00% | -21.36% |
| <i>Atty Fee(State)</i> | 82.50% | 0.00% | 0.00% |
| <i>Atty Fee(County)</i> | 79.40% | -23.58% | -26.76% |
| <i>Probation Fees</i> | 139.23% | 19.01% | 0.00% |
| <i>Others</i> | 51.57% | 33.34% | -6.85% |

BONDS POSTED IN 1996

| | CA | CD | OR | WS | PS | OS |
|--------------------|--------------|--------------|---------------|--------------|--------------|--------------|
| JANUARY | 39 | 57 | 93 | 49 | 3 | 1 |
| FEBRUARY | 45 | 62 | 107 | 38 | 17 | 0 |
| MARCH | 54 | 60 | 98 | 24 | 19 | 0 |
| APRIL | 69 | 26 | 148 | 10 | 18 | 0 |
| MAY | 47 | 62 | 89 | 33 | 2 | 15 |
| JUNE | 51 | 78 | 96 | 26 | 7 | 0 |
| JULY | 59 | 46 | 175 | 19 | 13 | 1 |
| AUGUST | 47 | 71 | 115 | 46 | 14 | 21 |
| SEPTEMBER | 32 | 72 | 87 | 26 | 6 | 20 |
| OCTOBER | 63 | 86 | 77 | 23 | 4 | 22 |
| NOVEMBER | 40 | 61 | 75 | 22 | 6 | 27 |
| DECEMBER | 48 | 61 | 84 | 9 | 17 | 13 |
| TOTAL | 594 | 742 | 1244 | 325 | 126 | 120 |
| MONTHLY AVG | 49.50 | 61.83 | 103.67 | 27.08 | 10.50 | 10.00 |

CA = 19% WS = 10%
 CD = 24% PS = 4%
 OR = 39% OS = 4%

SHAWNEE COUNTY DISTRICT COURT

| | <u>TOTAL CRIMINAL CASE FILINGS</u> | <u>FAILURE TO APPEAR</u> | <u>PERCENTAGE OF TOTAL CASE FILINGS</u> |
|-------------|--|------------------------------|---|
| 1994 | 4,215 | 646 | 15% |
| 1996 | 4,011 | 281 | 7% |

FIRST APPEARANCE BOND SCREEN FORM

Name: _____ Date: _____

Age _____ Sex _____ Race _____

Residence:

- 1. Where do you live? (address) _____
- Whose name is residence listed? _____
- How long have you lived at this address? _____
- Who lives with you? _____
- Is there a phone there? _____ What is the number? _____
- Whose name is the telephone listed? _____
- Name of 2 closest relatives in Shawnee County: _____

Employment:

- 2. Are you working? _____ Where? _____
- For how long? _____ How much do you make an hour/weekly/monthly? _____
- Student? _____ Active Military or Reserve? _____

Criminal Record:

- 3. Have you ever been arrested before? _____
- (Verify occurrences, check with book-in list)
- Are you currently on bond, probation or parole for other cases? _____
- If so, what for? _____
- Who is your probation/parole officer? _____
- List all convictions not mentioned above as a juvenile or adult: _____
- Have you ever missed any court appearances? _____ Are you sure? _____

Surety:

- 4. Do you know anyone who lives in Shawnee County who owns real estate that would sign your bond and guarantee your appearance in court? _____
- Do you have any money that can be used to post bond and/or hire a lawyer? _____

Other:

- 5. Any prior hospitalization/treatment for drug/alcohol or psychiatric problems? _____
- Where? _____
- Inpatient/Outpatient? _____

Providing incomplete or false statements may result in bond revocation and detention until court date.

Residents Signature _____

Sen. Federal & State Affairs Comm.
Date: 2-12-97
Attachment: #8

**SHAWNEE COUNTY DISTRICT COURT
DISBURSEMENT OF BOND COLLECTIONS**

1996*

| | | | |
|---------------------------------|---------------------|------------------|-------------------------------------|
| Amount Received | \$486,245.00 | | |
| 10% withheld for Admin Fees | \$48,624.50 | | |
| Amount Returned to Def.(23.68%) | <u>\$115,162.82</u> | | |
| Total amount dist. | <u>\$322,457.68</u> | Amount collected | Estimated amount applied to Account |
| | | | |
| DOCKET FEES | 23.34% | \$322,457.68 | \$75,263.91 |
| RESTITUTION | 44.79% | \$322,457.68 | \$144,425.61 |
| KBI LAB FEE | 3.06% | \$322,457.68 | \$9,860.95 |
| DA DIVERSION | 2.09% | \$322,457.68 | \$6,723.49 |
| PROBATION | 2.05% | \$322,457.68 | \$6,594.46 |
| ATTORNEY FEE | 14.00% | \$322,457.68 | \$45,134.68 |
| FINE | 7.03% | \$322,457.68 | \$22,656.05 |
| MISC. | 3.66% | \$322,457.68 | \$11,798.53 |
| | | | <u>\$322,457.68</u> |

Sen. Federal & State Affairs Comm.
Date: **2-12-97**
Attachment: **#9**

Testimony on Senate Bill 158
Sheriff Dave Meneley, Shawnee County
February 12, 1997

Thank you for allowing me the opportunity to address you today and hopefully provide you with information which will help you make your decision as you vote on this bill. I have come today not only representing my views as Sheriff of Shawnee County but as a taxpayer.

In 1985 in an attempt to relieve an over crowding situation in the jail, the judicial administrator in Shawnee County implemented a pre-trial release program which allowed criminals to post a 10% bond. In the past three years this program has been to the point that anyone with a Kansas drivers license and a minimum amount of cash can post a bond for a criminal. Many of these criminals have committed serious crimes and are being released at little or no expense to themselves. Although this solution might have seemed viable at the time, we are currently in the process of expanding our jail at a cost of \$15,000,000.00. We have created the over crowding situation which was initially targeted as the reason for this program. . There is no excuse to pay an agency to release prisoners just to create vacancies.

In the first 3 months of 1986, after this program was implemented, crime increased 44.9% in our county. Crime continues to escalate at an alarming rate and citizens deserve to have their streets safe. They do not deserve to have hundreds of serious offenders wondering the streets because of a taxpayer funded program. In several instances my officers have arrested criminals and rearrested them, committing the same or more serious crimes, within the same 24 hours. The judges have contributed to jail overcrowding and the crime increase in our community with this bonding system. The judges are not only sitting on the bench in judgment but are ultimately in the bail bonding business and running our jail. This is a great conflict of interest by setting the bond, posting the bond, collecting the fees, and sitting in judgment of what has become their client.

In our county 50 - 90% of criminals who are released prior to their trial date fail to appear for court. Currently on the national level only 1/2 of 1% of the criminals fail to appear when their bonds are assured by a professional bondsman. When the criminal does not appear an additional warrant or summons must be issued which is a costly process, estimated at \$45.00 per occurrence just to generate the necessary paperwork and tracking documentation. If a summons is issued it is often times ignored and eventually it is necessary to generate a warrant. All issuing a summons does is allow the criminal to roam the streets for an additional period of time. The amount of process papers my department receives has increased from 50,000 to 120,000 in the last 4 years. One officer can only serve 10,000 of these documents a year. The backlog of warrants has escalated from 3500 to 8500 in this same time period thanks to this program. The responsibility for locating, apprehending and transporting the criminals, under this program, is shifted exclusively to law enforcement.

Once apprehended and booked into jail the criminals are allowed to sign themselves out and the process resumes again. Just one example of the gross injustice this has created is a criminal who we have had to apprehend over 25 times for the same court case. Calculating this on the previous estimated costs, this one individual has cost \$1,125.00 just in generating the necessary paperwork for apprehension. This cost does not reflect the cost of a minimum of two officers, spending an average of 4-6 hours for apprehension, excluding transport and processing time. Previously the bondsman who were faced with forfeiture

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Date: 2-12-97
Attachment: #10

obviously pursued the criminal, absorbing the cost of apprehension and transportation. We were assured that the person would appear in court and eliminate the costly necessity of a second arrest.

During my tenure the officer work load has almost tripled yet the funding is not available to increase personnel. Costs for prisoner transport have gone from \$40,000. in 1993 to \$135,000. in 1997 and those figures do not include what is about to occur with our local hospital facilities closing. Of these transport costs only 1% has been recovered from the criminal, therefore costing our taxpayers thousands of unnecessary tax dollars which could have been used in a more productive manner. The estimated cost of hiring and equipping an additional deputy is \$60,000.00. As a taxpayer and the Sheriff of this county I cannot stand by without opposing such nonsense.

The type of program defined in this bill is a disaster to the criminal justice system and to the Sheriff's departments across the country wherever it has been implemented. The criminals are thumbing their noses at the system and the judges are helping them do it.

I am aware that there are those who wish to eliminate professional bail bondsmen. Whether or not you like professional bondsmen they perform a vital service. When a bondsman becomes involved in the process it ensures we will collect the entire bond. Bondsmen have always been able to help us in the apprehension of criminals, even when the bondsman is not carrying the bond. These people have an interest in the criminal keeping the court date. In Shawnee County since we have eliminated bondsmen our lost revenue just for 1994, 1995, and a portion of 1996 was \$1,641,319.00. I would like to bring to your attention that this only reflects the past 2 1/4 years, this program has been in existence 12 years. Since my department is funded only by property tax revenue, I have a serious concern over loss of any outside funding sources. I am required to post 100% surety bond, honest business people are required to post a surety bond to guarantee payment of sales tax, and honest contractors are required to post surety bonds for their performance. How can we justify dishonest criminals not posting bonds? It seems ironic that we are asking the honest taxpayers to absorb this additional expense.

I have included for you a tabulation of the bonds in our county which correspond to what you are subjecting the other counties to if you pass this bill. I will make available to you any other information which might help you understand the serious impact this bill has.

In 1985 the legislature was asked to pass a bill similar to the one in front of you today. After reviewing all of the testimony and evidence, the bill did not pass. Although the legislature declined to pass the bill, the Shawnee County administrative judge ignored the facts given during opposition testimony and implemented the procedure which is before you in this bill today. I have given you the results of that implementation and urge you not to allow this to happen throughout the state. Everything stated in the opposition testimony in 1985 occurred with overwhelming accuracy.

Ladies and Gentlemen our system is terribly broke, it is not working anymore. Don't devastate it any more by allowing the judges to continue to do this to our system. If what they are doing presently is legal, then why do we need this bill. Remember this has been in place in my county since 1985, 12 years, and is a failure as the evidence demonstrates.

Thank you once again for the opportunity to express my thoughts.

Shawnee County
1994, 1995 and Partial 1996

| TYPE OF BOND | # OF BONDS | FAILURE TO APPEARS | DEFENDANTS AT LARGE | % FAILED TO APPEAR | % AT LARGE |
|---|----------------|--------------------|------------------------|--------------------|------------|
| CASH | 3378 | 1689 | 387 | 50% | 23% |
| WITH SURETY (0 cash req.) | 1116 | 794 | 159 | 67% | 21% |
| CASH DEPOSIT (10% cash) | 899 | 519 | 101 | 58% | 20% |
| OR BONDS (no bond) | 92 | 87 | 10 | 95% | 12% |
| | | | | | |
| TYPE OF BOND | AMT. COLLECTED | NUMBER OF BONDS | LOST - UNSECURED BONDS | PROFIT STATE | % AT LARGE |
| PROFESSIONAL SURETY | \$5,000.00 | 1 | | | \$5,000.00 |
| CASH DEPOSIT | \$149,106.75 | 71 | \$1,476,156.82 | \$14,910.08 | |
| CASH | \$155,246.00 | 295 | | \$155,245.00 | |
| SELF (WS) | \$335,318.00 | 142 | \$335,318.00 | | |
| | | | | | |
| TOTALS | \$644,670.75 | 509 | \$1,811,474.82 | \$170,155.08 | \$5,000.00 |
| | | | | | |
| NET LOSS TO COUNTY ON CURRENT SYSTEM | | | \$1,641,319.14 | | |

10-3

First Assistant District Attorney
Joel Meinecke

Joan M. Hamilton

Director of Victim Services
Suzanne H. J

Assistant District Attorneys

Athena E. Andaya
James A. Brown
Debra S. Brumeloe
Cynthia E. Harris
Michelle V. Hostetler
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Tony W. Rues
Lori Reyes Seifert
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District Attorney
Kansas Third Judicial District

Suite 214 • Shawnee County Courthouse • Topeka, Kansas 66603-3922

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Investigators
Donald M. Murphy
Ken Hendrix
Mick Meyer

RE: SENATE BILL NO. 158 -- OPPONENT

FROM: JoAn Hamilton, Shawnee County District Attorney

TO: Federal and State Affairs Committee, Room 254-E

DATE: Wednesday, February 12, 1997; 11:00 a.m.

Honorable Chairperson Oleen and Committee Members:

I am JoAn Hamilton, Shawnee County District Attorney, and former 51st Representative. I have 23 years in law enforcement, including 14 years in prosecution exclusively. I am opposed to Senate Bill No. 158 for the following reasons:

1) It doesn't assure any **safeguards** for the **community** and fails to make the suspect **accountable** for his actions. Though the suspect has not been found guilty of a crime at this stage, and is presumed innocent, there has been a finding of **probable cause** for a crime and he is not innocent.

2) To many suspects, **10% of an appearance bond** will amount to very little, and even with a high bond, i.e. \$2,500 for these level of crimes, that only amounts to **\$250.00** cash deposit, which is worth the price to avoid prosecution. He will run, and there's no one to go after him.

3) Though this is a money-making benefit for the court system, the purpose of courts is NOT to raise monies, but to obtain justice for the victims and/or offenders. This system promotes no **accountability**. Sec. 2 speaks to the bond **forfeitures** monies (line 35 - 50%). This method of bonds doesn't have the suspect be accountable to anyone, unlike a surety or professional surety who will assist the Court in getting the suspect into court for appearances because the suspect's family might lose valuable properties or the professional surety will have to pay.

4) Though the Senate Bill limits the crimes that this cash deposit bond system will apply to (and I favor that limitation), **many of the crimes are still dangerous, violent, and person crimes**. They include:

-1-

Sen. Federal & State Affairs Comm
Date: 2-12-97
Attachment: #11

Justice for All

Line 23 - All **misdemeanors**

| | |
|--------------------------------|-----|
| ASSAULT OF A LAW ENFORCE. OFF. | - A |
| ASSAULT | - C |
| BATTERY OF A LEO | - A |
| BATTERY OF A SCHOOL EMPLOYEE | - A |
| BATTERY | - B |
| DOMESTIC BATTERY | - B |
| DOMESTIC BATTERY - 2x | - A |
| CONTRIBUT. TO CHILD'S MISCOND. | - A |
| CRIMINAL RESTRAINT | - A |
| CRIMINAL DEFAMATION | - A |
| POSSESSION OF FIREARM | - A |
| CRUELTY TO ANIMALS | - B |
| DUI - 1st | - B |
| DUI - 2x | - A |
| DW/suspended - 1st | - B |
| DWS - 2x | - A |
| HARASSMENT BY PHONE/FAX | - A |
| INJURY TO PREG. WOMAN | - A |
| INTIMIDATION OF A WITNESS/VIC. | - B |
| MISTREAT. OF DEP. ADULT | - A |
| PROMOT. OBSCENITY TO MINORS | - A |
| SEXUAL BATTERY | - A |

Line 24 - level **7,8,9 and 10 felonies**

| | |
|-------------------------------------|-------------------|
| ABANDONMENT OF CHILD | - Level 8 |
| AGGRAVATED BATTERY - RECKLESS | - Level 9 |
| AGGRAVATED BATTERY - INTENT. | - Level 7 |
| AGG. BATTERY - INTENT. CONTACT- | Level 7 |
| AGGRAVATED ARSON -No sub. risk- | Level 8 |
| AGGRAVATED INCEST | - Level 7 |
| AGGRAVATED INCEST - Marriage | - Level 7 |
| AGG. INTERFERENCE W/PARENTAL | - Level 7 |
| AGGRAVATED FALSE IMPERSONATION- | Level 9 |
| AGGRAVATED ASSAULT | - Level 7 |
| AGGRAVATED WEAPONS VIOLATION | - Level 8 |
| AGGRAVATED FAILURE TO APPEAR | - Level 10 |
| AGGRAVATED ESCAPE FROM CUSTODY- | Level 8 |
| AGGRAVATED JUVENILE DELINQ. | - Level 9 |
| AIDING A PERSON CH. AS FELON | - Level 8 |
| AIDING A FELON | - Level 8 |
| ALTERING A LEGISLATIVE DOCU. | - Level 9 |
| ARSON - Less than \$25,000 | - Level 7 |
| ATTEMPTING TO INFL. A JUD.OFF.- | Level 9 |
| BATTERY AG. A CORRECTIONAL OFF- | Level 7 |
| BATTERY AGAINST A YC OFFICER | - Level 7 |
| BATTERY AG. A CITY/COUNTY/EMP.- | Level 10 |
| BATTERY AG. A JUV. DET. OFF. | - Level 7 |
| BIGAMY | - Level 10 |

| | |
|--------------------------------------|-------------|
| BLACKMAIL | - Level 7 |
| BRIBERY | - Level 7 |
| BURGLARY - AS A DWELLING | - Level 7 |
| CONTRI. TO A CHILD'S MISCOND. | - Level 8 |
| CONTRI. TO CHILD'S - runaway | - Level 9 |
| CRIMINAL USE OF WEAPONS | - Level 8 |
| CRIMINAL USE OF EXPLOSIVES | - Level 8 |
| CRIMINAL DISPOSAL OF EXPLOS. | - Level 10 |
| CRIMINAL POSS. OF F/A, etc. | - Level 8 |
| CRIMINAL DISCHARGE - drivebys | - Level 9 |
| DRIVING W/SUS. - third or + | - Level 9 |
| DUI - third or + | - Level 9 |
| DRIVING WHILE HAB. VIOLATOR | - Level 9 |
| FURN. ALCO. TO MINORS-ILL.PUR. | - Level 9 |
| INCEST | - Level 10 |
| INCITEMENT TO RIOT | - Level 8 |
| INDEC. SOL. OF CHILD | - Level 7 |
| NONSUPPORT OF CHILD OR SPOUSE | - Level 10 |
| OBSTRUCTING LEGAL PROCESS/DUTY- | Level 9 |
| OFFICIAL MISCONDUCT | - Level 7-9 |
| PERJURY | - Level 7,9 |
| PROMOTING OBSCENITY TO MINORS | - Level 8,9 |
| PROSTITUTION; PROMOTING PROS. | - Level 6,7 |
| STALKING w/PRIOR CONVICTION | - Level 8 |
| STALKING w/other order | - Level 9 |
| STALKING | - Level 10 |
| THROW. OBJ. fr. BRIDGE W/INJ. | - Level 7 |

(Many or most property crimes are Levels 7 - 10.)

If you choose to pass this Senate Bill No. 158, I would request the following changes:

1) Reduce crimes available for cash deposit to be only those listed as **nonperson crimes AND below level 7 - only 8, 9, 10.**

2) After a defendant has ONE conviction for failure to appear, he should not be permitted to post a cash deposit bond, **regardless of the crime;**

3) The 90% payment should be outlined more specifically to read.....(Line 26)..**"If the defendant makes such a cash deposit, 90% of the deposit shall be returned to the defendant upon performance of all required appearances and payment of all court-ordered obligations, which shall include restitution to the victims as priority and any transportation costs to bring the defendant to the jurisdiction and any other court costs as ordered by the Court,..or a finding of not guilty."**

4) In Sec. 2 - since the bond forfeitures are due to the defendant not showing up, and the State proceeding with the request for bond forfeit AND a new charge of Failure to Appear or Aggravated Failure to Appear, the State would like to see the 50% that's given to the county general fund to include **some portion to be given to the State's Victim Compensation fund.** These are funds obtained because the bond is forfeited and a victim is left without justice. We should make the suspect pay into the victims' fund.

I am available to answer any questions you might have, or to give you the accounting as we do it in Shawnee County. Thank you.

JoAn Hamilton
Shawnee County District Attorney
Room 214, Courthouse
200 E. 7th Street
Topeka, Kansas 66603
(913) 233-8200, Ext. 4140



A35
SHERMAN

IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS

ADMINISTRATIVE ORDER NO. 113

AMENDED

(Bail Bond Schedule)

The following bail bond schedule shall be used by Court Services officers and Shawnee County Department of Corrections officers (sworn in as Deputy Clerks of District Court) in conjunction with the requirements of Administrative Order No. 114 for the purpose of admitting prisoners to bail unless special instructions are given by a judge. Such special instructions are controlling over this schedule. A separate bond shall be written for each case or arrest report. This schedule and Administrative Order No. 114 supercedes the Automatic Bonding Schedule.

This schedule is to be applied in routine cases. In the event of exceptional circumstances which the arresting officer, Department of Corrections, or District Attorney believe warrant higher or lower bond amounts, call the duty judge.

| | <u>Bond</u> | <u>OR-Cash Deposit</u> |
|------------|---------------------------|------------------------|
| A Felonies | First Appearance Required | Not applicable |
| B Felonies | First Appearance Required | Not applicable |
| C Felonies | \$10,000.00 | \$1,000.00 |

3.

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The following Class C felonies are not bondable from this schedule; first appearance is required:

1. Sale or possession with intent to sell drugs under K.S.A. 65-4127 A and B;
2. Aggravated battery (K.S.A. 21-3414);
3. Aggravated assault on a law enforcement officer (K.S.A. 21-3411);
4. Aggravated burglary (K.S.A. 21-3716);
5. Voluntary manslaughter (K.S.A. 21-3402);
6. Arson (K.S.A. 21-3518).

| | <u>Bond</u> | <u>OR - Cash Deposit</u> |
|--|-------------|------------------------------|
| D Felonies (except as set forth below) | \$1,500 | \$150 |
| E Felonies (except as set forth below) | \$1,000 | \$100 |

The following Class D and E felonies shall be bonded as follows:

- | | | |
|--|---------------------------|-------|
| 1. Aggravated assault (K.S.A. 21-3410) | \$5,000 | \$500 |
| 2. Burglary (K.S.A. 21-3716) | \$5,000 | \$500 |
| 3. Aggravated escape from custody (K.S.A. 21-3810) | First appearance required | |
| 4. Aggravated vehicular homicide (K.S.A. 21-3405(a)) | First appearance required | |
| 5. Aggravated juvenile delinquency (K.S.A. 21-3511) | First appearance required | |
| 6. Aggravated failure to appear (K.S.A. 21-3814) | \$5,000 | \$500 |

| | | |
|-----------------------------------|---------|-------|
| A & B Misdemeanors* | \$1,000 | \$100 |
| C Misdemeanors* | \$500 | \$50 |
| DUI* | \$1,000 | \$100 |
| Traffic* | \$200 | |
| Fish and Game* | \$500 | \$50 |
| Failure to appear (B Misdemeanor) | \$1,500 | \$150 |

The amount and conditions of bond endorsed on the warrant by the judge is controlling if in conflict with this schedule.

If a person is in custody on several criminal charges, the highest charge shall govern for purposes of setting bond under this schedule. More than one OR - cash deposit bond may be posted by a person in custody.

*Kansas residents are approved for O.R. release on these offenses if they satisfy the requirements of Administrative Order No. 114 unless there are exceptional circumstances or other charges or holds. If arrested on DUI defendant must be sober (4-6 hours) unless responsible person transports defendant from jail.

BY ORDER OF THE ADMINISTRATIVE JUDGE, THIRD JUDICIAL DISTRICT,
 this 7th day of October, 1987.


 William R. Carpenter
 Administrative Judge

| DESCRIPTION | STATUTE/ORDINANCE | C/S | C | BOND | TYPE |
|------------------------|-------------------|-----|------|--------|------|
| ABANDONMENT/CHILD, ATT | 21-3604AT | E F | | 1,000 | WS |
| ABANDONMENT/CHILD, CON | 21-3604CO | E F | | 1,000 | WS |
| ABANDONMENT/CHILD, SOL | 21-3604SO | E F | | 1,000 | WS |
| ABANDON VEHICLE | 43-0402 | U M | | | |
| ABANDON VEHICLE | 43-0402 | U M | B | | |
| ABANDONED VEH PK-RWY | 08-1589 | U M | | 35 | C |
| ABANDONMENT OF CHILD | 21-3604 | E F | | 1,000 | WS |
| ABORTION-CRIMINAL | 21-3407 | D F | | 1,500 | WS |
| ABORTION-CRIMINAL AT | 21-3407AT | E F | | 1,000 | WS |
| ABORTION-CRIMINAL CO | 21-3407CO | E F | | 1,000 | WS |
| ABORTION-CRIMINAL SO | 21-3407SO | E F | | 1,000 | WS |
| ABUSE OF POLICE DUGS | HR81-10 | U M | | 500 | OR |
| ADULTERY | 21-3507 | C M | | 500 | OR |
| AGG INTIMIDATION/WIT | 21-3833 | E F | WIT | 1,000 | WS |
| AGG JUV DELINQUENCY | 21-3611 | E F | | | NON |
| AGG ROBBERY | 21-3427 | B F | J | | NON |
| AGG ROBBERY-ATTEPT | 21-3427AT | C F | | 10,000 | WS |
| AGG ROBBERY-CON | 21-3427CO | E F | | 1,000 | WS |
| AGG ROBBERY-SOL | 21-3427SO | D F | | 1,500 | WS |
| AGG WEAPONS VIOLATIO | 21-4202 | E F | | 1,000 | WS |
| AGG. INTIMIDATION/VIC | 21-3833 | E F | VIC | 1,000 | WS |
| AID/PERSON W MIS, CON | 21-3812CO | M | C M | 500 | OR |
| AID/PERSON W/FEL, ATT | 21-3812AT | F | E F | 1,000 | WS |
| AID/PERSON W/FEL, CON | 21-3812CO | F | E F | 1,000 | WS |
| AID/PERSON W/FEL, SOL | 21-3812SO | F | E F | 1,000 | WS |
| AID/PERSON W/FELONY | 21-3812 | F | E F | 1,000 | WS |
| AID/PERSON W/MISD. | 21-3812 | M | C M | 500 | OR |
| AID/PERSON W/MISD, AT | 21-3812AT | M | C M | 500 | OR |
| AIDING ESCAPE | 21-3811 | E F | | 1,000 | WS |
| AIDING ESCAPE, ATT | 21-3811AT | E F | 2ND | 1,000 | WS |
| AIDING ESCAPE, CON | 21-3811CO | F | F | 1,000 | WS |
| AIDING ESCAPE, SOL | 21-3811SO | F | F | 1,000 | WS |
| AIRCRAFT PIRACY | 21-3433 | A F | J | | NON |
| AIRCRAFT PIRACY-ATT | 21-3433AT | B F | J | | NON |
| AIRCRAFT PIRACY-CON | 21-3433CO | C F | | 10,000 | WS |
| AIRCRAFT PIRACY-SOL | 21-3433SO | D F | | 1,500 | WS |
| ALCO/CEREAL CO. PROP | HR83-04 | U M | | 500 | OR |
| ALL NIGHT PARKING | 43-0533 | U M | | | |
| ALT LEGIS DOCUM, SOL | 21-3713SO | E F | | 1,000 | WS |
| ALT LEGISL DOCUM, CON | 21-3713CO | E F | | 1,000 | WS |
| ALTER LEGISL DOC, ATT | 21-3713AT | E F | MISD | 1,000 | WS |
| ALTER. LEGISL. DOCUMEN | 21-3713 | E F | | 1,000 | WS |
| ALTERED BICYCLE LIC | 43-0605 | U M | | | |
| ALTERED DL | STU-199 | U M | 1 | | |
| ALTERED FISHING LIC | 32-0105 | U M | | 500 | OR |
| ANIMAL-DANG. LRG-ATT | 21-3413AT | C M | | 500 | OR |
| ANIMAL-DANG. LRG-CON | 21-3413CO | C M | | 500 | OR |
| ANIMAL-DANGEROUS LRG | 21-3413 | B M | | 1,000 | OR |
| ARSON | 21-3718 | C F | J | | NON |
| ARSON, AGG | 21-3719 | B F | J | | NON |
| ARSON, ATT | 21-3718AT | D F | | 1,500 | WS |

| DESCRIPTION | STATUTE/ORDINANCE | C/S | C | BOND | TYPE |
|-------------------------|-------------------|-----|-----|--------|------|
| ARSON, ATT AGG | 21-3719AT | C F | | 10,000 | WS |
| ARSON, CON | 21-3718CO | E F | | 1,000 | WS |
| ARSON, CON AGG | 21-3719CO | E F | | 1,000 | WS |
| ARSON, SOL | 21-3718SO | E F | | 1,000 | WS |
| ARSON, SOL AGG | 21-3719SO | D F | | 1,500 | WS |
| ASSAULT | 21-3408 | C M | | 500 | WS |
| ASSAULT LEU | 21-3409 | A M | | 1,000 | WS |
| ASSAULT-AGG | 21-3410 | D F | | 5,000 | WS |
| ASSAULT-AGG UN A LEO | 21-3411 | C F | J | | NON |
| ASSAULT-ATT AGG | 21-3410AT | E F | | 1,000 | WS |
| ASSISTING SUICIDE | 21-3406 | E F | | 1,000 | WS |
| ASSISTING SUICIDE AT | 21-3406AT | E F | | 1,000 | WS |
| ASSISTING SUICIDE CO | 21-3406CO | E F | | 1,000 | WS |
| ASSISTING SUICIDE SO | 21-3406SO | E F | | 1,000 | WS |
| AT PRO TRD STAMP-MER | 21-2801AT | U M | | 500 | OR |
| AT PROH TR STAMP-\$\$\$ | 21-2802AT | U M | | 500 | OR |
| AT TO ELUDE POL OFFI | 08-1508AT | U M | | 500 | WS |
| ATT COMM CLS C FEL | 21-3301 | C F | | 10,000 | WS |
| ATT TO ELUDE | STC-031 | A | U M | | NON |
| ATT VIOL 21-2501 | 21-2505AT | U M | | 500 | OR |
| ATT.INFL JUD.OFF,CON | 21-3815CO | F | E F | 1,000 | WS |
| ATT.INFL JUD.OFF,SOL | 21-3815SO | F | E F | 1,000 | WS |
| ATT.INFLU JUD.OFFICL | 21-3815AT | E F | | 1,000 | WS |
| AUTHORITY TO TOW | 08-1570 | U M | | 55 | C |
| AUTO MAST KEY VIOL,AT | 21-3738AT | C M | | 500 | OR |
| AUTO MAST KEY VIOL,CO | 21-3738CO | C M | | 500 | OR |
| AUTO MAST,KEY VIOL. | 21-3738 | C M | | 500 | OR |
| AUX LAMPS PROP AIMED | STC-159 | D | U M | | |
| AXLE BRIDGE WT LIMIT | 43-0680 | U M | | | |
| AXLE WT > KSA 8-1908 | 43-0678 | B | U M | | |
| AXLE WT > 20,000 LB | 43-0678 | A | U M | | |
| BACK UP LAMP REQ | STC-163 | C | U M | | |
| BATTERY | 21-3412 | B M | | 1,000 | WS |
| BATTERY ON A LEO | 21-3413 | A M | | 1,000 | WS |
| BATTERY- ATT ON LEO | 21-3413AT | B M | | 1,000 | WS |
| BATTERY- CON ON LEO | 21-3413CO | C M | | 1,000 | WS |
| BATTERY-AGG | 21-3414 | C F | J | | NON |
| BATTERY-AGG ON A LEO | 21-3415 | B F | J | | NON |
| BATTERY-AT AGG | 21-3414AT | D F | | 1,500 | WS |
| BATTERY-ATT | 21-3412AT | C M | | 500 | WS |
| BATTERY-DOMESTIC | 21-3412 | DOM | B M | 1,000 | PS |
| BATTERY-SOL AGG-LEU | 21-3415SO | D F | | 1,500 | WS |
| BEER/LIQUOR IN PARK | 41-0719 | U M | | 500 | OR |
| BETTING,AID A CRIME | 21-3205 | U M | | 500 | OR |
| BETTING,AT AID A CRM | 21-3205AT | U M | | 500 | OR |
| BETTING,CO AID A CRM | 21-3205CO | U M | | 500 | OR |
| BICY DEALERS LIC REQ | 43-0619 | A | U M | | |
| BICY DEALERS LIC REQ | 43-0620 | U M | | | |
| BICY RENT AG REGUL | 43-0621 | U M | | | |
| BICY RENTAL LIC REQ | 43-0619 | B | U M | | |
| BICYCLE > 5 MPH | 43-0586 | J | U M | | |

| DESCRIPTION | STATUTE/ORDINANCE | C/S | C | BOND | TYPE |
|------------------------|-------------------|------|-----|--------|----------|
| BICYCLE LIC REQUIRED | 43-0502 | | U M | | |
| BICYCLE ON SIDEWALK | 43-0586 | A | U M | | |
| BICYCLE ON SIDEWALK | 43-0586 | C | U M | | |
| BICYCLE PROHIBITED | 43-0586 | B | U M | | |
| BIGAMY | 21-3601 | | E F | 1,000 | WS |
| BIGAMY, ATTEMPTED | 21-3601AT | | E F | 1,000 | WS |
| BIGAMY, CON. | 21-3601CO | | E F | 1,000 | WS |
| BIGAMY, SOL | 21-3601SO | | E F | 1,000 | WS |
| BLACKMAIL | 21-3423 | | E F | 1,000 | WS |
| BLACKMAIL-ATTEMPTED | 21-3428AT | | E F | 1,000 | WS |
| BLACKMAIL-CON | 21-3428CO | | E F | 1,000 | WS |
| BLACKMAIL-SOL | 21-3428SO | | E F | 1,000 | WS |
| BODY CORD EXPOSED | STO-178 | E5 | U M | | |
| BRAKE LIGHTS REQ | STO-149 | A | U M | | |
| BRAKE LIGHTS REQ | STO-161 | A | U M | | |
| BRAKE REQUIRED | STO-133 | B | U M | | |
| BRAKING REQUIREMENTS | STO-173 | A | U M | | |
| BREACH OF PRIVACY | 21-4002 | | A M | 1,000 | OR |
| BRIBERY | 21-3901 | | D F | 1,500 | WS |
| BRIBERY, ATT | 21-3901AT | | E F | 1,000 | WS |
| BRIBERY, COL | 21-3901SO | F | E F | 1,000 | WS |
| BRIBERY, COMMERCIAL | 21-4405 | | E F | 1,000 | WS |
| BRIBERY, CON | 21-3901CO | | E F | 1,000 | WS |
| BRIBERY, RECEV/SPORT | 21-4407 | | A M | 1,000 | OR |
| BRIBERY, SPORTS | 21-4406 | | E F | 1,000 | WS |
| BRIGHT LTS ON VEHICL | STO-157 | D | U M | | |
| BURGLARY | 21-3715 | | D F | 5,000 | WS |
| BURGLARY, AGG | 21-3716 | | C F | | J NON |
| BURGLARY, ATT AGG | 21-3716AT | | D F | 1,500 | WS |
| BURGLARY, ATTEMPTED | 21-3715AT | | E F | 1,000 | WS |
| BURGLARY, CON | 21-3715CO | | E F | 1,000 | WS |
| BURGLARY, CON AGG | 21-3716CO | | C F | 10,000 | WS |
| BURGLARY, SOL | 21-3715SO | | E F | 1,000 | WS |
| BURGLARY, SOL AGG | 21-3716SO | | E F | 1,000 | WS |
| BUS SIGNAL LIGHTS | STO-082 | B1 | U M | | |
| BUS SIGNAL LIGHTS | STO-082 | B2 | U M | | |
| CABLE TV, THEF/SEV, CO | 21-3752CO | | C M | 500 | OR |
| CABLE TV, THEF, 2ND AT | 21-3752AT | 2ND | C M | 500 | OR |
| CABLE TV, THEFT/SERVI | 21-3752 | | C M | 500 | OR |
| CARRY TOO MANY PEOPL | STO-129 | B | U M | | |
| CARRY/CONCEAL EXPLOS | 21-4210 | | C M | 500 | UR |
| CAU ON PRUS/WTHCK, AT | 21-3709AT | MISD | B M | 1,000 | OR |
| CAU ON PRS/WR CK, CON | 21-3709CO | U | C M | 500 | CR |
| CAU ON. PRUS./WDR. CK. | 21-3709 | | A M | 1,000 | OR |
| CERT VEH FAIL TO STP | STO-078 | A | U M | | |
| CERT/REJECTION EXPIR | 08-1758 | | U M | 55 | C |
| CHG LANE PROHIBITTED | STO-046 | D | U M | | NON |
| CHILD ABUSE | 21-3609 | | E F | 1,000 | WS |
| CHILD ABUSE, ATT | 21-3609AT | | E F | 1,000 | WS |
| CHILD ABUSE, CON | 21-3609CO | | E F | 1,000 | WS |
| CHILD ABUSE, SOL | 21-3609SO | | E F | 1,000 | WS |

| DESCRIPTION | STATUTE/ORDINANCE | C/S | C | BCNS | TYPE |
|-------------------------|-------------------|--------|-----|--------|----------|
| CHILD RESTRAINT REQ | STU-152 | A | U M | | |
| CHILD SUPP/CONTEMPT | 20-1204A | | B M | | |
| CHILD/14 NOSEATBELT | 08-1344 | | U M | | |
| CLEARANCE LAMP LIMIT | STD-163 | D | U M | | |
| CLEARANCE LAMP REQ | STD-151 | G1 | U M | | |
| CLEARANCE LAMP REQ | STU-153 | B | U M | | |
| CLEARANCE LAMP REQ | STU-154 | B | U M | | |
| CLINGING TO VEHICLE | STD-130 | | U M | | |
| COASTING CLUT DISENG | STD-109 | B | U M | | |
| COASTING IN NEUTRAL | STU-109 | A | U M | | |
| COMM ADV ON TRAF SGN | STD-017 | B | U M | | |
| COMM FISHING W/O PMT | 32-0188 | | U M | 75 | NON C |
| COMPUTER CRIME | 21-3755 | | | | |
| CON AG INT W/PR CUST | 21-3422CO | A | E F | 1,000 | WS |
| CON PRO TR STAMP-\$\$\$ | 21-2802CO | | U M | 500 | OR |
| CON PRO TR STAMP-MER | 21-2801CO | | U M | 500 | OR |
| CON TO SELL COCAINE | 65-4127CO | COCA | D F | 5,000 | WS |
| CON TO SELL LSD | 65-4127CO | LSD | C F | 10,000 | WS |
| CON TO SELL M/J | 65-4127CO | MJ | E F | 1,000 | WS |
| CON VIOL OF 21-2501 | 21-2505CO | | U M | 500 | CR |
| CONFS/DISPOS/WEAPON | 21-4206 | | U M | 500 | CR |
| CONSUMING 3.2 BEER | 66-1129 | CB | U M | 55 | C |
| CONTR MOTOR CARRIERS | 66-1115 | | U M | 55 | C |
| CONTRA/PENAL INST,AT | 21-3826AT | F | E F | 1,000 | WS |
| CONTRA/PENAL INST,CO | 21-3826CO | | E F | 1,000 | WS |
| CONTRA/PENAL INST,SO | 21-3826SO | F | E F | 1,000 | WS |
| CONTRA/PENAL INSTITU | 21-3826 | | E F | 1,000 | WS |
| CONTRIB CHILD MISCON | 21-3612 | FEL | E F | 1,000 | WS |
| CONTRIB CHILD MISCON | 21-3612 | MISD | A M | 1,000 | OR |
| CONTRIB CHLD MISC.SO | 21-3612SU | FEL | E F | 1,000 | WS |
| CONTRIB CHLD MISC,AT | 21-3612AT | FEL | E F | 1,000 | WS |
| CONTRIB CHLD MISC,AT | 21-3612AT | MISD | B M | 1,000 | OR |
| CONTRIB CHLD MISC,CO | 21-3612CO | FEL | E F | 1,000 | WS |
| CONTRIB CHLD MISC,CO | 21-3612CO | MISD | C M | 500 | OR |
| CONTROL HIGHWAY | 68-0415 | | U M | 55 | C |
| CORE AREA RESTRICTED | 43-0535 | A | U M | | |
| CORE AREA 10AM-6PM | 43-0535 | B | U M | | |
| CORPT INFL/WITN,ATT | 21-3806AT | 2ND | E F | 1,000 | WS |
| CORPT INFL/WITN,CON | 21-3806CO | | E F | 1,000 | WS |
| CORPT INFL/WITN,SOL | 21-3806SO | | E F | 1,000 | WS |
| CORRPT CON JUROR,CON | 21-3817CO | F | E F | 1,000 | WS |
| CORRPT CON JUROR,SOL | 21-3817SO | F | E F | 1,000 | WS |
| CORRPT CONDUCT/JUR,AT | 21-3817AT | F | E F | 1,000 | WS |
| CORRUP/INFLU/WITNES | 21-3806 | | E F | 1,000 | WS |
| CORRUP CONDUCT/JUROR | 21-3817 | | E F | 1,000 | WS |
| COURT ORDER | CTU-CO | | | | NON |
| COURTESY HOLD | HOLD | | | | NON |
| CR.SOL.TO COMMIT FEL | 21-3303 | A OR B | A F | | NON |
| CR.SOL.TO COMMIT FEL | 21-3303 | AB FEL | A F | | NON |
| CR.SOL.TO COMMIT FEL | 21-3303 | C J E | C F | 1,500 | WS |
| CR.SOL.TO COMMIT FEL | 21-3303 | COEFEL | C F | 1,500 | WS |

| DESCRIPTION | STATUTE/ORDINANCE | C/S | C | BOND | TYPE |
|-----------------------|-------------------|------|-----|-------|------|
| CREATING A HAZARD | 21-4212 | | B M | 1,000 | CR |
| CRIM.DAMTOPRO.OVER | 21-3720 | J | E F | 1,000 | WS |
| CRIM.DAMTOPRO.OVR,ATT | 21-3720AT | J | E F | 1,000 | WS |
| CRIM.DAMTOPRO.OVR,CON | 21-3720CU | O | E F | 1,000 | WS |
| CRIM.DAMTOPRO.OVR,SOL | 21-3720SU | J | E F | 1,000 | WS |
| CRIM.DAMTOPRO.UDR,ATT | 21-3720AT | J | B M | 1,000 | CR |
| CRIM.DAMTOPRO.UND,CON | 21-3720CU | U | C M | 500 | OR |
| CRIM.DAMTOPRO.UNDER | 21-3720 | U | A M | 1,000 | OR |
| CRIMINAL DEFAMATION | 21-4004 | | A M | 1,000 | OR |
| CRIMINAL DESECRATION | 21-4111 | | C M | 500 | OR |
| CRIMINAL DESER, ATT | 21-3606AT | | E F | 1,000 | WS |
| CRIMINAL DESERTION | 21-3606 | | E F | 1,000 | WS |
| CRIMINAL TRESPAS,ATT | 21-3721AT | | C M | 500 | OR |
| CRIMINAL TRESPASS | 21-3721 | | B M | 1,000 | OR |
| CRIMINAL TRESPASS,CON | 21-3721CO | | C M | 500 | OR |
| CROSS FIRE HOSE | STO-111 | | U M | | |
| CROSSING INTER DIAGN | STO-065 | D | U M | | |
| CRUELTY TO ANIMALS | 21-4310 | | B M | 1,000 | CR |
| D.L. RESTRICTION | 08-0237 | | U M | 50 | C |
| D.L. RESTRICTION | 08-0245 | | U M | 50 | C |
| DAMAGE BARRICADES | STO-122 | 1 | U M | | |
| DEAL/PIRATEDSOUND RE | 21-3749 | | A M | 1,000 | OR |
| DEBT ADJUSTING | 21-4402 | | B M | 1,000 | OR |
| DECEP COMMER PRACTIC | 21-4403 | | B M | 1,000 | GR |
| DEF REAR VIEW MIRROR | STO-176 | C | U M | | |
| DEFAC.ID.MARK/FIRARM | 21-4205 | | B M | 1,000 | OR |
| DEFECT LIGHTS VIOL. | 08-1721 | | U M | 35 | C |
| DEFECTIVE WIPER | STO-177 | C | U M | | |
| DEFRAUD/INKPR OVR,AT | 36-0206AT | O | E F | 1,000 | WS |
| DEFRAUD/INKPR UND,AT | 36-0206AT | U | U M | 500 | CR |
| DEFRAUD/INNKEEPER,OV | 36-0206 | O | E F | 1,000 | WS |
| DEFRAUD/INNKEEPER,UD | 36-0206 | J | U M | 500 | OR |
| DEL/DRG PARAPHERNALA | 65-4153 | DP | A M | 1,000 | CR |
| DEL/SIMU.CONTR.SUBST | 65-4155 | CSM | A M | 1,000 | CR |
| DELIVERY OF M/J | 65-4127 | DM | A M | 1,000 | WS |
| DENIAL CIVIL RIGH,AT | 21-4003AT | | B M | 1,000 | OR |
| DENIAL CIVIL RIHT,CON | 21-4003CO | | C M | 500 | OR |
| DENIAL OF CIVIL RIHT | 21-4003 | | A M | 1,000 | OR |
| DEPOSIT SLUGS IN MET | 43-0439 | | U M | | |
| DEPRIVE MOYLE OF RD | 08-1595 | | U M | 55 | C |
| DESECRATING A CEMETA | 21-4115 | | C M | 500 | OR |
| DESECRATING A FLAG | 21-4114 | | A M | 1,000 | OR |
| DESECRATING DEADBODY | 21-4112 | | B M | 1,000 | OR |
| DEST WRIT INSTR,SOL | 21-3712SU | | E F | 1,000 | WS |
| DEST WRIT INSTRUM,AT | 21-3712AT | MISD | E F | 1,000 | WS |
| DEST.WRITT.INSTR,CON | 21-3712CO | O | E F | 1,000 | WS |
| DESTR TRAFFIC LIGHTS | 08-1513 | | U M | 125 | C |
| DESTRO.WRITT.INSTRUM | 21-3712 | | E F | 1,000 | WS |
| DESTROY ST PROPERTY | 32-0224 | | U M | 75 | C |
| DISCOUNT PUBLICCLAIM | 21-3906 | | A M | 1,000 | OR |
| DISO POLICE ORDER | 03-1503 | | U M | 55 | C |

| DESCRIPTION | STATUTE/ORDINANCE | C/S | C | BOND | TYPE |
|-----------------------|-------------------|------|-----|-------|------|
| DISOB TRAF CONTRL DEV | 43-0134 | A | U M | | |
| DISOBEY LANE DEVICE | STO-046 | C | U M | | NON |
| DISOBEY LANE SIGNAL | STO-015 | | U M | | NON |
| DISOBEY RR CROSS ARM | STO-076 | 3 | U M | | |
| DISOBEY STOP - R/D/W | STO-059 | B | U M | | |
| DISOBEY TRAF DEVICE | STO-012 | A | U M | | NON |
| DISOBEY TRAF DEVICE | 08-1507 | | U M | 45 | C |
| DISOBEY TRAFFIC DIR | 43-0089 | | U M | | |
| DISOBEY TURN DEVICE | STO-049 | B | U M | | NON |
| DISORDERLY CONDUCT | 21-4101 | | C M | 500 | OR |
| DISPLAY ILLEGAL TAG | STO-198 | C | U M | | |
| DISPLAY WRONG TAG | 08-0135 | | U M | 55 | C |
| DL NOT ON PERSON | STO-193 | | U M | | |
| DL RESTRICTION VIOL | STO-195 | A | U M | | |
| DL RESTRICTION VIOL | STO-199 | 8 | U M | | |
| DL USED BY ANOTHER | STO-199 | 2 | U M | | |
| DL USED TO BUY CMB | STO-199 | 7 | U M | | |
| DL USED TO BUY LIQUR | STO-199 | 6 | U M | | |
| DOUBLE PARK/STOP | STO-085 | A1 | U M | | |
| DR ON BARRICAD ROADWY | STO-122 | 2 | U M | | |
| DR THROUGH FUNERAL | 43-0168 | B2 | U M | | |
| DRAG RACING | 08-1565 | | U M | 75 | C |
| DRIV ACROSS PRIV DR | STO-118 | | U M | | |
| DRIV HABIT VIOLA | 08-0287 | | E F | 1,000 | WS |
| DRIV LEFT CENTER | 08-1514 | | U M | 45 | C |
| DRIV MC OV 35 W/O LT | STO-035 | | U M | | NON |
| DRIV ON PLAY STREET | STO-020 | B | U M | | NON |
| DRIVE LEFT OF CENTER | STO-038 | A | U M | | NON |
| DRIVE LESS TH MINIM | STO-034 | B | U M | | NON |
| DRIVE OFF ROADWAY | STO-125 | | U M | | |
| DRIVE ON LEVEE | 43-0166 | A | U M | | |
| DRIVE ON LF SIDE | 08-1519 | | U M | 45 | C |
| DRIVE ON MEDIAN | STO-048 | A | U M | | NON |
| DRIVE ON REVOKED REG | 08-0142 | 2 | U M | 75 | C |
| DRIVE ON SIDEWALK | STO-116 | | U M | | |
| DRIVE THR SAFETY ZNE | STO-070 | | U M | | |
| DRIVE THROUGH PARADE | 43-0756 | | U M | | |
| DRIVER CONSUM ALCOHL | STO-105 | A | U M | | |
| DRIVER FAIL TO CAUTI | STO-066 | | U M | | |
| DRIVER FAIL TO REPT | STO-027 | A | U M | | NON |
| DRIVER WEARING HEADP | STO-103 | A | U M | | |
| DRIVERS LICENSE VIOL | STO-192 | | U M | | |
| DRIVING WHILE INTOXI | 08-1567 | | U M | 1,000 | OR |
| DRUG CRIME 2ND CONVI | 65-4127 | UC2C | D F | 1,500 | WS |
| DRUG RELATED CRIME | 65-4127 | URC | A M | 1,000 | OR |
| EAVESDROPPING | 21-4001 | | A M | 1,000 | OR |
| EMPLOYMENT SEC.FRAUD | 44-0719 | O | D F | 1,500 | WS |
| EMPLOYMENT SEC.FRAUD | 44-0719 | J | A M | 1,000 | OR |
| ENCOUR JUV.MISCONDOC | 21-3607 | | B M | 1,000 | OR |
| ENDANGERING/CHILD | 21-3608 | | A M | 1,000 | OR |
| ENDANGERING/CHILD,AT | 21-3608AT | | B M | 1,000 | OR |

| DESCRIPTION | STATUTE/ORDINANCE | C/S | C | BOND | TYPE |
|-----------------------|-------------------|-----|---|--------|------|
| ENDANGERING/CHLD, CON | 21-360800 | C M | | 500 | OR |
| ENTICEMENT CHILD | 21-3509 | D F | | 1,500 | WS |
| ENTICEMENT CHILD-ATT | 21-3509AT | C F | | 10,000 | WS |
| ENTICEMENT CHILD-CON | 21-350900 | E F | | 1,000 | WS |
| ENTICEMENT CHILD-SOL | 21-3509S0 | E F | | 1,000 | WS |
| ESCAPE FR CUS, AGG AT | 21-3810AT 2ND | E F | | 1,000 | WS |
| ESCAPE FR CUS, AGG CO | 21-3810CO F | E F | | 1,000 | WS |
| ESCAPE FR CUS, AGG SO | 21-3810SO | E F | | 1,000 | WS |
| ESCAPE FR/CUS, AGG | 21-3810 | E F | J | | NON |
| ESCAPE FR/CUS, ATT | 21-3809AT 2ND | B M | | 1,000 | WS |
| ESCAPE FR/CUS, CON | 21-3809CO F | C M | | 500 | WS |
| ESCAPE FROM CUSTODY | 21-3809 | A M | | 1,000 | WS |
| ESTAB INTERST RULES | 68-1902 | U M | | 55 | C |
| EXCEED REGISTERED WT | 43-0676 | U M | | | |
| EXCEED 4 LIGHTS | ST0-168 B | U M | | | |
| EXCESSIVE FUMES/SMOK | ST0-175 B | U M | | | |
| EXECUTION WARRANT | EXECU-WARR | | | | NON |
| EXHIBITION OF ACCEL | ST0-037 A | U M | | | NON |
| EXP REGISTRATION | 08-0142 | U M | | 30 | C |
| EXPLOS, ATT/CRIM USE | 21-3731AT | E F | | 1,000 | WS |
| EXPLOS, CON/CRIM USE | 21-3731CO | E F | | 1,000 | WS |
| EXPLOS, SOL/CRIM USE | 21-3731SO | E F | | 1,000 | WS |
| EXPLOSIVE/PO/TRNS, AT | 21-3732AT | B M | | 1,000 | CR |
| EXPLOSIVE/PO/TRNS, CO | 21-3732CO | C M | | 500 | OR |
| EXPLOSIVE/POSS/TRANS | 21-3732 | A M | | 1,000 | CR |
| EXPLOSIVES/CRIM USE | 21-3731 | E F | | 1,000 | WS |
| EYE PROTECTION REQ | ST0-177 D | U M | | | |
| FAIL DISP NUMBER PLA | 08-0133 | C M | | 500 | CR |
| FAIL FOLLOW TRF MARK | 43-0197 B | U M | | | |
| FAIL KEEP DOG CONTRO | 10-2451 | C M | | 500 | OR |
| FAIL KEEP RT-R/O/W | ST0-040 B | U M | | | NON |
| FAIL MAINT SING LANE | 08-1522 | U M | | 45 | C |
| FAIL MAINT SPACE | ST0-047 B | U M | | | NON |
| FAIL NOTIFY ST OF CHG | 08-0248 | U M | | 45 | C |
| FAIL NOTIFY AUTHORIT | 08-1606 | U M | | 500 | OR |
| FAIL OBE TRAFF DEVIC | 08-1508 | U M | | 45 | C |
| FAIL OBEY PD/FIRE | ST0-006 | U M | | | NON |
| FAIL PUT NAME/WEIGHT | 08-0143 | U M | | 40 | C |
| FAIL REPORT ACCIDENT | 08-1605 | U M | | 500 | OR |
| FAIL TO APPEAR, AGG | 21-3814 | E F | | 5,000 | WS |
| FAIL TO BE WEIGHED | 43-0686 | U M | | | |
| FAIL TO COMP/TROOPER | 74-2110 | U M | | 55 | C |
| FAIL TO DIM HD LIGHT | 08-1725 | U M | | 45 | C |
| FAIL TO GIVE INFO | ST0-025 A | U M | | | NON |
| FAIL TO GIVE INFO. | 08-1604 U | U M | | 500 | OR |
| FAIL TO GIVE NOT RR | ST0-079 B | U M | | | |
| FAIL TO LIGHT VESSEL | 32-0804 FTLV | U M | | 50 | C |
| FAIL TO NOTIFY POL | 43-0096 | U M | | | |
| FAIL TO PAY TOLL | 68-2020 | U M | | 55 | C |
| FAIL TO PL HAZ MATER | 08-1746 | U M | | 65 | C |
| FAIL TO REG VEH | 08-0134 | U M | | 55 | C |

| DESCRIPTION | STATUTE/ORDINANCE | C/S | C | BOND | TYPE |
|-----------------------|-------------------|------|-----|-------|------|
| FAIL TO REG.VEH-15 D | 08-0127 | | U M | 55 | C |
| FAIL TO REMOVE DEBRIS | STU-112 | B | U M | | |
| FAIL TO RENDER AID | 08-1604 | J | U M | 500 | WS |
| FAIL TO REPAIR DAM | 43-0042 | | U M | | |
| FAIL TO REPAIR VEH | 43-0043 | A | U M | | |
| FAIL TO REPORT ACC | STU-025 | B | U M | | NGN |
| FAIL TO SIGNAL TURN | 08-1548 | | U M | 45 | C |
| FAIL TO STOP | STU-076 | A | U M | | |
| FAIL TO STOP | STU-077 | | U M | | |
| FAIL TO STOP | STU-079 | C | U M | | |
| FAIL TO STOP ALLEY | STU-080 | | U M | | |
| FAIL TO STOP FOR R.R | 08-1552 | | U M | 45 | C |
| FAIL TO TAG DECK ETC | 32-0179 | | U M | 50 | C |
| FAIL TO YIE PRI DRIV | 08-1529 | | U M | 45 | C |
| FAIL TO YIELD EM VEH | STU-061 | A | U M | | |
| FAIL TO YIELD TO PED | STU-071 | | U M | | |
| FAIL TO YIELD-LFTURN | 08-1527 | | U M | 45 | C |
| FAIL TO YLD BLND PED | STU-073 | | U M | | |
| FAIL TO YLD FUNERAL | 43-0168 | B1 | U M | | |
| FAIL TO YLD FUNERAL | 43-0168 | C | U M | | |
| FAIL YIELD EMER VEH | 08-1530 | | U M | 55 | C |
| FAIL YIELD RT OF WAY | 08-1526 | | U M | 45 | C |
| FAIL/CLR PCRT OF ENT | 66-1324 | | U M | 275 | C |
| FAIL/PAYFUELUSER TAX | 79-0034 | | U M | 275 | C |
| FAIL/REG.REC.EXPLOSI | 21-4208 | | C M | 500 | OR |
| FAIL/REGIST/SALE/WEA | 21-4207 | | B M | 1,000 | OR |
| FAILURE PAY DRUG TAX | 79-5201 | | D F | 5,000 | WS |
| FAILURE TO APPEAR | 21-3813 | | B M | 1,500 | WS |
| FAILURE TO APPEAR 60 | CIVIL | CH60 | | 100 | C |
| FAILURE TO APPEAR 61 | CIVIL | CH61 | | 50 | C |
| FAILURE TO F/PRINT | 21-2501 | | U M | 500 | OR |
| FAILURE TO OBEY | 08-2110 | | U M | 500 | OR |
| FAILURE TO PAY FCC | FCC | | | | NGN |
| FALSE IMPERSN,AT AGG | 21-3825AT | F | E F | 1,000 | WS |
| FALSE IMPERSN,CO AGG | 21-3825CO | | E F | 1,000 | WS |
| FALSE IMPERSONAT,AGG | 21-3825 | | E F | 1,000 | WS |
| FALSE IMPERSONATI,AT | 21-3824AT | F | C M | 500 | WS |
| FALSE IMPERSONATI,CO | 21-3824CO | | C M | 500 | WS |
| FALSE IMPERSONATION | 21-3824 | | B M | 1,000 | WS |
| FALSE INFORMATION | STU-023 | | U M | | NGN |
| FALSE MEMBER.CLAIM | 21-4309 | | C M | 500 | OR |
| FALSE SIGN/PETITI,AT | 21-3823AT | F | C M | 500 | OR |
| FALSE SIGN/PETITION | 21-3823 | | C M | 500 | OR |
| FALSE SIGN/PETITN,CO | 21-3823CO | | C M | 500 | OR |
| FALSE/REPORT CRIM,AT | 21-3818AT | F | B M | 1,000 | OR |
| FALSE/REPORT CRIM,CO | 21-3818CO | F | C M | 500 | OR |
| FALSE/REPORT CRIME | 21-3818 | | A M | 1,000 | OR |
| FALSELY REPORT ACCID | 08-1603 | | U M | 500 | OR |
| FIREMAN-INTERF.WITH | 21-3416 | | B M | 1,000 | OR |
| FIREMN-AT.INTERF.WIT | 21-3416AT | | C M | 500 | OR |
| FIREMN-CO.INTERF.WIT | 21-3416CO | | C M | 500 | CR |

| DESCRIPTION | STATUTE/ORDINANCE | C/S | C | BLND | TYPE |
|-----------------------|-------------------|------|-----|-------|------|
| FISH W/O LICENSE | 32-0106 | | U M | 75 | C |
| FISH W/2 OR MORE ROD | 32-0186 | | U M | 50 | C |
| FLAGS ON PROJ LOADS | 08-1715 | | U M | 45 | C |
| FLASH YELLOW LT VIOL | STU-015 | 2 | U M | | NON |
| FLASHING AMBER LGTS | STU-170 | B | U M | | |
| FLASHING RED BUS LGT | STU-170 | A | U M | | |
| FUG LAMPS PROP AIMED | STU-159 | S | U M | | |
| FOLLOW FIRE VEHICLE | STU-110 | | U M | | |
| FOLLOW TOO CLOSE | STU-047 | A | U M | | NON |
| FOLLOW TOO CLOSE | 08-1523 | | U M | 45 | C |
| FOLLOWING FIRETRUCK | 08-1581 | | U M | 45 | C |
| FORGERY | 21-3710 | | E F | 1,000 | WS |
| FORGERY-AT POSS/DEVI | 21-2714AT | | E F | 1,000 | WS |
| FORGERY-CON POSS/DEV | 21-2714CO | | E F | 1,000 | WS |
| FORGERY-POSS/DEVICE | 21-2714 | | E F | 1,000 | WS |
| FORGERY-SOL POSS/DEV | 21-2714SO | | E F | 1,000 | WS |
| FORGERY, ATT | 21-3710AT | FEL | E F | 1,000 | WS |
| FORGERY, ATT | 21-3710AT | MISD | E F | 1,000 | WS |
| FORGERY, CON | 21-3710CO | D | E F | 1,000 | WS |
| FORGERY, SOL | 21-3710SO | | E F | 1,000 | WS |
| FRAUD OB EXC DOC, CON | 21-3706CO | | C M | 1,000 | WS |
| FRAUD OB EXEC DOC, AT | 21-3706AT | MISD | B M | 1,000 | OR |
| FRAUD. OB EXECU DOC. | 21-3706 | | A M | 1,000 | OR |
| FRONT LIGHTS REQ | STU-151 | A1 | U M | | |
| FRONT LIGHTS REQ | STU-151 | B1 | U M | | |
| FRONT LIGHTS REQUIRED | STU-151 | C | U M | | |
| FRU.REL./SEC.AGREEME | 21-3735 | | E F | 1,000 | WS |
| FRU.REL.SEC.AGRM, ATT | 21-3735AT | | E F | 1,000 | WS |
| FRU.REL.SEC.AGRM, CON | 21-3735CO | | E F | 1,000 | WS |
| FRU.REL.SEC.AGRM, SOL | 21-3735SO | | E F | 1,000 | WS |
| FUGITIVE FRM JUSTICE | 22-2713 | | | | NON |
| FUNERAL PROCESSION | 43-0168 | A1 | U M | | |
| FUNERAL SPEED LIMIT | 43-0168 | D | U M | | |
| FUR CEREALMALT MINOR | 21-3610 | A | B M | 1,000 | OR |
| FUR CRLMALT MINR, CON | 21-3610CO | A | C M | 500 | OR |
| FURN CER/MLT MINR, AT | 21-3610AT | A | C M | 500 | OR |
| FURN INTOX MINOR, ATT | 21-3610AT | | C M | 500 | OR |
| FURN-INTOX MINOR, CON | 21-3610CO | | C M | 500 | OR |
| FURNISHI-INTOX MINOR | 21-3610 | | B M | 1,000 | OR |
| GAMBL/PERM ON PREMIS | 21-4305 | | B M | 1,000 | OR |
| GAMBLING | 21-4303 | | B M | 1,000 | OR |
| GAMBLING DEVICE/DEAL | 21-4306 | | E F | 1,000 | WS |
| GAMBLING DEVICE/POSS | 21-4307 | | B M | 1,000 | OR |
| GAMBLING, COMMERCIAL | 21-4304 | | E F | 1,000 | WS |
| GIV WOR CHECK OV, CON | 21-3707CO | J | E F | 1,000 | WS |
| GIV WOR CHECK OVER | 21-3707 | U | E F | 1,000 | WS |
| GIV WOR CHECK UN, CON | 21-3707CO | J | C M | 500 | OR |
| GIV WOR CHECK UNDER | 21-3707 | U | A M | 1,000 | OR |
| GIV WOR CHK OVER, AT | 21-3707AT | J | E F | 1,000 | WS |
| GIV WOR CHK UNDER, AT | 21-3707AT | J | B M | 1,000 | OR |
| GIV.WORTHLESS CK, HIB | 21-3708 | | E F | 1,000 | WS |

| DESCRIPTION | STATUTE/ORDINANCE | C/S | C | BOND | TYPE |
|------------------------|-------------------|-----|-----|-------|------|
| GIVING A FALSE ALARM | 21-4110 | | A M | 1,000 | OR |
| HABITUAL VIOLATOR | 08-0230 | | U M | 500 | OR |
| HANDICAP PARKING | 43-0515 | | U M | | |
| HARRASSMENT BY TELE | 21-4113 | | A M | 1,000 | OR |
| HAZARD LAMP REQUIRMT | STU-162 | C | U M | | |
| HAZARD LIGHTS REQ | STO-162 | B | U M | | |
| HAZARD LIGHTS REQ | STC-162 | E | U M | | |
| MULTS VIOLATIONS | 08-1705 | | U M | 35 | C |
| HEAD/TAIL LAMP REQUI | STO-133 | A | U M | | |
| HEADLAMP IMPROPER HT | STC-146 | B | U M | | |
| HEADLTS MUST BE DIM | STO-165 | A | U M | | |
| HEADLTS MUST BE DIM | STO-165 | B | U M | | |
| HEADLTS MUST REVEAL | STO-165 | | U M | | |
| HIGH BEAM INTENS REQ | STO-164 | A1 | U M | | |
| HIGH BEAM LIGHT REQ | STC-164 | B | U M | | |
| HIGH INTENSITY LIGHT | STO-169 | A | U M | | |
| HIGH/LOW BEAM REQ | STO-164 | A | U M | | |
| HITCHHIKING | 08-1538 | | U M | 35 | C |
| HITCHIG TO METER | 43-0444 | | U M | | |
| HOLD CITY OF TOPEKA | TPD | | | | NON |
| HOLD FEDERAL | FED | | | | NON |
| HOLD FOR COMP | 59-29088 | | | J | NON |
| HOLD IMMIGRATION | IMM | | | | NON |
| HOLD MILITARY | MIL | | | | NON |
| HOLD TPD PROCES/6HRS | TPD-PROCES | | | | NON |
| HORN REQUIRED | STO-174 | A | U M | | |
| HUNT OUT OF SEASON | 32-0319 | | U M | 75 | C |
| HUNT W/ARTIFI LIGHT | 32-0154 | C | U M | 75 | C |
| HUNT W/ARTIFI LT ILL | 32-0154 | B | U M | 75 | C |
| HUNT W/P WRIT PERMIS | 32-0142 | | U M | 30 | C |
| HUNT W/UNPLUG GUN | 32-0156 | A | U M | 50 | C |
| HUNT WITH AID/VEHICL | 32-0150 | | U M | 75 | C |
| HUNT, KILL, FROM CYLCE | 32-0167 | | U M | 75 | C |
| HUNT, SHOOT QUAIL/GRD | 32-0154 | A | U M | 75 | C |
| HUNT, TAKE, POSS DEER | 32-0110 | | U M | 275 | C |
| HVY EQUIP DISOBEY RR | STC-079 | D | U M | | |
| HVY EQUIP RESTRICT | STU-079 | A | U M | | |
| HYPNOTIC EXHIBITION | 21-4007 | | J M | 500 | OR |
| ID LIGHTS NOT AMBER | STO-152 | A | U M | | |
| ILL PASSING ON WRONG | 08-1517 | | U M | 45 | C |
| ILL TURN & APPROACH | 08-1545 | | U M | 45 | C |
| ILL USE OF SIREN | STO-174 | D | U M | | |
| ILL USE OF TIRE | STO-178 | C | U M | | |
| ILLEGAL LGTH FISH | 32-0215 | | U M | 30 | C |
| ILLEGAL LIGHT DEVICE | 08-1729 | | U M | 35 | C |
| ILLEGAL MULTI BEAM | 08-1724 | | U M | 35 | C |
| ILLEGAL ON INTERSTAT | 43-0165 | | U M | | |
| ILLEGAL PARKING | 08-1571 | | U M | 35 | C |
| ILLEGAL PASSING | 08-1520 | | U M | 45 | C |
| ILLEGAL STOP, ST/PK | 08-2112 | | U M | 35 | C |
| ILLEGAL TURN/DIRECTI | 08-1511 | | U M | 45 | C |

| DESCRIPTION | STATUTE/ORDINANCE | C/S | C | BOND | TYPE |
|-----------------------|-------------------|-----|-----|-------|------|
| ILLEGAL U TURN | 08-1524 | | U M | 35 | C |
| IMPEJING TRAFFIC | STO-034 | A | U M | | NON |
| IMPEJING TRAFFIC | 08-1561 | | U M | 35 | C |
| IMPR/SEC IN OVER, ATT | 21-3734AT | D | E F | 1,000 | WS |
| IMPR/SEC IN OVER, CON | 21-3734CO | G | E F | 1,000 | WS |
| IMPR/SEC IN OVER, SOL | 21-3734SO | D | E F | 1,000 | WS |
| IMPR/SEC IN UNDR, ATT | 21-3734AT | U | B M | 1,000 | GR |
| IMPR/SEC IN UNDR, CON | 21-3734CO | J | C M | 500 | GR |
| IMPR/SEC. IN. OVER | 21-3734 | O | E F | 1,000 | WS |
| IMPR/SEC. IN. UNDER | 21-3734 | U | A M | 1,000 | GR |
| IMPROP EXIT HWY | STO-048 | F | U M | | NON |
| IMPROP HAND SIGNAL | STO-056 | 1 | U M | | NON |
| IMPROP HAND SIGNAL | STO-056 | 2 | U M | | NON |
| IMPROP LANE CHANGE | STO-046 | A | U M | | NON |
| IMPROP MARKED SCH BS | 43-0157 | 1C | U M | | |
| IMPROP POS OF LIGHTS | STO-151 | F | U M | | |
| IMPROP RIGHT TURN | STO-049 | A1 | U M | | NON |
| IMPROP SIGNAL STOP | STO-056 | 3 | U M | | |
| IMPROP USE BUS SIGNAL | STO-081 | B | U M | | |
| IMPROP USE BUS SIGNAL | STO-082 | B | U M | | |
| IMPROP USE BUS SIGNAL | 43-0157 | 1B1 | U M | | |
| IMPROP USE BUS SIGNAL | 43-0157 | 1B2 | U M | | |
| IMPROP USE CENT LANE | STO-046 | B | U M | | NON |
| IMPROP VEH R/O/W | STO-048 | H | U M | | NON |
| IMPROPER BACKING | 43-0167 | A | U M | | |
| IMPROPER BACKING | 43-0167 | B | U M | | |
| IMPROPER BACKING | 43-0167 | D | U M | | |
| IMPROPER EQUIPMENT | 08-1701 | | U M | 45 | C |
| IMPROPER INSPECTION | 08-1752 | | U M | 30 | C |
| IMPROPER LEFT TURN | STO-049 | A2 | U M | | NON |
| IMPROPER MARKING | STO-081 | C | U M | | |
| IMPROPER START | STO-053 | | U M | | NON |
| IMPROPER TURN SIGNAL | STO-054 | D | U M | | NON |
| IMPROPER TURN SIGNAL | STO-055 | | U M | | NON |
| IMPROPERLY SEATED | STO-129 | A | U M | | |
| INADEQUATE SIGNAL | STO-054 | B | U M | | NON |
| INATTENTIVE DRIVING | 43-0271 | A | U M | | |
| INCEST | 21-3602 | | E F | 1,000 | WS |
| INCEST, AGG | 21-3603 | | D F | 1,500 | WS |
| INCEST, ATT AGG | 21-3603AT | | E F | 1,000 | WS |
| INCEST, ATTEMPTED | 21-3602AT | | E F | 1,000 | WS |
| INCEST, CON | 21-3602CO | | E F | 1,000 | WS |
| INCEST, CON AGG | 21-3603CO | | E F | 1,000 | WS |
| INCEST, SOL | 21-3602SO | | E F | 1,000 | WS |
| INCEST, SOL AGG | 21-3603SO | | E F | 1,000 | WS |
| INCOME TAX RETRN-CON | 21-3430CO | | C M | 500 | GR |
| INCOME TAX RETURN-AT | 21-3430AT | | B M | 1,000 | GR |
| INCOME TAX RETURNS | 21-3430 | | A M | 1,000 | GR |
| INDEC LIB CHILD-CON | 21-3503CO | | E F | 1,000 | WS |
| INDEC LIB CHILD-SOL | 21-3503SO | | E F | 1,000 | WS |
| INDEC LIB W/CHILD-AT | 21-3503AT | | C F | 1,500 | WS |

| DESCRIPTION | STATUTE/ORDINANCE | C/S | C | BOND | TYPE |
|----------------------|-------------------|-----|-----|--------|------|
| INDEC LIBCHLD-AT AGG | 21-3504AT | C F | | 10,000 | WS |
| INDEC LIBCHLD-CO AGG | 21-3504CO | E F | | 1,000 | WS |
| INDEC LIBCHLD-SOL AG | 21-3504SO | D F | | 1,500 | WS |
| INDEC SI.CHD-SOL AGG | 21-3511SO | E F | | 1,000 | WS |
| INDEC SO/CHD-COJ AGG | 21-3511CO | E F | | 1,000 | WS |
| INDEC SO/CHILD-AT AG | 21-3511AT | E F | | 1,000 | WS |
| INDEC SOLIC CHILD-AT | 21-3510AT | B M | | 1,000 | WS |
| INDEC SOLIC CHILD-CO | 21-3510CO | C M | | 500 | WS |
| INDEC SOLICCHILD-AGG | 21-3511 | E F | | 1,000 | WS |
| INDEC SOLICITA CHILD | 21-3510 | A M | | 1,000 | WS |
| INDECLIBERTIES CHILD | 21-3503 | C F | | 10,000 | WS |
| INDECLIBS CHILD-AGG | 21-3504 | B F | | | NON |
| INJURY/DOM.ANIM,ATT | 21-3727AT | B M | | 1,000 | OR |
| INJURY/DOM.ANIM,CON | 21-3727CO | C M | | 500 | OR |
| INJURY/DOMESTIC ANIM | 21-3727 | A M | | 1,000 | OR |
| INSECURE LOAD | 08-1906 | U M | | 45 | C |
| INSTALL COMM.FACILIT | 21-4308 | E F | | 1,000 | WS |
| INSUFF SPACE IN CARA | STO-047 | C | U M | | NON |
| INT W/CST COMMITCOJ | 21-3423CO | C M | | 500 | CR |
| INT W/CUST COMMITAT | 21-3423AT | B M | | 1,000 | OR |
| INT W/PAR CU-SOL-AGG | 21-3422SO | A | E F | 1,000 | WS |
| INT/CO P BUS,ATT AGG | 21-3829AT | E F | | 1,000 | WS |
| INTEF/W/ADMN JUSTICE | 21-3816 | A M | | 1,000 | OR |
| INTER W/COND BUS,AGG | 21-3829 | D F | | 1,500 | WS |
| INTER W/COND BUS,AT | 21-3828AT | F | B M | 1,000 | CR |
| INTER W/CONDUCT BUS. | 21-3828 | A M | | 1,000 | CR |
| INTER W/CUST COMMITT | 21-3423 | A M | | 1,000 | OR |
| INTER W/PAR CS -CON | 21-3422CO | C M | | 500 | CR |
| INTER W/PAR CS AT AG | 21-3422AT | A | E F | 1,000 | WS |
| INTER W/TRAFFIC DEV | STO-017 | A | U M | | NON |
| INTER W/TRAFFIC DEV | STO-018 | | U M | | NON |
| INTER. W/PARENT CUST | 21-3422 | A M | | 1,000 | CR |
| INTER.W/PAR.CUST.AGG | 21-3422 | A | E F | 1,000 | WS |
| INTER.W/PAR.CUST.ATT | 21-3422AT | | B M | 1,000 | CR |
| INTERF W/MC USE LANE | STO-139 | A | U M | | |
| INTERFERE W/PARADE | 43-0755 | | U M | | |
| INTOX PED IN ROADWAY | STO-074 | | U M | | |
| INTRF/W/ADMN JUST,AT | 21-3816AT | F | B M | 1,000 | OR |
| INTRF/W/ADMN JUST,CO | 21-3816CO | F | C M | 500 | OR |
| JAYWALKING | STO-065 | C | U M | | |
| JAYWALKING | 08-1509 | | U M | 35 | C |
| JUNK VEHICLE ON ST | 43-0402 | C | U M | | |
| KIDNAPPING | 21-3420 | | B F | | NON |
| KIDNAPPING ATT | 21-3420AT | | C F | 10,000 | WS |
| KIDNAPPING CO | 21-3420CO | | E F | 1,000 | WS |
| KIDNAPPING SO | 21-3420SO | | D F | 1,500 | WS |
| KIDNAPPING--AGG. | 21-3421 | | A F | | NON |
| KIDNAPPING--AGG. ATT | 21-3421AT | | B F | | NON |
| KIDNAPPING--AGG. CON | 21-3421CO | | C F | 10,000 | WS |
| KIDNAPPING--AGG. SOL | 21-3421SO | | D F | 1,500 | WS |
| KNDWING EMPLOY/ALIEN | 21-4409 | | C M | 500 | OR |

| DESCRIPTION | STATUTE/ORDINANCE | C/S | C | BOND | TYPE |
|----------------------|-------------------|-------|-----|-------|------|
| LAMPS REQ ON VEHICLE | STG-158 | | U M | | |
| LEAV SCEN OF ACCIDEN | 08-1603 | | U M | 500 | OR |
| LEAV SCEN/DEATH/INJU | 08-1602 | | A M | 1,000 | WS |
| LEAVE SC ACC W/VEH | STG-024 | | J M | | NON |
| LEAVE SC/FAIL TO RPT | STG-026 | | U M | | NON |
| LEAVE SCENE OF ACC | STG-023 | A | U M | | NON |
| LEFT OF CENT MTG VEH | STG-039 | | U M | | NON |
| LEFT OF CENT ON ROAD | STG-038 | C | U M | | NON |
| LEWD LASCIVIOUS BEHA | 21-3508 | | B M | 1,000 | OR |
| LFT CENT HILL/CURVE | STG-043 | A1 | U M | | NON |
| LFT CENT NO PASS ZON | STG-044 | A | U M | | NON |
| LFT CENT W/I 100' BR | STG-043 | A3 | U M | | NON |
| LFT CENT W/I 100'_IN | STG-043 | A2 | U M | | NON |
| LIC W/O HUNT SAF CRD | 32-0401 | | U M | 500 | OR |
| LICENSE TAG VIOLATN | STG-198 | A | U M | | |
| LIGHTED LAMPS REQ | STG-144 | | U M | | |
| LIGHTS ON BIKE | 08-1592 | | U M | 35 | C |
| LIMIT ON BACKING VEH | 08-1574 | | U M | 35 | C |
| LITTERING | 21-3722 | | C M | 500 | OR |
| LITTERING, ATT | 21-3722AT | | C M | 500 | OR |
| LITTERING, CON | 21-3722CO | | C M | 500 | OR |
| LOAD BEYOND SIDES | STG-156 | A | U M | | |
| LOAD EXTENDING BEYON | STG-156 | B | U M | | |
| LOADING ZONE VIOL | 43-0481 | | U M | | |
| LOOSE LOAD | STG-179 | B | U M | | |
| LOW BEAM INTENS REQ | STG-164 | A2 | U M | | |
| LT TURN/RW RED LGT | STG-013 | C3 | U M | | NON |
| MAK A FALSE WRITI,AT | 21-3711AT | MISD | E F | 1,000 | WS |
| MAKING A FALSE WRITI | 21-3711 | | D F | 1,500 | WS |
| MAKING FAL WRITT,CON | 21-3711CO | 0 | E F | 1,000 | WS |
| MAL CIRC.FALSE RUHJR | 21-4005 | | A M | 1,000 | OR |
| MAL EXPOSAROLED PER | 21-4006 | | B M | 1,000 | OR |
| MANSLAUGHTER-INVOL | 21-3404 | | D F | 1,500 | WS |
| MANSLAUGHTER-VOL | 21-3403 | | C F | | NON |
| MANUFACT/METHAMPHETA | 65-4127 | MANUF | C F | | NON |
| MATER ON HWY R/O/W | STG-048 | G | U M | | NON |
| MAY HAVE MULTBEAM LI | 03-1305 | | U M | 35 | C |
| MC BRAKE LIGHTS REQ | STG-186 | A | U M | | |
| MC BRAKE PERFORM REQ | STG-190 | | U M | | |
| MC BRAKES REQUIRED | STG-189 | | U M | | |
| MC CLINGING TO VEH | STG-140 | | U M | | |
| MC EYEPROTECT REQ | STG-142 | B | U M | | |
| MC HEADLIGHT HT REQ | STG-183 | J | J M | | |
| MC HEADLIGHT REQUIRE | STG-183 | A | U M | | |
| MC HEADLT INTENS REQ | STG-187 | A | U M | | |
| MC HEADLT INTENS REQ | STG-187 | B | U M | | |
| MC HEADLT INTENS REQ | STG-188 | A | U M | | |
| MC HEADLT INTENS REQ | STG-188 | B | U M | | |
| MC HEADLT INTENS REQ | STG-188 | C | U M | | |
| MC HELMET REQUIRED | STG-142 | A | U M | | |
| MC MORE THAN 2 ABRST | STG-138 | D | U M | | |

| DESCRIPTION | STATUTE/ORDINANCE | C/S | C | BOND | TYPE |
|-----------------------|-------------------|-------|-----|--------|----------|
| MC MORE THAN 2 ABRST | STO-139 | D | U M | | |
| MC MUST HAVE HEADLTS | STC-187 | | U M | | |
| MC OP IMPROP SEATED | STO-138 | A | U M | | |
| MC OP NOT FACING FWD | STO-138 | B | U M | | |
| MC OP W/O HANDS ON | STO-138 | C | U M | | |
| MC PASS SAME LANE | STC-139 | B | U M | | |
| MC REAR REFLECT REQ | STO-185 | | U M | | |
| MC REQUIREMENTS | STO-191 | A | U M | | |
| MC TAG LIGHT REQ | STO-184 | B | U M | | |
| MC TAIL LAMP REQ | STO-184 | A | U M | | |
| MC TURNS SIGNALS REQ | STO-186 | B | U M | | |
| MC W/ILLEG HANDLEBAR | STO-141 | B | U M | | |
| MCYCLE VIOLATIONS | 08-1597 | | U M | 45 | C |
| METAL TIRE IN CONTACT | STC-178 | B | U M | | |
| MIST CONFINED PER-CON | 21-3425CO | | C M | 500 | OR |
| MIST CONFINED PER-AT | 21-3425AT | | B M | 1,000 | OR |
| MISTAKE. CONFINED PER | 21-3425 | | A M | 1,000 | OR |
| MISUE OF PUB FND, ATT | 21-3910AT | | E F | 1,000 | WS |
| MISUE OF PUB FND, CON | 21-3910CO | | E F | 1,000 | WS |
| MISUE OF PUB FND, SOL | 21-3910SO | F | E F | 1,000 | WS |
| MISUE OF PUBLIC FUND | 21-3910 | | D F | 1,500 | WS |
| MORE THAN 2 ABRÉAST | STO-131 | B | U M | | |
| MCV PARKED VEH | 08-1547 | | U M | 35 | C |
| MUFFLER REQUIRED | STO-175 | A | U M | | |
| MUFFLER VIOLATION | 08-1739 | | U M | 35 | C |
| MULTIBEAM HEADLIGHT | STO-164 | | U M | | |
| MURDER ATT-2ND DEGRE | 21-3402AT | | C F | 10,000 | WS |
| MURDER CON-1ST DEGRE | 21-3401CO | | C F | 10,000 | WS |
| MURDER CON-2ND DEGRE | 21-3402CO | | E F | 1,000 | WS |
| MURDER SOL-1ST DEG | 21-3401SO | | C F | 1,500 | WS |
| MURDER SOL-2ND DEGRE | 21-3402SO | | D F | 1,500 | WS |
| MURDER-AT 1ST DEGREE | 21-3401AT | | B F | | J NCN |
| MURDER-1ST DEGREE | 21-3401 | | A F | | J NCN |
| MURDER-2ND DEGREE | 21-3402 | | B F | | NCN |
| MUST HAVE A HORN | 08-1738 | | U M | 35 | C |
| MUST HAVE HEADLIGHT | 08-1801 | | U M | 35 | C |
| MUST HAVE TAIL-LIGHT | 08-1802 | | U M | 35 | C |
| MUST HAVE TAIL-REFLE | 08-1803 | | U M | 35 | C |
| MUST HAVE TAIL-STOP | 08-1804 | | U M | 35 | C |
| MUST USE STAND ZONES | 43-0497 | | U M | | |
| MUTILATED LIC TAG | 08-0139 | | U M | 30 | C |
| NEGLIGENT DRIVING | 43-0271 | B | U M | | |
| NO BOAT REGISTRATION | 82-0803 | NBR | U M | 30 | C |
| NO CYCLE LICENSE | 08-0235 | C | U M | 35 | C |
| NO D.L. ON PERSON | 08-0244 | | U M | 50 | C |
| NO DL OR EXP LIC | 08-0235 | | U M | 55 | C |
| NO DRIVERS DAILY LOG | 66-1129 | NDOL | U M | 45 | C |
| NO EYE PROTECTION | 08-1598 | | U M | 35 | C |
| NO FIRE EXT IN BOAT | 82-0804 | NFE08 | U M | 75 | C |
| NO FIRE EXT, FLARES | 66-1129 | NFEF | U M | 55 | C |
| NO FIRE EXTINGUISHER | 03-0804 | | U M | 30 | C |

| DESCRIPTION | STATUTE/ORDINANCE | C/S | C | BOND | TYPE |
|-----------------------|-------------------|------|-----|-------|------|
| NO FISHING LICENSE | 32-0104 | | U M | 500 | OR |
| NO FUEL PERMIT | 66-1129 | NFP | U M | 105 | C |
| NO HANDS ON HANDLEBR | STO-132 | | J M | | |
| NO HDLTS AFTER SUNST | 08-1703 | | U M | 45 | C |
| NO ID # ON BOAT | 82-0803 | NIDB | U M | 50 | C |
| NO IN OR OUT MIRRORS | 08-1740 | | U M | 35 | C |
| NO KCC AUTH./TRUCK | 66-1111 | | U M | 55 | C |
| NO KCC AUTHORITY | 66-1139 | | U M | 55 | C |
| NO LIAB INSUR VIOL | 40-3104 | 1ST | B M | 1,000 | OR |
| NO LIAB INSUR VIOL | 40-3104 | 2ND | A M | 1,000 | OR |
| NO LIAB. INS. VIOLA. | 40-3104 | O | B M | 1,000 | OR |
| NO LIGHTS FUNERAL VE | 43-0168 | A2 | U M | | |
| NO MOCYCLE HELMET | 08-1598 | A | U M | 35 | C |
| NO PHYSICAL CERTIF. | 66-1129 | NPC | U M | 45 | C |
| NO REFLECTORS | 66-1129 | NR | U M | 55 | C |
| NO SCHOOL BUS SIGNAL | 43-0157 | 1B | U M | | |
| NO SEAT FOR PASSENGR | STO-141 | A | U M | | |
| NO TURN SIGNALS | 08-1804 | B | U M | 65 | C |
| NON HWY VEH ON HWY | 08-0198 | | U M | 125 | C |
| NON-DIS/SOURCES ODREC | 21-3750 | | A M | 1,000 | OR |
| NON-PMT. CHILD-SUPP. | CHILD-SUPP | | U M | | |
| NONDRIV BLOW DEVICE | STO-030 | B3 | U M | | NON |
| NONSUPPORT OF CHILD | 21-3605 | | E F | 1,000 | WS |
| NOT RIDDING TO RT SD | STO-131 | A | U M | | |
| NOTENOUGH LIFEJACKET | 82-0804 | NELJ | U M | 50 | C |
| NOX MAT,ATTCRIM USE | 21-3733AT | | B M | 1,000 | OR |
| NOX MAT,CONCRIM USE | 21-3733CO | | C M | 1,000 | OR |
| NOXIOUS MAT,CRIMUSE | 21-3733 | | A M | 1,000 | OR |
| NUDITY FOR HIRE | HR80-05 | | U M | 500 | OR |
| OB LEGL OF DTY,FL,SD | 21-3803SO | O | E F | 1,000 | WS |
| OB LEGL PRO/FEL,SDL | 21-3803SU | F | E F | 1,000 | WS |
| OB LEGL PROC/FEL,CON | 21-3803CO | F | E F | 1,000 | WS |
| OB LEGL PROC/MIS,CON | 21-3803CU | | C M | 500 | OR |
| OB LEGL PROC,OFF DTY | 21-3803CU | O | E F | 1,000 | WS |
| OBSCENITY, PROMOTING | 21-4301 | | A M | 1,000 | OR |
| OBSCENITY,PROMO-MINR | 21-4301A | | E F | 1,500 | WS |
| OBSCURED VISION | 08-1741 | | U M | 35 | C |
| OBSCURED VISION | 08-1749 | | U M | 35 | C |
| OBSCURED WINDSHIELD | STO-177 | A | J M | | |
| OBST LEG PRO FEL,ATT | 21-3808AT | F | E F | 1,000 | WS |
| OBST LEG PRO OF DUTY | 21-3808AT | J | E F | 1,000 | WS |
| OBST LGL PROCESS,ATT | 21-3808AT | 2ND | B M | 1,000 | OR |
| OBSTR/LEGAL PRO/FELG | 21-3808 | F | E F | 1,000 | WS |
| OBSTR/LEGAL PROC/MIS | 21-3808 | | A M | 1,000 | OR |
| OBSTR/OFFICAL DUTY | 21-3808 | O | E F | 1,000 | WS |
| OBT PRESC FRAUD M,AT | 21-4214AT | O | E F | 1,000 | WS |
| OBT PRESC FRAUD M,AT | 21-4214AT | J | B M | 1,000 | OR |
| OBT PRESC FRAUD M,CO | 21-4214CO | O | E F | 1,000 | WS |
| OBT PRESC FRAUD M,CO | 21-4214CO | U | C M | 500 | OR |
| OBT PRESC FRAUD M,SO | 21-4214SU | O | E F | 1,000 | WS |
| OBT PRESC FRAUDJ MEA | 21-4214 | J | E F | 1,000 | WS |

| DESCRIPTION | STATUTE/ORDINANCE | C/S | C | BOND | TYPE |
|----------------------|-------------------|-------|-----|-------|------|
| UBT PRESC FRAUDU MEA | 21-4214 | U | A M | 1,000 | CR |
| ODEGMETERS:UNLAWACTS | 08-0611 | | B M | 1,000 | OR |
| OFFICIAL MISCONDUCT | 21-3902 | | A M | 1,000 | OR |
| OP BOAT W/O CERT.NO. | 82-0803 | UBWCC | U M | 50 | C |
| OP MC BETWEEN LANES | STO-139 | C | U M | | |
| OP VEH W/O VAL A DL | 08-0235 | A | U M | 50 | C |
| OPEN DOOR INTO TRAF | STO-123 | | U M | | |
| OPEN SALOON | 41-0803 | | U M | 500 | OR |
| OPER FOREIGN DL | 08-0253 | | U M | 125 | C |
| OPER OF UNINSURED VE | STO-200 | B | U M | | |
| OPER PASSENGER RIDIN | STO-115 | B | U M | | |
| OPER REJ CAR AFT 30D | 08-1753 | 5 | U M | 75 | C |
| OPER SNOWMOBILE ROAD | STO-114 | | U M | | |
| OPER UNSAFE VEH | 43-0043 | B | U M | | |
| OPER VEH BY DRUG USR | STO-030 | B | U M | | NON |
| OPER VEH OBSTRUCTED | STO-108 | A | U M | | |
| OPER VEH OVER 24000 | 08-0234 | | U M | 55 | C |
| OP PARKING METER STL | 08-0306 | | U M | 500 | OR |
| OV HEIGHT/OV WIDTH | 43-0445 | | U M | | |
| OVERWEIGHT | 08-1904 | | U M | 45 | C |
| OWNER ALLOW ILL OPER | 08-1909 | | U M | 500 | OR |
| OWNER FAIL TO REPORT | STO-203 | | U M | | |
| OWNER TO PROVIDE INS | 43-0041 | | U M | | |
| PAR RESP/KID ON BIKE | STO-200 | A | U M | | |
| PARADE PERMIT REQ | 08-1583 | | U M | 35 | C |
| PARENT ALLOW U/L OPR | 43-0769 | A | U M | | |
| PARK AT HOODED METER | STO-127 | B | U M | | |
| PARK BLOCKING STREET | 43-0443 | A | U M | | |
| PARK DISABLED VEH | STO-090 | | U M | | |
| PARK EXCESSIVE TIME | STO-093 | | U M | | |
| PARK FOR DISPLAY | STO-092 | B | U M | | |
| PARK IN ALLEY | 43-0389 | 1 | U M | | |
| PARK IN EXCESS OF 48 | STO-092 | A | U M | | |
| PARK IN EXCESS TIME | 43-0383 | | U M | | |
| PARK IN FIRE LANE | STO-097 | | U M | | |
| PARK IN ST CLN AREA | STO-085 | E | U M | | |
| PARK IN TAXI STAND | 43-0387 | B | U M | | |
| PARK ON CITY EASEMNT | 43-0498 | | U M | | |
| PARK ON PARADE ROUTE | 43-0384 | | U M | | |
| PARK ON POSTED ST | 43-0757 | | U M | | |
| PARK ON SNOW ROUTE | STO-091 | | U M | | |
| PARK ON STHOUSE | 43-0294 | | U M | | |
| PARK ON STHOUSE GRDS | 75-4506 | | U M | 30 | C |
| PARK OUTSIDE STALL | 75-4510 | | U M | 30 | C |
| PARK OVER 30 MIN | STO-089 | | U M | | |
| PARK VEH W/DOOR | 43-0387 | A | U M | | |
| PARK W/I 12" CURB | 43-0390 | | U M | | |
| PARK W/I 12" CURB | STO-086 | A | U M | | |
| PARK W/I 12" CURB | STO-086 | B | U M | | |
| PARK W/I 50' OF RR | STO-085 | C1 | U M | | |
| PARK WHERE PROHIBIT | STO-085 | C2 | U M | | |

| DESCRIPTION | STATUTE/ORDINANCE | C/S | C | BOND | TYPE |
|----------------------|-------------------|-----|-----|--------|------|
| PARK WHERE PROHIBIT | STU-096 | | U M | | |
| PARKING BRAKE REQ | STU-173 | B | U M | | |
| PARKING LAMP REQ | STU-157 | A | U M | | |
| PARKING LIGHTS REQ | STU-157 | C | U M | | |
| PARKING LOT TRESSPAS | 43-0360 | A | U M | | |
| PARKING METER VIOL | 43-0438 | A | U M | | |
| PAROLE VIOLATION | PV-SDGC | | | J | NGN |
| PASS LAMPS PROP AIMD | STU-159 | C | U M | | |
| PASS OBSTRUCT VIEW | STU-108 | B | U M | | |
| PASS ON RIGHT | STU-040 | A | U M | | NGN |
| PASS STOPPED SCH BUS | 43-0157 | 1A | U M | | |
| PASS W/I 200' DTH VE | STU-042 | | U M | | NGN |
| PASSENGER FAIL REPT | STU-027 | B | U M | | NGN |
| PASSENGER ON MUTBIKE | 08-1588 | | U M | 35 | C |
| PASSING CAR STOPPED | STU-064 | D | U M | | |
| PASSING ON RIGHT | STU-041 | A | U M | | NGN |
| PASSING SCHOOL BUS | 08-1556 | | U M | 55 | C |
| PASSING STOPPED BUS | STU-081 | A | U M | | |
| PASSING STOPPED BUS | STU-082 | A | U M | | |
| PED DISOBEY BRDG SIG | STU-075 | A | U M | | |
| PED DISOBEY RR SIGNL | STU-075 | B | U M | | |
| PED DISOBEY TRF DEV | STU-063 | A | U M | | |
| PED DISOBEY WALK LGT | STU-014 | B | U M | | NGN |
| PED FAIL TO YIELD | STU-068 | D | U M | | |
| PED ON INTERSTATE | 08-1537 | | U M | 35 | C |
| PED ON LEFT SIDE | STU-068 | C | U M | | |
| PED ON ROADWAY W/SDW | STU-068 | A | U M | | |
| PED ON SHOULDER | STU-068 | B | U M | | |
| PED RUN INTO PATH VE | STU-064 | B | U M | | |
| PED TO YIELD R/O/W | STU-065 | A | U M | | |
| PED TO YIELD TUNNEL | STU-065 | B | U M | | |
| PED TO YLD EM VEH | STU-072 | A | U M | | |
| PED UNDER INFLUENCE | 08-1543 | | U M | 55 | C |
| PED VIOL RED LIGHT | STU-013 | C4 | U M | | NGN |
| PED VIOL YELLOW LGHT | STU-013 | B2 | U M | | NGN |
| PERF UNATH OFF AC,AT | 21-3819AT | F | C M | 500 | OR |
| PERF UNATH OFF AC,CO | 21-3819CO | F | C M | 500 | OR |
| PERF UNATH OFF ACT | 21-3819 | | B M | 1,000 | OR |
| PERJRY/OTH T TRI,CON | 21-3805CO | B | E F | 1,000 | WS |
| PERJRY/OTH/T TRI,SOL | 21-3805SO | B | E F | 1,000 | WS |
| PERJRY/TRIAL/FEL,CON | 21-3805CO | A | E F | 1,000 | WS |
| PERJRY/TRIAL/FEL,SOL | 21-3805SO | A | E F | 1,000 | WS |
| PERJURY/OTHER T TRIA | 21-3805 | B | E F | 1,000 | WS |
| PERJURY/OTHR/TRIA,AT | 21-3805AT | B | E F | 1,000 | WS |
| PERJURY/TRIAL/FEL,AT | 21-3805AT | A | D F | 1,500 | WS |
| PERJURY/TRIAL/FELONY | 21-3805 | A | C F | 10,000 | WS |
| PERM FA CLM OVR,ATT | 21-3905AT | U | E F | 1,000 | WS |
| PERM FA CLM UNDR,ATT | 21-3905AT | U | B M | 1,000 | OR |
| PERM/PREM/CR/SYN.CON | 21-3804CO | | C M | 500 | OR |
| PERM/PREM/CR/SYND,AT | 21-3804AT | 2ND | B M | 1,000 | OR |
| PERM/PREM/CRIM SYNDI | 21-3804 | | A M | 1,000 | OR |

| DESCRIPTION | STATUTE/ORDINANCE | C/S | C | BOND | TYPE |
|-----------------------|-------------------|--------|-----|--------|------|
| PERMIT FA CLM OVER | 21-3905 | D | E F | 1,000 | WS |
| PERMIT FA CLM UNDR | 21-3905 | U | A M | 1,000 | CR |
| PERMIT UNAUTHOR PERS | 08-0264 | | U M | 60 | C |
| PERMIT UNAUTHOR.MIND | 08-0263 | | U M | 50 | C |
| PERMITS/SIZE & WEIGH | 08-1911 | | U M | 500 | OR |
| PIRACY/SOUND RECORDI | 21-3748 | | A M | 1,000 | CR |
| PLACE DANGERJJS DEBR | STG-112 | A | U M | | |
| POISONING ATT | 21-3417AT | | C F | 10,000 | WS |
| POISONING-CON ATTMPT | 21-3417CO | | E F | 1,000 | WS |
| POISONING-SOL ATTMPT | 21-3417SU | | E F | 1,000 | WS |
| POSS BRGLRY TOOL,ATT | 21-3717AT | | E F | 1,000 | WS |
| POSS BRGLRY TOOL,CON | 21-3717CO | | E F | 1,000 | WS |
| POSS BRGLRY TOOL,SOL | 21-3717SU | | E F | 1,000 | WS |
| POSS BURGLARY TOOLS | 21-3717 | | E F | 1,000 | WS |
| POSS COPY OF DL | STG-199 | 9 | U M | | |
| POSS FORG DEVICE,ATT | 21-3714AT | MISD | E F | 1,000 | WS |
| POSS FORG DEVICE,CON | 21-3714CO | | E F | 1,000 | WS |
| POSS FORG DEVICE,SOL | 21-3714SU | | E F | 1,000 | WS |
| POSS OF CMB-MINORS | 41-2721 | | U M | 500 | OR |
| POSS OF FENTANYL | 65-4127 | PF | C F | 10,000 | WS |
| POSS OF HEROIN | 65-4127 | PH | C F | 10,000 | WS |
| POSS VEH W/SER.#REMV | 08-0116 | | U M | 225 | C |
| POSS W/INT METHAMPH | 65-4127B | MET | C F | 10,000 | WS |
| POSS W/INT OTHERTHAN | 65-4127 | PSD | C F | | NON |
| POSS W/INT STIMULANT | 65-4127B | STI | C F | 10,000 | WS |
| POSS W/INT-HEROIN | 65-4127 | PSH | C F | | NON |
| POSS W/INTENT--M/J | 65-4127 | PMJ | C F | | NON |
| POSS. FORGERY DEVICE | 21-3714 | | E F | 1,000 | WS |
| POSS. OF COCAINE | 65-4127 | PC | C F | 10,000 | WS |
| POSS. OF STEROIDS | 65-4127 | STEROI | A M | 1,000 | CR |
| POSS. W/INT-COCAINE | 65-4127 | PHISC | C F | | NON |
| POSS.DRUGS(M/J) | 65-4127 | PD M/E | A M | 1,000 | OR |
| POSS.MATHAMPHETAMINE | 65-4127B | PMA | A M | 1,000 | OR |
| POSS.MATHAMPHETAMINE | 65-4127B | PMA-2 | E F | 5,000 | WS |
| POSS&DISPLAY ALT D.L | 08-0260 | | U M | 75 | C |
| POSS/DRUG AF FEL CNV | 65-4127 | POFC | D F | 1,500 | WS |
| POSS/DRUG PARAPHERNA | 65-4153 | CSM | A M | 1,000 | OR |
| POSS/DRUGS-PREV CONV | 65-4127 | POPC | D F | 1,500 | WS |
| POSS/HALLUCINOG DRUG | 65-4127 | PHD | D F | 1,500 | WS |
| POSS/NARCOTIC DRUG | 65-4127 | PND | C F | 10,000 | WS |
| POST POLITICAL ADVER | 21-3739 | | C M | 500 | OR |
| POST POLITICAL ADV,AT | 21-3739AT | | C M | 500 | OR |
| POST POLITICAL ADV,CO | 21-3739CO | | C M | 500 | OR |
| PRAC/CRIMSYNDICA,CON | 21-3803CO | | E F | 1,000 | WS |
| PRAC/CRIMSYNDICA,SOL | 21-3803SU | | E F | 1,000 | WS |
| PRAC/CRM SYNDICAL,AT | 21-3803AT | 2ND | E F | 1,000 | WS |
| PRACT/CRIMSYNDICALIS | 21-3803 | | E F | 1,000 | WS |
| PRESENT FA CLM OVER | 21-3904 | D | E F | 1,000 | WS |
| PRESENT FA CLM UNDR | 21-3904 | U | A M | 1,000 | CR |
| PROBATION VIOL. DUI | PV-COUNTY | DUI | U M | | NON |
| PROBATION VIOL. FEL | PV-COUNTY | FEL | E F | | NON |

| DESCRIPTION | STATUTE/ORDINANCE | C/S | C | BUND | TYPE |
|----------------------|-------------------|-----|-----|--------|------|
| PROBATION VIOL. MISD | PV-COUNTY MISD | | U M | | NON |
| PROD. OF MARIJUANA | 65-4126 | PM | A M | 1,000 | OR |
| PROH TRAD STAMPS-F&S | 21-2802 | | U M | 500 | OR |
| PROH TRAD STAMPS-MER | 21-2801 | | U M | 500 | OR |
| PROHIB FIGHT/WRESTL | 21-1801 | | A M | 1,000 | OR |
| PROHIBITED LEFT TURN | 43-0203 | | U M | | |
| PROHIBITED LEFT TURN | 43-0205 | | U M | | |
| PROHIBITED TURN | 43-0198 | B | U M | | |
| PROM PROST-HABIT-ATT | 21-3514AT | | E F | 1,000 | WS |
| PROM PROST-HABIT-CON | 21-3514CO | | E F | 1,000 | WS |
| PROM PROST-HABIT-SOL | 21-3514SO | | E F | 1,000 | WS |
| PROOF OF LIABIL INS | STO-200 | D | U M | | |
| PROP OWN FAIL TO REM | STU-126 | A | U M | | |
| PROSTITU.HABIT PROMO | 21-3514 | | E F | 1,000 | WS |
| PROSTITUTION | 21-3512 | | B M | 1,000 | OR |
| PROSTITUTION-CON | 21-3512CO | | C M | 500 | OR |
| PROSTITUTION-PAT,CON | 21-3515CO | | C M | 500 | OR |
| PROSTITUTION-PAT,AT | 21-3515AT | | C M | 500 | OR |
| PROSTITUTION-PATRONI | 21-3515 | | C M | 500 | OR |
| PROSTITUTION-PROM-AT | 21-3513AT | | B M | 1,000 | OR |
| PROSTITUTION-PROMOTI | 21-3513 | | A M | 1,000 | OR |
| PROSTITUTN-PROMO-CON | 21-3513CO | | C M | 500 | OR |
| PUBLICNUISANCE-MAINT | 21-4106 | | C M | 500 | OR |
| PUBLICNUISANCE-PERMT | 21-4107 | | C M | 500 | OR |
| R/O/W FROM DRIVE | STO-060 | | U M | | |
| R/O/W FROM YIELD SGN | STO-059 | C | U M | | |
| R/O/W HWY CONST VEH | STO-062 | B | U M | | |
| R/O/W HWY CONST WORK | STO-062 | A | U M | | |
| R/O/W ON GREEN LIGHT | STO-013 | A1 | U M | | NON |
| R/O/W ON LEFT TURN | STO-058 | | U M | | |
| R/O/W TO MILITARY VE | STO-121 | | U M | | |
| R/O/W TO PED CROSS | STO-064 | A | U M | | |
| R/O/W UNCONTRL INTR | STO-057 | A | U M | | |
| R/W GRN ARROW/DISOBY | STO-013 | A2 | U M | | NON |
| R/W PED ON WALK LGHT | STO-014 | A | U M | | NON |
| RACKETEERING | 21-4401 | | D F | 1,500 | WS |
| RAPE | 21-3502 | | B F | | NON |
| RAPE-ATTEMPTED | 21-3502AT | | C F | 10,000 | WS |
| RAPE-CON | 21-3502CO | | E F | 1,000 | WS |
| RAPE-SOL | 21-3502SO | | D F | 1,500 | WS |
| REAR ID LGT NOT RED | STO-152 | B | U M | | |
| REAR LAMPS REQUIRED | STO-151 | E3 | U M | | |
| REAR LIGHTS REQ | STO-151 | A2 | U M | | |
| REAR LIGHTS REQUIRED | STO-151 | B2 | U M | | |
| REAR MIRROR REQUIRED | STO-176 | A | U M | | |
| REAR REFLECT IMPR HT | STO-148 | B | U M | | |
| REAR REFLECTORS REQ | STO-148 | | U M | | |
| RECKLESS DRIVING | STO-029 | A | U M | | NON |
| RECKLESS DRIVING | 08-1566 | | U M | 125 | C |
| RECUT/REGROOVED TIRE | STO-178 | E6 | U M | | |
| RED LIGHT ON VEHICLE | STO-169 | B | U M | | |

| DESCRIPTION | STATUTE/ORDINANCE | C/S | C | BCNO | TYPE |
|-----------------------|-------------------|--------|-----|--------|------|
| RED LIGHT VIOLATION | STO-013 | C1 | U M | | NON |
| RED LIGHTS REQUIRED | STO-150 | A | U M | | |
| RED LT VIOL NOT INTS | STO-013 | J | U M | | NON |
| REFLEC LOC REQUIRMTS | STO-153 | A | U M | | |
| REFLECT VISIBIL REQ | STO-154 | A | U M | | |
| REFUSAL/YEILD TELE L | 21-4211 | | C M | 500 | CR |
| REFUSE BR TEST / DUI | STO-030 | A | U M | | NON |
| REFUSE BREATH TEST | 08-1012 | | U M | 1,000 | CR |
| REFUSE TO SURR REG. | 40-3118 | | B M | 1,000 | DR |
| REFUSE TO SURREND DL | STO-199 | 4 | U M | | |
| REGS ADULT ENTERTAIN | HR83-12 | | U M | 500 | DR |
| REMAIN AT UNLW ASSEM | 21-4103 | | A M | 1,000 | CR |
| REMOVE REJECTION CER | 08-1758 | 4 | U M | 75 | C |
| REMOVE VEHICL/PVT PR | 08-1102 | | U M | 50 | C |
| REMOVING OFFIC SEAL | 83-0121 | | U M | 500 | OR |
| REP.NON-CONTR.IS CON | 65-4155 | F | E F | 1,000 | WS |
| REP.NON-CONTR.IS CON | 65-4155 | M | A M | 1,000 | OR |
| REP.NON-CONTR.IS CON | 75-4155 | M | A M | 1,000 | OR |
| REPAIR VEH IN ST | 43-0389 | 2 | U M | | |
| REPORT ACCI TO DMV | 08-1607 | | U M | 500 | OR |
| REPTILE SALE WD PERM | 32-0503 | | U M | 70 | C |
| REQ LAMPS ON HWY VEH | STO-172 | | U M | | |
| REQ TOWING MORE TH 1 | STO-180 | C | U M | | |
| RESTRICTIONS ON LGTS | STO-169 | E | U M | | |
| RID ANIMALS DRIV VEH | STO-007 | | U M | | NON |
| RIDE BIKE ON RIGHT | 03-1590 | | U M | 35 | C |
| RIDING IN HOUSE TRLR | STO-124 | | U M | | |
| RIDING WHERE NOT INT | STO-115 | A | U M | | |
| RIOT, ATTEMPTED | 21-4104AT | | B M | 1,000 | OR |
| RIOT, CONSPIR | 21-4104CO | | C M | 500 | OR |
| RIOT, INCIDTE, ATT TO | 21-4105AT | | E F | 1,000 | WS |
| RIOT, INCIDTEMENT TO | 21-4105 | | D F | 1,500 | WS |
| ROAD HOGGING | 08-1515 | | U M | 45 | C |
| ROBBERY | 21-3426 | | C F | 10,000 | WS |
| ROBBERY-AGG CON | 21-3302CO | | E F | J | NON |
| ROBBERY-ATTEMPTED | 21-3426AT | | D F | 1,500 | WS |
| ROBBERY-CON | 21-3426CO | | E F | 1,000 | WS |
| ROBBERY-SOL | 21-3426SO | | E F | 1,000 | WS |
| RT TURN/R. RED LGHT | STO-013 | C2 | U M | | NON |
| RUNNING BOARD LAMP | STO-163 | B | U M | | |
| SAFETY REQUIREMENTS | STO-130 | A | U M | | |
| SAL/SIMU.CONTR.SUBST | 65-4155 | SSCS | A M | 1,000 | WS |
| SALE OF COCAINE | 65-4127 | SC | C F | J | NON |
| SALE OF HASHISH | 65-4127 | SH | C F | J | NON |
| SALE OF HEROIN | 65-4127 | SHERD1 | C F | J | NON |
| SALE OF LSD | 65-4127 | LSD | C F | J | NON |
| SALE OF MARIJUANA | 65-4127 | SMJ | C F | J | NON |
| SALE OF SIMUL DRG,AT | 65-4152AT | | E F | 1,000 | WS |
| SALE SIMULATED DRUG | 65-4152 | | E F | 1,000 | WS |
| SALE/METHAMPHETAMINE | 65-4127 | SA | C F | J | NON |
| SALE/OTHER THAN | 65-4127 | SDD | D F | 1,500 | WS |

| DESCRIPTION | STATUTE/ORDINANCE | C/S | C | BOND | TYPE |
|------------------------|-------------------|--------|-----|-------|----------|
| SALE/RECUJ, REGR TIRE | 21-3743 | | B M | 1,000 | CR |
| SCHOOL BUS SIGNAL | STJ-081 | B1 | U M | | |
| SCHOOL BUS SIGNAL | STJ-081 | B2 | U M | | |
| SCUBA W/O BUOY FLAG | 82-0822 | | U M | 70 | C |
| SEAT BELT INFRACTION | 08-2503 | | | 25 | C |
| SEDITION | 21-3802 | | D F | 1,500 | WS |
| SEDITION, CON | 21-3802CO | | E F | 1,000 | WS |
| SEDITION, SOL | 21-3802SO | | E F | 1,000 | WS |
| SEDITION, 2ND ATT | 21-3802AT | 2ND | E F | 1,000 | WS |
| SEL CAR W/O APPR CERT | 08-1758 | 6 | U M | 55 | C |
| SEL DRUG W/IN SCHOOL | 65-4127 | SCHOOL | C F | | J NON |
| SELL W/O REFLECTORS | STJ-133 | C | U M | | |
| SELLING UNSAFE TIRES | STJ-178 | F | U M | | |
| SENTENCED CITY | SENT-C | | | | |
| SENTENCED CITY DUI | SENT-C | DUI | | | NON |
| SENTENCED CITY DWI | SENT-C | DWI | | | NON |
| SENTENCED CITY OTHER | SENT-C | OTHER | | | NON |
| SENTENCED CITY TRAFF | SENT-C | TRAFF | | | NON |
| SENTENCED COUNTY | SENT-CO | | | | NON |
| SENTENCED COUNTY CH6 | SENT-CO | CH60 | | | NON |
| SENTENCED COUNTY- DUI | SENT-CO | DUI | | | NON |
| SENTENCED COUNTY DWI | SENT-CO | DWI | | | NON |
| SENTENCED COUNTY FEL | SENT-CO | FEL | | | NON |
| SENTENCED COUNTY MIS | SENT-CO | MIS | | | NON |
| SENTENCED COUNTY OTH | SENT-CO | OTHER | | | NON |
| SENTENCED COUNTY TRF | SENT-CO | TRAFF | | | NON |
| SENTENCED SEC CORR | SENT-SC | | | | NON |
| SEXUAL BATT, SOL, AGG | 21-3518SO | | E F | 1,000 | WS |
| SEXUAL BATTERY | 21-3517 | | A M | 1,000 | WS |
| SEXUAL BATTERY, AGG | 21-3518 | | D F | 1,500 | WS |
| SEXUAL BATTERY, ATPT | 21-3517AT | | B M | 1,000 | CR |
| SEXUAL BATTERY, CONN | 21-3517CO | | C M | 500 | CR |
| SEXUAL BATTERY, AT AGG | 21-3518AT | | E F | 1,000 | WS |
| SEXUAL BATTERY, CONAG | 21-3518CO | | E F | 1,000 | WS |
| SEXUAL EXPL-CHILD, AT | 21-3516AT | | E F | 1,000 | WS |
| SEXUAL EXPL-CHLD, CON | 21-3516CO | | E F | 1,000 | WS |
| SEXUAL EXPL-CHLD, SOL | 21-3516SO | | E F | 1,000 | WS |
| SEXUAL EXPLOIT-CHILD | 21-3516 | | E F | 1,000 | WS |
| SIDE LAMP REQUIRED | STJ-151 | E1 | U M | | |
| SIDE LIGHT REQ | STJ-163 | A | U M | | |
| SIDE LIGHTS REQ | STJ-151 | B3 | U M | | |
| SIDE MARKER REQUIRED | STJ-154 | C | U M | | |
| SIDE MIRROR REQUIRED | STJ-176 | B | U M | | |
| SIDE REFLECTORS REQ | STJ-151 | B4 | U M | | |
| SIDE REFLECTORS REQ | STJ-151 | E2 | U M | | |
| SIDEMARKER LAMP REQ | STJ-163 | E | U M | | |
| SIDEMARKER LAMPS REQ | STJ-151 | A3 | U M | | |
| SIDEMARKER LAMPS REQ | STJ-151 | D | U M | | |
| SIDEMARKER LGT REQ | STJ-151 | G2 | U M | | |
| SIDEMARKER REFL REQ | STJ-151 | A4 | U M | | |
| SIDEMARKER REFL REQ | STJ-151 | G3 | U M | | |

| DESCRIPTION | STATUTE/ORDINANCE | C/S | C | BLND | TYPE |
|-----------------------|-------------------|-----|-----|--------|------|
| SINGLE HEADLT REQ | STU-166 | 1 | U M | | |
| SINGLE HEADLT REQ | STU-166 | 2 | U M | | |
| SIREN OR BELL J/L | STU-174 | B | U M | | |
| SKIING W/O MIRR OR DB | 83-0313 | | U M | 50 | C |
| SKIING/W/O MIRRORS | 82-0313 | | U M | 50 | C |
| SLOW VEH TO KEEP RT | STU-038 | B | U M | | NON |
| SMOKING IN PUBLIC PL | 21-4003 | | J M | 500 | OR |
| SODOMY | 21-3505 | | B M | 1,000 | WS |
| SODOMY-AGG | 21-3506 | | B F | | NCN |
| SODOMY-ATT.AGG. | 21-3506AT | | C F | 10,000 | WS |
| SODOMY-ATTEMPTED | 21-3505AT | | C M | 500 | WS |
| SODOMY-CON | 21-3505CO | | C M | 500 | WS |
| SODOMY-CON.AGG. | 21-3506CJ | | E F | 1,000 | WS |
| SODOMY-SOL.AGG. | 21-3506SD | | D F | 1,500 | WS |
| SOL A RIDE/HITCHHIK | STU-069 | A | U M | | |
| SOL BUS/EMP CONTRIB | STU-069 | B | U M | | |
| SOL NONDRIV TO BLOW | STU-030 | B2 | U M | | NGN |
| SOL PARKING | STU-069 | C | U M | | |
| SOLID TIRE RESTRICT | STU-178 | A | U M | | |
| SPEED RESTRICTIONS | STU-167 | | U M | | |
| SPEEDING IN ALLEY | 43-0250 | B4 | U M | | |
| SPEEDING IN BUS DIST | 43-0250 | B1 | U M | | |
| SPEEDING IN EXCESS | 43-0250 | A | U M | | |
| SPEEDING IN PARK | 43-0250 | B3 | U M | | |
| SPEEDING IN RES DIST | 43-0250 | B2 | U M | | |
| SPEEDING IN SCH ZONE | 43-0327 | A | U M | | |
| SPEEDING ON PRIV PRO | 43-0251 | | U M | | |
| SPEEDING 1-10 OVER | 08-1336 | 10 | U M | 35 | C |
| SPEEDING 11 OVER | 08-1336 | 11 | U M | 37 | C |
| SPEEDING 12 OVER | 08-1336 | 12 | U M | 39 | C |
| SPEEDING 13 OVER | 08-1336 | 13 | U M | 41 | C |
| SPEEDING 14 OVER | 08-1336 | 14 | U M | 43 | C |
| SPEEDING 15 OVER | 08-1336 | 15 | U M | 45 | C |
| SPEEDING 16 OVER | 08-1336 | 16 | U M | 47 | C |
| SPEEDING 17 OVER | 08-1336 | 17 | U M | 49 | C |
| SPEEDING 18 OVER | 08-1336 | 18 | U M | 51 | C |
| SPEEDING 19 OVER | 08-1336 | 19 | U M | 53 | C |
| SPEEDING 20 OVER | 08-1336 | 20 | U M | 55 | C |
| SPEEDING 21 OVER | 08-1336 | 21 | U M | 58 | C |
| SPEEDING 22 OVER | 08-1336 | 22 | U M | 61 | C |
| SPEEDING 23 OVER | 08-1336 | 23 | U M | 64 | C |
| SPEEDING 24 OVER | 08-1336 | 24 | U M | 67 | C |
| SPEEDING 25 OVER | 08-1336 | 25 | U M | 70 | C |
| SPEEDING 26 OVER | 08-1336 | 26 | U M | 73 | C |
| SPEEDING 27 OVER | 08-1336 | 27 | U M | 76 | C |
| SPEEDING 28 OVER | 08-1336 | 28 | U M | 79 | C |
| SPEEDING 29 OVER | 08-1336 | 29 | U M | 82 | C |
| SPEEDING 30 OVER | 08-1336 | 30 | U M | 85 | C |
| SPEEDING 31 OVER | 08-1336 | 31 | U M | 90 | C |
| SPEEDING 32 OVER | 08-1336 | 32 | U M | 95 | C |
| SPEEDING 33 OVER | 08-1336 | 33 | U M | 100 | C |

| DESCRIPTION | STATUTE/ORDINANCE | C/S | C | BOND | TYPE |
|----------------------|-------------------|-----|-----|-------|------|
| SPEEDING 34 OVER | 08-1336 | 34 | U M | 105 | C |
| SPEEDING 35 OVER | 08-1336 | 35 | U M | 110 | C |
| SPEEDING 36 OVER | 08-1336 | 36 | U M | 115 | C |
| SPEEDING 37 OVER | 08-1336 | 37 | U M | 120 | C |
| SPEEDING 38 OVER | 08-1336 | 38 | U M | 125 | C |
| SPEEDING 39 OVER | 08-1336 | 39 | U M | 130 | C |
| SPEEDING 40 OVER | 08-1336 | 40 | U M | 135 | C |
| SPEEDING 41 OVER | 08-1336 | 41 | U M | 140 | C |
| SPEEDING 42 OVER | 08-1336 | 42 | U M | 145 | C |
| SPEEDING 43 OVER | 08-1336 | 43 | U M | 150 | C |
| SPEEDING 44 OVER | 08-1336 | 44 | U M | 155 | C |
| SPEEDING 45 OVER | 08-1336 | 45 | U M | 160 | C |
| SPEEDING 46 OVER | 08-1336 | 46 | U M | 165 | C |
| SPEEDING 47 OVER | 08-1336 | 47 | U M | 170 | C |
| SPEEDING 48 OVER | 08-1336 | 48 | U M | 175 | C |
| SPEEDING 49 OVER | 08-1336 | 49 | U M | 180 | C |
| SPEEDING 50 OVER | 08-1336 | 50 | U M | 185 | C |
| SPEEDING 51 OVER | 08-1336 | 51 | U M | 190 | C |
| SPEEDING 52 OVER | 08-1336 | 52 | U M | 195 | C |
| SPEEDING 53 OVER | 08-1336 | 53 | U M | 200 | C |
| SPEEDING 54 OVER | 08-1336 | 54 | U M | 205 | C |
| SPEEDING 55 OVER | 08-1336 | 55 | U M | 210 | C |
| SPEEDING 56 OVER | 08-1336 | 56 | U M | 215 | C |
| SPEEDING 57 OVER | 08-1336 | 57 | U M | 220 | C |
| SPEEDING 58 OVER | 08-1336 | 58 | U M | 225 | C |
| SPEEDING 59 OVER | 08-1336 | 59 | U M | 230 | C |
| SPEEDING 60 OVER | 08-1336 | 60 | U M | 235 | C |
| SPEEDING 61 OVER | 08-1336 | 61 | U M | 240 | C |
| SPEEDING 62 OVER | 08-1336 | 62 | U M | 245 | C |
| SPEEDING 63 OVER | 08-1336 | 63 | U M | 250 | C |
| SPEEDING 64 OVER | 08-1336 | 64 | U M | 255 | C |
| SPEEDING 65 OVER | 08-1336 | 65 | U M | 260 | C |
| SPEEDING 66 OVER | 08-1336 | 66 | U M | 265 | C |
| SPEEDING 67 OVER | 08-1336 | 67 | U M | 270 | C |
| SPEEDING 68 OVER | 08-1336 | 68 | U M | 275 | C |
| SPEEDING 69 OVER | 08-1336 | 69 | U M | 280 | C |
| SPEEDING 70 OVER | 08-1336 | 70 | U M | 285 | C |
| SPILLING LOAD | STU-179 | A | U M | | |
| SPOT LAMPS PROP AIMD | STO-159 | A | U M | | |
| SPOT OR FOG LTS ETC. | 08-1719 | | U M | 35 | C |
| STALLED ON SNOW RTE | 43-0295 | | U M | | |
| STAND/PARK BLK DRIVE | STU-085 | B1 | U M | | |
| STAND/PARK CROSSWALK | STU-085 | B3 | U M | | |
| STAND/PARK FIRE HYDR | STU-085 | B2 | U M | | |
| STAND/PARK PROHIBIT | STU-085 | B6 | U M | | |
| STAND/PARK STOP SIGN | STU-085 | B4 | U M | | |
| STAND/PARK 20' FIRE | STU-085 | B5 | U M | | |
| STIMUL LEGAL PROCESS | 21-3820 | | A M | 1,000 | OR |
| STOP OBSTRUCTING | STU-113 | | U M | | |
| STOP/PARK CONC PLACE | STU-095 | | U M | | |
| STOP/STAND BRIDGE | STU-085 | A7 | U M | | |

| DESCRIPTION | STATUTE/ORDINANCE | C/S | C | BOND | TYPE |
|-----------------------|-------------------|------|-----|-------|------|
| STOP/STAND CROSSWALK | STO-085 | A4 | J M | | |
| STOP/STAND EXCAVATN | STO-085 | A6 | U M | | |
| STOP/STAND HIGHWAY | STO-085 | A9 | U M | | |
| STOP/STAND IN MEDIAN | STO-085 | A10 | U M | | |
| STOP/STAND INTERSECT | STO-085 | A3 | U M | | |
| STOP/STAND RR TRACKS | STO-085 | A8 | U M | | |
| STOP/STAND SAFETY ZN | STO-085 | A5 | U M | | |
| STOP/STAND SIDEWALK | STO-085 | A2 | U M | | |
| STOP/STAND WHERE PRO | STO-085 | A11 | U M | | |
| SUS/CAN/REV D.L. | STO-194 | A1 | U M | | |
| SUSPENDED D.L. | 08-0262 | FEL | E F | 1,000 | WS |
| SUSPENDED D.L. | 08-0262 | MISD | U M | 500 | GR |
| SWIM IN RESTRIC AREA | 23-0008 | | U M | 30 | C |
| TAG LIGHT REQUIRED | STO-147 | C | U M | | |
| TAG VIOL ON PARK VEH | 43-0707 | | U M | | |
| TAIL LAMP IMPROPR HT | STO-147 | B | U M | | |
| TAILLTS (BROKEN OUT) | 08-1706 | | U M | 35 | C |
| TAILLTS (REFLECTORS) | 08-1707 | | U M | 35 | C |
| TAILLTS(STOPLTS)VIOL | 08-1708 | | U M | 35 | C |
| TAK FUR ANIMAL D/SEA | 32-0158 | A | U M | 275 | C |
| TAKE ILLE LGTH FISH | 32-0225 | | U M | 30 | C |
| TAMP W/TRF SIG,CO,AGG | 21-3726CO | | E F | 1,000 | WS |
| TAMP W/TRAF SGNL,AGG | 21-3726 | | E F | 1,000 | WS |
| TAMP W/TRAF SGNL,CON | 21-3725CO | | C M | 500 | GR |
| TAMP/W/SPORTS CNTES | 21-4408 | | E F | 1,000 | WS |
| TAMPER W/HOODED METR | 43-0443 | B | U M | | |
| TAMPER W/IGNITION | STO-030 | B1 | U M | | NON |
| TAMPER W/LANDMARK | 21-3724 | | C M | 500 | OR |
| TAMPER W/LANDMARK,AT | 21-3724AT | | C M | 500 | OR |
| TAMPER W/LANDMRK,CON | 21-3724CO | | C M | 500 | OR |
| TAMPER W/PUBL NOT,AT | 21-3822AT | F | C M | 500 | OR |
| TAMPER W/PUBL NOT,CO | 21-3822CO | F | C M | 500 | OR |
| TAMPER W/PUBL NOTICE | 21-3822 | | C M | 500 | OR |
| TAMPER W/PUBL REC,AT | 21-3821AT | F | B M | 1,000 | OR |
| TAMPER W/PUBL REC,CO | 21-3821CO | F | C M | 500 | OR |
| TAMPER W/PUBL RECORD | 21-3821 | | A M | 1,000 | OR |
| TAMPER W/TRAF SIG,AT | 21-3725AT | | C M | 500 | OR |
| TAMPER W/TRAFF SIGNA | 21-3725 | | C M | 500 | OR |
| TERRORIST. THREAT AT | 21-3419AT | | E F | 1,000 | WS |
| TERRORIST. THREAT CO | 21-3419CO | | E F | 1,000 | WS |
| TERRORIST. THREAT SO | 21-3419SO | | E F | 1,000 | WS |
| TERRORISTIC THREAT | 21-3419 | | E F | 1,000 | WS |
| THEFT COMMUN SERV,2ND | 21-3745 | 2ND | E F | 1,000 | WS |
| THEFT COMMUN SERVICE | 21-3745 | | A M | 1,000 | OR |
| THEFT OF SVC OVR,ATT | 21-3704AT | O | E F | 1,000 | WS |
| THEFT OVR | 21-3701 | O | E F | 1,000 | WS |
| THEFT OVR, ATT | 21-3701AT | O | E F | 1,000 | WS |
| THEFT OVR, CON | 21-3701CO | O | E F | 1,000 | WS |
| THEFT OVR, SOL | 21-3701SO | O | E F | 1,000 | WS |
| THEFT UNDER | 21-3701 | J | A M | 1,000 | GR |
| THEFT UNDER, ATT | 21-3701AT | U | B M | 1,000 | OR |

| DESCRIPTION | STATUTE/ORDINANCE | C/S | C | BUND | TYPE |
|------------------------|-------------------|------|-----|--------|------|
| THEFT UNDER, CON | 21-370100 | J | C M | 500 | CR |
| THEFT UNDER, SOL | 21-370150 | J | A M | 1,000 | CR |
| THEFT/MISLAD PROP, AT | 21-3703AT | MISD | B M | 1,000 | CR |
| THEFT/MISLAD PROPERT | 21-3703 | | A M | 1,000 | CR |
| THEFT/MISLAD PROP, CON | 21-370300 | | C M | 500 | CR |
| THEFT/SVC UNDER, ATT | 21-3704AT | U | B M | 1,000 | CR |
| THEFTOFSEK. OVER, CON | 21-370400 | U | E F | 1,000 | WS |
| THEFTOFSEK. OVER | 21-3704 | U | E F | 1,000 | WS |
| THEFTOFSEK. UNDER | 21-3704 | U | A M | 1,000 | CR |
| THEFTOFSEK. UNDER, CON | 21-370400 | U | C M | 500 | CR |
| THFT COMMU SV, 2ND AT | 21-3745AT | 2ND | E F | 1,000 | WS |
| THR ROCKS DAM PE, SOL | 21-374250 | C | E F | 1,000 | WS |
| THR ROCKS DAM PER, AT | 21-3742AT | C | E F | 1,000 | WS |
| THR ROCKS DAM VEH, AT | 21-3742AT | B | E F | 1,000 | WS |
| THR ROCKS DAM VH, SOL | 21-374250 | B | E F | 1,000 | WS |
| THR ROCKS DM PER, CON | 21-374200 | C | E F | 1,000 | WS |
| THR ROCKS DM VEH, CON | 21-374200 | B | E F | 1,000 | WS |
| THR ROCKS PER VEH, AT | 21-3742AT | D | D F | 1,500 | WS |
| THR ROCKS PER VEH, CO | 21-374200 | D | E F | 1,000 | WS |
| THR ROCKS PER/VH, SOL | 21-374250 | D | E F | 1,000 | WS |
| THR ROCKS, CON | 21-374200 | A | C M | 500 | CR |
| THROW HAZ SUB ON HIW | 08-1583 | | U M | 55 | C |
| THROW. ROCKS/DAM PERS | 21-3742 | C | D F | 1,500 | WS |
| THROW. ROCKS/DAM VEH. | 21-3742 | B | E F | 1,000 | WS |
| THROW. ROCKS/PERS/VEH | 21-3742 | D | C F | 10,000 | WS |
| THROW, ROCKS/PE/VE, AT | 21-3742AT | A | B M | 1,000 | CR |
| THROWING ROCKS | 21-3742 | A | A M | 1,000 | CR |
| TIE-IN MAGAZINE SALE | 21-4404 | | B M | 1,000 | CR |
| TINT REAR WINDOW | 43-0004 | B | U M | | |
| TINT WINDSHIELD | 43-0004 | A | U M | | |
| TINTED HEADLIGHTS | 43-0004 | C | U M | | |
| TMP W/TRF SIG, AT, AGG | 21-3726AT | | E F | 1,000 | WS |
| TMP W/TRF SIG, SO, AGG | 21-372650 | | E F | 1,000 | WS |
| TOD FAST FOR COND | STD-032 | | U M | | NON |
| TOWED VEHICLE (SPECS | 08-1907 | | U M | 55 | C |
| TOWING VEH/NO TOWBAR | 68-2004 | | U M | 30 | C |
| TOWING 3 VEHICLES | STD-180 | D | U M | | |
| TRAFFIC IN CORE AREA | 43-0534 | | U M | | |
| TRANS CEREALMALT CON | 41-2719 | | U M | 500 | CR |
| TRANS OPEN CONTAINER | STD-106 | A | U M | | |
| TRANS TITLE/NO OWNER | 21-3758 | | C M | 250 | CR |
| TRANS. PASSENGERS | 68-1112 | | U M | 55 | C |
| TRANS. LIQUOR CONTAIN | 41-0804 | | U M | 500 | CR |
| TREASON | 21-3801 | | A F | | NON |
| TREASON, CON | 21-380100 | | C F | 10,000 | WS |
| TREASON, SOL | 21-380150 | | D F | 1,500 | WS |
| TREASON, 2ND ATT | 21-3801AT | 2ND | B F | | NON |
| TURN SIGNAL LTS REQ | STD-149 | B | U M | | |
| TURN SIGNALS REQ | STD-161 | B | U M | | |
| TV IN DRIVERS VIEW | STD-103 | B | U M | | |
| U-TURN ACROSS MEDIAN | STD-048 | C | U M | | NON |

| DESCRIPTION | STATUTE/ORDINANCE | C/S | C | BOND | TYPE |
|-----------------------|-------------------|------|-----|-------|------|
| U-TURN DIVIDED HWY | STO-048 | D | U M | | NON |
| U-TURN ON INTERSTATE | STO-048 | B | U M | | NON |
| U-TURN W/VIEW OBSTR | STO-052 | | U M | | NON |
| U/L FLASHING LIGHTS | STO-109 | C | U M | | |
| U/L LICENSE TAG | STO-198 | B | U M | | |
| U/L SCHOOL BUS LIGHT | STO-169 | D | U M | | |
| U/L USE OF DL | STO-199 | S | U M | | |
| U/L USE OF VEH ALARM | STO-174 | C | U M | | |
| UNATHH.DEL.GOODS,ATT | 21-3737AT | | B M | 1,000 | OR |
| UNATTENDED VEH W/KEY | 08-1573 | | U M | 35 | C |
| UNATTENDED VEHICLE | STO-107 | | U M | | |
| UNAUTH.DEL.GOODS,CON | 21-3737CO | | C M | 500 | OR |
| UNAUTH.DEL.STOR GOOD | 21-3737 | | A M | 1,000 | OR |
| UNAUTHOR PERSON DRIV | STO-196 | | U M | | |
| UNL USE CON ACCES HW | 08-1525 | | U M | 45 | C |
| UNLA SAL OF BRUELLA | 21-1213 | | U M | 500 | OR |
| UNLAW ACT/AFFECT PROP | 48-0219 | | U M | 500 | OR |
| UNLAW COLLEC/JUD OFF | 21-3909 | | B M | 1,000 | OR |
| UNLAW DEP OF PROP,AT | 21-3705AT | MISD | B M | 1,000 | OR |
| UNLAW DISCL OF WARRA | 21-3827 | | B M | 1,000 | OR |
| UNLAW DISPOS/FIREARM | 21-4203 | | A M | 1,000 | OR |
| UNLAW INT.INS. CONTR | 21-3907 | | B M | 1,000 | OR |
| UNLAW MINORS/ALCOHOL | 41-0715 | | U M | 500 | OR |
| UNLAW POSS FISH DEVI | 32-0162 | | U M | 75 | C |
| UNLAW POSS/FIRARM 1A | 21-4204 | A | B M | 1,000 | OR |
| UNLAW POSS/FIRARM 1B | 21-4204 | B | D F | 1,500 | WS |
| UNLAW PROCUR INS.CON | 21-3908 | | B M | 1,000 | OR |
| UNLAW U/WEAP VIOL 1B | 21-4201 | B | B M | 1,000 | OR |
| UNLAW U/WEAP VIOL 1C | 21-4201 | C | B M | 1,000 | OR |
| UNLAW U/WEAP VIOL 1D | 21-4201 | D | B M | 1,000 | OR |
| UNLAW U/WEAP VIOL 1E | 21-4201 | E | B M | 1,000 | OR |
| UNLAW U/WEAP VIOL 1F | 21-4201 | F | B M | 1,000 | OR |
| UNLAW U/WEAP VIOL 1G | 21-4201 | G | E F | 1,000 | WS |
| UNLAW USE FARM REG | 08-0142 | 9 | U M | 55 | C |
| UNLAW USE/ACCESS HWY | 58-1906 | | U M | 55 | C |
| UNLAW USE/DEALER TAG | 92-5057 | | U M | 65 | C |
| UNLAW/DISPOS/EXPLOSI | 21-4209 | | A M | 1,000 | OR |
| UNLAW/FAIL REP WOUND | 21-4213 | | C M | 500 | OR |
| UNLAWFL DEP PROP,CON | 21-3705CO | | C M | 1,000 | OR |
| UNLAWFL RSTRAINT-CON | 21-3424CO | | C M | 500 | WS |
| UNLAWFUL ASSEMBLY | 21-4102 | | B M | 1,000 | OR |
| UNLAWFUL ASSEMBLY,AT | 21-4102AT | | C M | 500 | OR |
| UNLAWFUL DEP OF PROP | 21-3705 | | A M | 1,000 | OR |
| UNLAWFUL HUNTING | 21-3728 | | C M | 500 | OR |
| UNLAWFUL HUNTING,ATT | 21-3728AT | | C M | 500 | OR |
| UNLAWFUL HUNTING,CON | 21-3728CO | | C M | 500 | OR |
| UNLAWFUL RESTRAIN-AT | 21-3424AT | | B M | 1,000 | WS |
| UNLAWFUL RESTRAINT | 21-3424 | | A M | 1,000 | WS |
| UNLIC MINOR TO DRIVE | STO-197 | | U M | | |
| UNLW/CRCARD/OVER | 21-3729 | 0 | E F | 1,000 | WS |
| UNLW/CRCARD/OVER,ATT | 21-3729AT | 0 | E F | 1,000 | WS |

| DESCRIPTION | STATUTE/ORDINANCE | C/S | C | BOND | TYPE |
|--------------------------|-------------------|-----|-----|-------|------|
| UNLW/CRCARD/OVER, CON | 21-3729CO | 0 | E F | 1,000 | WS |
| UNLW/CRCARD/OVER, SOL | 21-3729SO | 0 | E F | 1,000 | WS |
| UNLW/CRCARD/UNDER | 21-3729 | U | A M | 1,000 | CR |
| UNLW/CRCARD/UNDR, ATT | 21-3729AT | U | B M | 1,000 | CR |
| UNLW/CRCARD/UNDR, CON | 21-3729CO | U | C M | 500 | CR |
| UNLW/MAN/DISP/FA TOK | 21-3730 | | B M | 1,000 | CR |
| UNLW/MAN/DISP/TOK, AT | 21-3730AT | | C M | 500 | CR |
| UNLW/MAN/DISP/TOK, CU | 21-3730CO | | C M | 500 | CR |
| UNLWFL USE/CUMM FACI | 65-4141 | | A M | 1,000 | UR |
| UNNECESSARY PARKING | STO-083 | A | U M | | |
| UNSAF SPD FOR COND | 08-1557 | | U M | 55 | C |
| UNSAFE BACKING | 43-0167 | C | U M | | |
| UNSAFE DECEL OR STOP | STO-054 | C | U M | | NON |
| UNSAFE DRIVING | 43-0271 | C | U M | | |
| UNSAFE PASSING | STO-041 | B | U M | | NON |
| UNSAFE PASSING | 08-1516 | | U M | 45 | C |
| UNSAFE SPEED/RD COND | 08-1335 | | U M | 45 | C |
| UNSAFE TIRE | STO-178 | E | U M | | |
| UNSAFE TIRE | STO-178 | E7 | U M | | |
| UNSAFE TIRE, MARKED | STO-178 | E4 | U M | | |
| UNSAFE TIRE, TREAD | STO-178 | E3 | U M | | |
| UNSAFE TIRE, CORD EXP | STO-178 | E1 | U M | | |
| UNSAFE TIRE, SEPERATN | STO-178 | E2 | U M | | |
| UNSAFE TIRES (STUDDER) | 08-1742 | | U M | 35 | C |
| UNSAFE TURN/LN CHG | STO-054 | A | U M | | NON |
| UNSAFE U-TURN | STO-051 | | U M | | NON |
| UNTAGGED TRAP DEVICE | 32-0158 | | U M | 30 | C |
| USE ANOTHERS DL | STO-199 | 3 | U M | | |
| USE OF LIGHTS REQ | STO-150 | | U M | | |
| USE OF SKATES ON RD | STO-136 | | U M | | |
| USE TELE FOR NARC TRA | 65-4101 | | E F | 1,500 | WS |
| VAGRANCY | 21-4108 | | C M | 500 | WS |
| VEH > 80,000 LBS | 43-0681 | | U M | | |
| VEH ADV W/D PERMIT | 43-0121 | | U M | | |
| VEH EMERG FROM ALLEY | 08-1555 | | U M | 45 | C |
| VEH ILLEGAL PARKED | STO-085 | D | U M | | |
| VEH NOT A MC | 43-0561 | B | U M | | |
| VEH ON BICYCLE TRAIL | 43-0589 | B | U M | | |
| VEH PARKED ANGLE STL | 43-0536 | A | U M | | |
| VEH W/O INSURANCE | STO-200 | C | U M | | |
| VEH W/TRAIL IN STALL | 43-0536 | B | U M | | |
| VEHICULAR BATTERY | 21-3405B | | A M | 1,000 | WS |
| VEHICULAR HOMICIDE | 21-3405 | | A M | 1,000 | WS |
| VEND. MACH OP/DAM, ATT | 21-3740AT | | B M | 1,000 | CR |
| VEND. MACH OP/DAM, CON | 21-3740CO | | C M | 500 | CR |
| VEND. MACH OP/DAM/REM | 21-3740 | | A M | 1,000 | CR |
| VEND. MACH. POS. TOL, AT | 21-3741AT | | B M | 1,000 | CR |
| VEND. MACH. POSS. TOL | 21-3741 | | A M | 1,000 | CR |
| VEND. MACH, POS. TOL, CO | 21-3741CO | | C M | 500 | CR |
| VIOL FLASHING RED LT | STO-015 | 1A | U M | | NON |
| VIOL OF 21-2501 | 21-2505 | | U M | 500 | CR |

| DESCRIPTION | STATUTE/ORDINANCE | C/S | C | BUND | TYPE |
|-----------------------|-------------------|-----|-----|--------------|------|
| VIOL TRAF CNTR DEVIC | 08-1528 | | U M | 45 | C |
| VIOL./RESOLU HR 76-3 | 76-3000 | | B M | 500 | OR |
| VIOLATION OF STO'S | STO-202 | | U M | | |
| WAREHSE REC FRJD, ATT | 21-3736AT | | E F | 1,000 | WS |
| WAREHSE REC FRJD, CON | 21-3736CO | | E F | 1,000 | WS |
| WAREHSE REC FRJD, SGL | 21-3736SO | | E F | 1,000 | WS |
| WAREHSE RECEIPT FRJD | 21-3736 | | E F | 1,000 | WS |
| WARNING FLAG REQ | STO-180 | B | U M | | |
| WELFARE FRAUD, OVER | 39-0720 | U | D F | 1,500 | WS |
| WELFARE FRAUD, UNDER | 39-0720 | U | A M | 1,000 | OR |
| WHEEL WT > TIRE RATG | 43-0677 | B | U M | | |
| WHEEL WT > 10,000 LB | 43-0677 | A | U M | | |
| WILLFUL NO PMT WAGES | 44-0315 | | U M | 500 | OR |
| WINDSHIELD WIPER REQ | STO-177 | B | U M | | |
| WRECKER FAIL REMOVE | STO-112 | C | U M | | |
| WRONG WAY DIV HWY | STO-048 | E | U M | | NON |
| WRONG WAY ONE WAY | 08-1521 | | U M | 45 | C |
| WRONG WAY/ONE WAY | STO-045 | A | U M | | NON |
| WRONG WAY/TRAF ISLAN | STO-045 | B | U M | | NON |
| WT BEARING AXLES | 43-0675 | | U M | | |
| YELLOW LIGHT VIOL | STO-013 | B1 | U M | | NON |
| ZZZ END OF FILE ZZZ | 9999999999 999999 | | Z Z | Z 99,999,999 | ZZZ |
| 2 AXLE WT > 34,000 # | 43-0679 | | U M | | |
| 2 HEADLAMPS REQ | STO-146 | A | U M | | |
| 2 HEADLIGHTS REQ | STO-168 | A | U M | | |
| 2 TAIL LAMPS REQ | STO-147 | A | U M | | |
| 3 PEOPLE ON M.CYCLE | 08-1594 | | U M | 35 | C |
| 3 PERSON IN FRT SEAT | 08-1576 | | U M | 35 | C |

TOTAL 1405

TESTIMONY BEFORE FEDERAL AND STATE AFFAIRS COMMITTEE
SENATE BILL NO. 158
PRESENTED BY RENA R. SMITH
REPRESENTING BARB'S BAIL BONDS
HUTCHINSON, KS.
FEBRUARY 12, 1997

Madam Chairwoman and distinguished committee members, thank you very much for allowing me to appear before your committee today and give testimony in opposition to Senate Bill No. 158.

- As written, the bill proposes own recognizance cash deposit pretrial release not only for misdemeanors but for felonies as well. What major drug dealer would not be happy to pay the county in which he was arrested \$500.00 (10% on a \$5,000.00 bond) to walk out of jail and most likely, out of the state forever. Pretrial own recognizance bonds do not give anyone the incentive to return for court appearances. A local attorney told us that he considers the Pretrial program a ticket to flee. Losing 10% of the total amount of a bond is no "big deal" to major felons particularly when no one stands to lose anything.
- Section 1 of the bill further states that if the defendant makes the cash deposit, 90% of the deposit is returned to the defendant once he or she makes all required court appearances, pays all court ordered obligations or is found not guilty. If a defendant has a \$500 bond, he will be depositing with the Clerk of Court \$50. In Reno county, court costs alone are \$42.50. You tell me how much does this leave for the county to keep. Furthermore, on February 22, 1994, then Attorney General Robert T. Stephan issued Opinion No. 94-25 which states in part "...that K.S.A. 22-2814 et seq. does not authorize the practice of allowing a defendant to post 10% of the bond amount with the Clerk of the District Court." We have attached a copy of this opinion for you to read in it's entirety at your leisure.
- Section 2 of the bill states that the Clerk of District Court will remit monthly to the County Treasurer an amount equal to 50% of the total amount of bail forfeitures received during the preceding calendar month. I ask you Senators, would each county rather have 50% of \$50 or the entire bond amount of \$500. Our current system of posting bonds provides that the Bail Bondsmen pay 100% of the bond amount if the defendant fails to appear.
- The proposed bill doesn't address the issues of who will

PAGE TWO OF THREE
TESTIMONY ON SENATE BILL NO. 158
RENA R. SMITH
BARB'S BAIL BONDS

monitor the defendants while they are out on bond, or who will apprehend these people if they fail to appear. Bonding companies monitor their clients and use cosigners and/or collateral to guarantee their bonds. **THIS IS AT NO COST TO THE STATE OR TAXPAYER.** I have attached a sheet that shows the cost to our company to recapture one defendant. **OUR PREMIUM COLLECTED WAS \$1,500.00 BUT OUR COSTS TO RECAPTURE THIS DEFENDANT WAS \$6,200.90.** We had to sell the collateral to recover our costs. Law Enforcement does not have the time, manpower or resources to look for these people. Furthermore, they do not have the vested interest in bringing these people back that a bonding company does.

- In reviewing the "study" done by the Legislative Research committee for the Judicial Council committee, we find the figures to be ambiguous at best. Rice County does not show any forfeitures but you will find a copy of a forfeiture on John Beal in your packet. The figures given also show a possible **LOSS OF \$67,000.00.** This bill **WILL NOT** generate the funds you need to subsidize the Indigents Defense Fund! The figures look like a lot of income is possible but the personnel and other costs are not being considered **AND** you are not taking into account **ANY** refunds of 90% to the defendants. Why aren't you enforcing Judgments against the defendants who owe the state legal fees and/or attaching their State Income Tax refunds? The taxpayers cannot continue to pick up the tab for these people!!!!
(I might add that I have only heard one Judge even tell the Defendant he would be liable for his legal expense).
- In closing, we feel Bonding Companies are providing a service that has been successful in getting defendants to appear in court and if they did fail to appear, recaptured them or pay the **ENTIRE** amount of the bond to the Courts. Bonding companies also help the jails when they have an inmate who has a medical problem and if they don't bond out of jail, the county will have to pay the medical expenses if they need treatment while incarcerated. You need to remember that the State seizes the property of anyone arrested on drug charges and they usually don't have the 10% to cash bond out. If the only bonds left are the ones who have no money at all or are "Bad Risks" there will be no bonding companies left to get these people out and the jails are already filled to capacity! Reno, Sedgwick and Shawnee counties are already having to add on.

PAGE THREE OF THREE
TESTIMONY ON SENATE BILL NO. 58
RENA R. SMITH
BARB'S BAIL BONDS

THIS PRETRIAL RELEASE PROGRAM HAS NOT WORKED IN OTHER STATES AND I FEEL IT WILL NOT WORK IN KANSAS. (SEE FIGURES AND ARTICLES IN YOUR PACKET REGARDING OTHER STATES). HARRIS COUNTY, TEXAS IS MOVING TO ABOLISH THIS PROGRAM AND OKLAHOMA COUNTY JUDGES HAVE STOPPED GRANTING ALL O.R. BONDS!!

YOU ARE TELLING THE PUBLIC THAT THE CRIMINALS CAN BUY THEIR FREEDOM TO RUN!!!!!!

MAR 11 1994

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ROBERT T. STEPHAN
ATTORNEY GENERAL

February 22, 1994

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751
TELECOPIER: 296-6296ATTORNEY GENERAL OPINION NO. 94- 25

The Honorable Marvin Smith
State Representative, Fiftieth District
State Capitol, Room 115-S
Topeka, Kansas 66612

The Honorable Lana Oleen
State Senator, Twenty-Second District
State Capitol, Room 136-N
Topeka, Kansas 66612

Honorable William Carpenter
Administrative Judge of the Third
Judicial District
Shawnee County Courthouse
Topeka, Kansas 66603-3922

Re: Criminal Procedure--Conditions of Release--Release
Prior to Trial--Local Court Rule Concerning
Pretrial Release

Synopsis: District court rule 3.324 does not sanction the
practice of nonjudicial officers admitting persons
in custody to bail. Rather, the court has
determined bond amounts and types of bonds for
certain crimes and the nonjudicial officers are
charged merely with executing the court's mandate.

K.S.A. 22-2814 et seq. do not authorize the
practice of allowing a defendant to post 10% of the
bond amount with the clerk of the district court.
Furthermore, it is not permissible for a court to
retain any portion of a cash deposit for the
purpose of bond, however, the "fee" which the third
judicial district is currently collecting from the

defendants is not a "fine, penalty, or forfeiture" pursuant to K.S.A. 1993 Supp. 20-350 and, therefore, does not have to be turned over to the state treasurer.

K.S.A. 22-2809 requires that a court release a surety on the bond if the latter surrenders the defendant and requests discharge from the obligation. Consequently, a court may not impose a condition in the bond obligation which requires that a surety remain liable on the bond until the criminal proceeding is over.

Paragraph 15 of the district court rule requires that the court's order reflect the type of bond procedure that the defendant is using. Cited herein: K.S.A. 1993 Supp. 20-350; 22-2802; K.S.A. 22-2809; 22-2814; Kan. Const., art. 2, § 16.

* * * * *

Dear Representative Smith, Senator Oleen and Judge Carpenter:

You request our opinion concerning a pretrial release program embodied in district court rule no. 3.324 of the third judicial district. Briefly, the program which is administered by court services officers and employees of the department of corrections establishes an automatic bond schedule for pretrial release for certain crimes. Representative Smith and Senator Oleen are concerned that certain facets of this program violate the statutes which deal with pretrial release and surety bonds. Those concerns can be summarized as follows:

1. Do court services officers (CSOs) and employees of the department of corrections (DCOs) who are sworn as deputy clerks of the district court, have authority to admit to bail persons in custody?
2. Is it permissible for a court to allow an accused person to post 10% of the amount of an appearance bond?
3. Is it permissible for a court to retain 10% of an appearance bond as an administrative "fee" and must the court turn over this amount to the state treasurer pursuant to K.S.A. 1993 Supp. 20-350?

Bond on Cochran was \$15,000 - Expenses on recapture were \$6200.90 - 10% premium was \$1,000.

Expenses Fred Cochran:

| | | |
|---|----------|-----|
| Jerry Sartia | \$972.00 | Pd |
| Kelly Security | 300.00 | Pd |
| Village Inn | 29.27 | Pd |
| Connie Albright (car) | 50.00 | Pd |
| Jeff Turner | 50.00 | Pd |
| Randy French | 25.00 | Pd |
| Brad Sutton | 25.00 | Pd |
| Brian Larson | 100.00 | Pd |
| Misc exp: ^{Supplies 3.50} Pk \$34.88; Gas 147.57, Food | 250.16 | Pd |
| Prime Tyne | 60.92 | Pd |
| Monty McNamee | 100.00 | Pd |
| Lea Smith | 300.00 | Pd |
| Brenda Kowitz | 300.00 | Pd. |
| " " (reimburse exp.) | 197.37 | |
| " " | 150.00 | |
| Lea Smith | 150.00 | |

\$3060.02

BK (mileage @ .35) ⁹⁶⁵ 337.75 DUE BK.

Phone exp. ~~54.80~~ 60.85

Photo Copies 21.12 Pd.

CELLULAR EXP. 76.89 due

Motel expense. 223.74 Pd.

Rental car. 54.25 Pd.

Brian Larson 25.00 due

Brendon Larson 25.00 due

\$8/m. Rea Smith (48 hrs) 384.00

\$8/m. Brenda Kowitz (48 hrs) 384.00 due

\$9/m. Stone Reed (15 hrs) 100.00 due.

Pd 5-19-95
#4991

8/12. Bly (60 lbs) \$ 480.00 due
8/12. Cal Carittus (60 lbs) 480.00 due.

Meals.

Unpaid perm. \$ 270.00 due.

* 5952.90

Sales Commission
(6%)

Attorney fees.

(Bankruptcy - foreclosure) 8.00.

16.00

48.00

176.00

\$ 6200.90

TOTAL EXPENSE TO CAPTURE!!

Mailed Dave 9-18-95

DWIGHT D. RADKE
County Attorney

G. M. "SCOTT" BUSH
County Counselor



Office of County Attorney

RICE COUNTY COURTHOUSE
LYONS, KANSAS 67554
(316) 257-3081

September 13, 1995

Dave Suhler
Barb's Bail Bonds
P.O. Box 411
Hutchinson, KS 67504

RE: State of Kansas vs. John M. Beal
Rice County Case Number 95CR132

Dear Mr. Suhler:

This letter is to advise that on August 28, 1995, John M. Beal failed to appear for his hearing. At that time, the State requested that his bond be ordered forfeited and that a bench warrant be issued for his arrest.

Please be advised that a bench warrant has been issued indicating a new bond requirement. The forfeiture of your company's bond may be set aside if you are able to produce the defendant at the Rice County Jail by October 12, 1995.

Sincerely,

Dwight D. Radke
Rice County Attorney

DDR:rks

*Over # 21070 - 7/31/95
Over # 51035 - 9-5-95
25,000
Over # 13481 1-12-95
12-7*

| | No. of Bonds Set FY 1995 | Dollar Amount of Bonds FY 1995 | No. of Bonds Forfeited FY 1995 | Dollar Amount of Bonds Forfeited FY 1995 | No. of Bonds Set FY 1996 | Dollar Amount of Bonds FY 1996 | No. of Bonds Forfeited FY 1996 | Dollar Amount of Bonds Forfeited FY 1996 |
|--------------------|-----------------------------|-----------------------------------|-----------------------------------|---|-----------------------------|-----------------------------------|-----------------------------------|---|
| District 8 | | | | | | | | |
| Dickinson | | | | | | | | |
| Geary | 646 | 4,377,513 | 6 | 27,500 | 397 | 2,145,000 | 14 | 72,000 |
| Marion | 89 | 315,900 | 0 | 0 | 89 | 359,000 | 0 | 0 |
| Morris | 37 | 252,400 | 0 | 0 | 29 | 58,150 | 0 | 0 |
| District 9 | | | | | | | | |
| Harvey | 190 | 775,800 | 1 | 500 | 126 | 369,575 | 2 | 1,400 |
| McPherson | 240 | 761,638 | 12 | 23,700 | 178 | 463,281 | 4 | 8,700 |
| District 10 | | | | | | | | |
| Johnson* | 725 | 662,871 | 27 | 14,796 | 3,106 | 7,528,902 | 26 | 18,603 |
| District 11 | | | | | | | | |
| Cherokee | 134 | 608,050 | 0 | 0 | 56 | 354,400 | 1 | 1,000 |
| Crawford | 403 | 978,828 | 0 | 0 | 445 | 1,175,457 | 0 | 0 |
| Labette | 261 | 3,356,834 | 17 | 6,127 | 436 | 3,894,638 | 55 | 10,235 |
| District 12 | | | | | | | | |
| Cloud | | | | | | | | |
| Jewell | | | | | | | | |
| Lincoln | | | | | | | | |
| Mitchell | | | | | | | | |
| Republic | 19 | 42,700 | 4 | 8,000 | 27 | 55,250 | 0 | 0 |
| Washington | | | | | | | | |
| District 13 | | | | | | | | |
| Butler | 676 | \$ 1,755,450 | 51 | 147,700 | 768 | 1,878,700 | 54 | 162,750 |
| Elk | 31 | 351,750 | 2 | 400,000 | 21 | 56,194 | 3 | 2,445 |
| Greenwood | 114 | 512,450 | 1 | 1,000 | 120 | 422,800 | 1 | 2,750 |
| District 14 | | | | | | | | |
| Chautauqua | 25 | 48,200 | 0 | 0 | 45 | 111,400 | 0 | 0 |
| Montgomery | 226 | 906,233 | 0 | 0 | 215 | 727,740 | 0 | 0 |

Does not reflect 7 forfeitures sent to Dickinson & returned to Bondman for

| | <u>No. of Bonds Set FY 1995</u> | <u>Dollar Amount of Bonds FY 1995</u> | <u>No. of Bonds Forfeited FY 1995</u> | <u>Dollar Amount of Bonds Forfeited FY 1995</u> | <u>No. of Bonds Set FY 1996</u> | <u>Dollar Amount of Bonds FY 1996</u> | <u>No. of Bonds Forfeited FY 1996</u> | <u>Dollar Amount of Bonds Forfeited FY 1996</u> |
|--------------------|---------------------------------|---------------------------------------|---------------------------------------|---|---------------------------------|---------------------------------------|---------------------------------------|---|
| District 15 | | | | | | | | |
| Cheyenne | 26 | 356,500 | 0 | 0 | 5 | 40,250 | 0 | 0 |
| Logan | 12 | 52,850 | 0 | 0 | 10 | 26,689 | 0 | 0 |
| Rawlins | 45 | 57,425 | 0 | 0 | 24 | 39,950 | 0 | 0 |
| Sheridan | 5 | 770 | 5 | 770 | 6 | 1,513 | 6 | 1,513 |
| Sherman | 72 | 307,808 | 62 | 221,022 | 64 | 319,269 | 34 | 139,597 |
| Thomas | | | | | | | | |
| Wallace | 7 | 2,775 | 0 | 0 | 7 | 2,025 | 0 | 0 |
| District 16 | | | | | | | | |
| Clark | 7 | 29,500 | 0 | 0 | 6 | 51,500 | 0 | 0 |
| Comanche | 3 | 1,200 | 2 | 858 | 3 | 1,000 | 3 | 1,000 |
| Ford | 18 | 30,753 | 0 | 0 | 15 | 19,323 | 0 | 0 |
| Gray | 20 | 103,050 | 0 | 0 | 16 | 56,400 | 0 | 0 |
| Kiowa | 36 | 99,254 | 0 | 0 | 21 | 72,200 | 0 | 0 |
| Meade | 39 | 273,750 | 1 | 2,500 | 28 | 135,000 ✓ | 0 | 0 |
| District 17 | | | | | | | | |
| Decatur | 5 | 27,500 | 0 | 0 | 17 | 69,600 | 0 | 0 |
| Graham | 18 | 143,050 | 0 | 0 | 33 | 141,935 | 0 | 0 |
| Norton | 47 | 715,956 | 0 | 0 | 59 | 483,748 | 0 | 0 |
| Osborne | 43 | 118,954 | 0 | 0 | 28 | 75,300 | 0 | 0 |
| Phillips | 0 | 0 | 0 | 0 | 0 | 0 | | |
| Smith | 36 | 75,400 | 7 | 3,931 | 39 | 102,450 | 11 | 9,528 |
| District 18 | | | | | | | | |
| Sedgwick | 2,610 | 18,590,310 | 3 | 16,000 | 2,830 | 20,510,068 | 44 | 178,000 |
| District 19 | | | | | | | | |
| Cowley | | | | | | | | |
| District 20 | | | | | | | | |
| Barton | 328 | 1,128,370 | 1 | 2,500 | 270 | 1,008,944 | 1 | 1,000 |
| Ellsworth | 76 | 176,533 | 4 | 1,312 | 86 | 448,391 | 0 ✓ | 0 |
| Rice | 102 | 418,223 | 0 | 0 | 85 | 437,124 | 0 ✓ | 0 |
| Russell | 129 | 163,990 | 0 | 0 | 100 | 328,813 | 0 | 0 |
| Stafford | 71 | 213,936 | 0 | 0 | 62 | 193,616 | 0 | |

12-9

| | <u>No. of Bonds Set FY 1995</u> | <u>Dollar Amount of Bonds FY 1995</u> | <u>No. of Bonds Forfeited FY 1995</u> | <u>Dollar Amount of Bonds Forfeited FY 1995</u> | <u>No. of Bonds Set FY 1996</u> | <u>Dollar Amount of Bonds FY 1996</u> | <u>No. of Bonds Forfeited FY 1996</u> | <u>Dollar Amount of Bonds Forfeited FY 1996</u> |
|--------------------|---------------------------------|---------------------------------------|---------------------------------------|---|---------------------------------|---------------------------------------|---------------------------------------|---|
| District 21 | | | | | | | | |
| Clay | 80 | 238,510 | 17 | 1,910 | 86 | 306,355 | 17 | 1,880 |
| Riley | | | | | | | | |
| District 22 | | | | | | | | |
| Brown | 197 | 828,154 | 0 | 0 | 224 | 417,369 | 0 | 0 |
| Doniphan | 88 | 307,525 | 1 | 500 | 56 | 111,700 | 0 | 0 |
| Marshall | 150 | 1,751,471 | 1 | 245 | 142 | 523,457 | 0 | 0 |
| Nemaha | 92 | 11,358 | 1 | 200 | 86 | 124,205 | 0 | 0 |
| District 23 | | | | | | | | |
| Ellis | | | | | | | | |
| Gove | 36 | 96,193 | 9 | 2,954 | 36 | 219,240 | 7 | 2,316 |
| Rooks | 58 | 221,890 | 3 | 2,441 | 72 | 228,333 | 0 | 0 |
| Trego | 22 | 153,000 | 2 | 11,200 | 20 | 434,750 | 1 | 10,000 |
| District 24 | | | | | | | | |
| Edwards | | | | | | | | |
| Hodgeman | | | | | | | | |
| Lane | | | | | | | | |
| Ness | | | | | | | | |
| Pawnee | | | | | | | | |
| Rush | 29 | 61,200 | 0 | 0 | 30 | 318,500 | 0 | 0 |
| District 25 | | | | | | | | |
| Finney | 70 | 52,684 | 42 | 35,608 | 54 | 30,889 | 27 | 34,392 |
| Greeley | 14 | 39,500 | 0 | 0 | 2 | 102,000 | 0 | 0 |
| Hamilton | 2 | 804 | 0 | 0 | 1 | 750 | 0 | 0 |
| Kearny | 54 | 315,422 | 0 | 0 | 68 | 919,964 | 0 | 0 |
| Mott | 86 | 341,272 | 0 | 0 | 35 | 86,008 | 0 | 0 |
| Whita | 24 | 60,159 | 0 | 0 | 16 | 25,970 | 0 | 0 |

| | No. of Bonds Set FY 1995 | Dollar Amount of Bonds of Bonds FY 1995 | No. of Bonds Forfeited FY 1995 | Dollar Amount of Bonds Forfeited FY 1995 | No. of Bonds Set FY 1996 | Dollar Amount of Bonds of Bonds FY 1996 | No. of Bonds Forfeited FY 1996 | Dollar Amount of Bonds Forfeited FY 1996 |
|--------------------|-----------------------------|---|-----------------------------------|---|-----------------------------|---|-----------------------------------|---|
| District 26 | | | | | | | | |
| Grant | | | | | | | | |
| Haskell | 33 | 88,755 | 1 | 3,000 | 62 | 192,900 | 0 | 0 |
| Morton | 23 | 341,600 | 0 | 0 | 26 | 163,300 | 0 | 0 |
| Seward | 12 | 14,050 | 2 | 3,500 | 7 | 24,526 | 1 | 5,000 |
| Stanton | 27 | 149,670 | 1 | 125 | 15 | 68,200 | 0 | 0 |
| Stevens | 43 | 143,750 | 0 | 0 | 26 | 244,500 | 0 | 0 |
| District 27 | | | | | | | | |
| Reno | | | | | | | | |
| District 28 | | | | | | | | |
| Ottawa | | | | | | | | |
| Saline | | | | | | | | |
| District 29 | | | | | | | | |
| Wyandotte | | | | | | | | |
| District 30 | | | | | | | | |
| Barber | 11 | 21,850 | 0 | 0 | 19 | 76,000 | 0 | 0 |
| Harper | | | | | | | | |
| Kingman | | | | | | | | |
| Pratt | | | | | | | | |
| Sumner | | | | | | | | |
| District 31 | | | | | | | | |
| Allen | | | | | | | | |
| Neosho | 308 | 1,297,290 | 0 | 0 | 306 | 12,291,878 | 0 | 0 |
| Wilson | 69 | 388,912 | 0 | 0 | 122 | 1,061,000 | 0 | 0 |
| Woodson | 63 | 87,488 | 4 | 427 | 76 | 107,776 | 6 | 1,202 |
| TOTAL | <u>12,539</u> | <u>\$ 50,051,670</u> | <u>371</u> | <u>\$ 976,533</u> | <u>15,056</u> | <u>\$ 67,684,164</u> | <u>421</u> | <u>\$ 743,842</u> |

10% = 676,842
 will have been collected!

THIS IS NOT FIGURING IN ANY REFUNDS TO THE DEFENDANTS

* Johnson County figures for FY 1995 do not include the number of surety bonds set or forfeited. FY 1996 figures for Johnson County include the number of surety bonds set and forfeited from October 1995 to June 1996.

743,842
 - 676,842
 (67,000)!!!
 LOSS!!!

Shutdown of pretrial unit sought

State judge favors private bail firms

By **JOE STINEBAKER**
and **MARK SMITH**
Houston Chronicle

A Harris County state district judge said he will recommend next week that Commissioners Court abolish the county's Pretrial Services Agency and turn most of the program over to private bail-bonding companies.

Pretrial Services, which receives early \$3.3 million from county taxpayers and another \$562,000 from the state, is assigned to evaluate criminal defendants in Harris County and arrange free or low-cost bonds for them. But the agency, which employs 101 people, has long been criticized for using taxpayer money to arrange bonds that might otherwise be set up through commercial bonding agencies.

One of Pretrial Services' primary responsibilities is to ensure that poor defendants have the same access to bail as do wealthier defendants. Numerous court rulings have held that indigent defendants must have access to bail bonds to insure that they are not held in jail just because they are poor.

Administrative Judge David West,

Pretrial

Continued from Page 1A.

who has been studying the agency for several weeks, said Friday that — on behalf of the county's district judges — he is prepared to recommend that the agency be abolished.

West said the agency's program amounts to "a welfare system for criminals" because it offers free bail bonds and free lawyers to some defendants who could afford them.

"The people of Harris County are fed up with the welfare system as we know it, and as in its respect to criminals getting such a financial break," West said.

West said that the majority of the work done by Pretrial Services could be done much more cheaply through a contract with private insurance companies and bondsmen — many of whom have been waiting in the wings for years for just such an opportunity.

West's recommendation is sure to receive support from some members of Commissioners Court, some of whom have expressed their willingness in the past to privatize the agency.

Charles E. Noble, director of Pretrial Services, said Friday that he was unaware that county officials were considering abolishing his agency. Noble said he was concerned that privatizing Pretrial Services could mean poorer service to the courts.

"No one consulted with me about the privatization of pretrial services. Judge West has not discussed any of this with me," Noble said.

"I would be greatly concerned with how private contractors would run such an organization. Private

contractors owe no allegiance to the state. They are only interested in profits. I am accountable to everyone for every dime I spend."

Although numerous details remain to be worked out, West said he would support having commercial insurance agencies and bondsmen gather the initial information from defendants that judges use to decide whether to set a bond and how much of a bond to set.

West said Pretrial Services now spends as much as \$2.5 million annually just to gather that information, a figure he said commercial agencies could virtually eliminate.

One such agency, International Fidelity Insurance Co., has already presented a proposal to West. Jerry Watson, an attorney representing the insurance company, said he is ready and willing to discuss his proposal with any interested county official.

Watson said a private contractor probably would not need to interview defendants being booked into jail or provide criminal histories. Instead, he said, that would still be left up to Harris County because most of that information already is readily available when a defendant is booked into jail.

Watson said that by adding several more questions to the book-in process, reports could be compiled and provided to judges to allow them to make an informed decision on whether a defendant is eligible for a free or low-cost bond based on their financial status, risk of flight, community ties and criminal history.

Some 8,000 defendants are released each year on Pretrial Services bonds, Watson said. Of those, he said he believes, at least half could probably afford to pay their own bonds. He said the private

company would charge only \$100 each to guarantee that the estimated 4,000 or so truly indigent defendants show up for trial. This would cost Harris County of about \$400,000 annually, at least a \$2.9 million savings each year compared with the existing pretrial system.

Watson said his proposed \$100 per defendant fee would be a "break-even" cost, paying simply necessary overhead costs at no profit to the private insurer or bondsman. Where private contractors would make money, he said, is from the 4,000 or so defendants currently given Pretrial Services bonds, but who likely would not be found eligible under the new program. Because those defendants would no longer be eligible for a Pretrial Services bond, they would have to pay bail to commercial bondsmen — many of the businesses insured by Watson.

Only "the best qualified" bondsmen would be allowed to participate in the program, Watson said, with each of the bondsmen alternating in handling the individual paperwork and oversight of releasees. The bondsmen would only be paid their \$100 fee if each of their bailees appear in court.

"The insurance company would not make one thin penny on this program," Watson said. "Anybody who can pay to get out of jail will pay to get out. Why are they getting a free bail bond?"

But Noble said he was concerned that private companies would not be able to complete the criminal history checks and pretrial reports now performed by his agency.

No hearing is yet scheduled by Commissioners Court on West's upcoming recommendation, but court members will be informed of the recommendation by mail next week, West said.

12-12

Murder Suspect Eluded Court

By Judy Kuhlman
Staff Writer

Oklahoma County Court Clerk Tom Petuskey told commissioners Monday a man accused of killing a security guard and stealing a car was jailed on other charges earlier this year and allowed to get out of jail free.

Anthony David Bush, 20, of Oklahoma City was arrested Saturday by Oklahoma City police on murder and car stealing complaints in connection with the slaying of Atilenza Young, 22, a security guard at Bob Howard Auto Mall in north Oklahoma City.

Bush was charged last March in Oklahoma County District Court with forgery, concealing stolen property and unauthorized use of a motor vehicle.

According to court records, Bush did not harm or threaten to harm the victims in March.

Special Judge Russell Hall ordered Bush's release March 25 based on the findings of the county's O.R. (own recognizance) bond investigators.

On Aug. 8, Bush failed to appear for a pretrial hearing and a warrant was issued for his arrest.

Records at the O.R. bond office in the county jail show Bush had no

prior convictions, held a job at Remington Park and met most of the program's requirements to qualify for an O.R. bond.

Petuskey argued that if Bush had paid a bail bondsman for a surety bond, he might have been in jail Saturday and the security guard might be alive.

During the meeting, Commissioner Stuart Earnest said bonds of any type do not guarantee a person will not commit another crime while out of jail.

"Could you give me a 100 percent guarantee that he wouldn't have committed a crime if he were out on a surety (bail) bond?" Earnest asked Petuskey.

Petuskey said, "Of course not. But if it had cost someone money to get him out maybe someone would have made sure he was here Aug. 8. It doesn't cost anyone anything if he fails to appear on an O.R. bond."

Petuskey, a program critic, said he did not want the program dismantled and offered his help in overhauling the program and recommending changes.

The O.R. bond program, started in 1983, has been debated among county officials for years.

Lately it has drawn criticism

from Commissioner Shirley Darrell and Petuskey, a national lobbyist for victims and a victims rights group.

District judges and other county officials have defended the program and warned the jail population will increase beyond its capacity if the program is dismantled.

After the meeting, Petuskey said Bush had hired a private attorney instead of a public defender.

"If he can afford a private attorney, he could have afforded to pay a bail bondsman," Petuskey said.

A bail bondsman, after receiving from a suspect a percentage of the bail required for release, guarantees the accused will appear in court.

If the defendant does not appear, the bond is forfeited and the bondsman is given 90 days to pay the full value of the bond. If the defendant is arrested within 90 days from the time the bond is forfeited, the bondsman does not have to pay.

Ella Renfro, an investigator for the county program, told commissioners the program is an "asset" to the county because it helps keep down jail population.

Last week Oklahoma County judges stopped granting O.R. bonds.

THE WALL STREET JOURNAL.

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VOL. XCVIII NO. 6

★ ★ ★ INTERNET ADDRESS: <http://wsj.com>

TUESDAY, JULY 9, 1996

SOUTHWEST EDITION
BEAUMONT, TEXAS

On the Loose

Criminal Defendants Released Without Bail Spark a Heated Debate

Many Don't Appear for Trial
And, While Freed, Get
Involved in More Trouble

A Murder Case in Houston

By ANDREA GERLIN

Staff Reporter of THE WALL STREET JOURNAL

HOUSTON — Elizabeth Peavy pulled into a local Kwik Stop convenience store one Sunday afternoon to buy gas before joining her family for dinner. Instead, the 34-year-old dentist crossed paths with Anthony Dixon, a mildly retarded teenager toting a .38-caliber revolver. After forcing open the door of Dr. Peavy's red Thunderbird, he fired six rounds into her abdomen and head, dragged her onto the pavement and drove away in her car.

The Peavy family was devastated by the May 1994 murder — and outraged as they learned more about the 17-year-old gunman, who had been arrested on burglary charges six months earlier.

Despite a long trail of trouble, he had been freed without bail under "pretrial release," a program widely used in criminal courts around the country. The local pretrial-release agency was supposed to be closely monitoring Mr. Dixon at the time of the murder, but the Peavys were shocked by just how little it knew.

"He shouldn't have been out there," says Kathy Peavy Bailey, the victim's sister. "He was a bomb waiting to go off."

A Growing Debate

As public frustration over violent crime mounts, the Peavy murder and similar horrors nationwide are fueling debate over whether pretrial-release programs put too many potentially dangerous people back on the street without proper supervision.

The Eighth Amendment to the Constitution bars excessive bail, which even victims' advocates and prosecutors agree shouldn't be used to punish defendants while their guilt or innocence remains undecided. But critics contend that defendants who aren't required to raise their own bail have little incentive to appear for trial. They also argue that many locally run programs have outgrown their capacity to assess and monitor defendants released under their auspices. "It's a significant threat to public safety," says Stephen Twist, a former Arizona prosecutor on the board of the Washington-based National Organization for Victim Assistance.

A 1994 Justice Department study of pretrial release programs in the 75 largest U.S. counties found that one-third of defendants accused of violent crimes were released without paying bail. It also found that, of felony defendants released on their own recognizance, 25% failed to turn up for scheduled court appearances, 8% remained fugitives a year later and 11% committed new felonies while they were out. On all counts, the figures exceeded those for defendants who had to raise and pay money to be released.

A Dismaying Record

Morgan Reynolds, a Texas A&M University economist, says his studies of federal data indicate that as many as half of all defendants let go under pretrial-release programs have previously jumped bail and that about the same percentage have one or more prior felony convictions. "If they can't get mama and papa to pledge [bail], then why should we take the risk as general citizens?" he asks.

Pretrial-release agencies began springing up in the civil-rights era of the 1960s. Originally designed to prevent accused people from being incarcerated before trial simply because they couldn't afford bail, they were supposed to advise defendants about their right to apply for pretrial release, investigate their personal history and, if the presiding judge decided to set them free, monitor them until trial.

Through the years, however, pretrial-release agencies' duties and caseloads have greatly expanded. Court rulings and state statutes have extended pretrial release to all defendants, regardless of their financial resources, citing the right to equal protection under the law. As crime rates rose and inmate populations exploded in the 1980s, judges increasingly used pretrial release to relieve prison overcrowding. In some states, such as Texas, they still do despite a huge prison-building program that has left local jails with such a surplus of beds that they have begun importing inmates from elsewhere.

Inadequate Official Resources

Meanwhile, overburdened, inefficient court systems are letting more and more time elapse before trial, increasing the chances that a defendant won't show up. And, unlike private bonding concerns that have a financial incentive to recapture defendants, police and prosecutors complain that their resources are stretched too thin to track down many of them.

Judges think this alarm is going to go off and we're going to be able to grab them, but that's not how it works," says Marilyn Bobina, a federal prosecutor in Cleveland. Adds Gary Barrett of Strike Back, a reform group in Washington, D.C.: "They don't catch them until they commit another crime."

In recent years, such arguments have been fueled by a raft of high-profile convictions. In 1991, an accused car thief shot and killed a rookie policeman in Philadelphia after stealing a stolen car during a chase. In 1994, a Dallas man awaiting trial on a

Freed Criminal Defendants Spark Debate

Continued From First Page
weapons charge murdered an off-duty police officer. In 1994, a Nashville, Tenn., man on pretrial release for misdemeanor weapons charges allegedly committed six armed robberies before being arrested for murdering a grocer.

Alarmed by such incidents and influenced by bonding agencies that, in effect, lose business because of the local release agencies, more and more state and local governments are restricting their programs. Pensacola, Fla., has excluded defendants accused of first- and second-degree felonies from its program because, says Judge John P. Kuder, "They're either high risk of flight or a danger to the community." New Mexico has eliminated state funding for the pretrial-release agency in Bernalillo County (Albuquerque). Dallas County, Texas, has barred stalking and domestic-violence defendants from its programs. "The defendants in these situations normally go right back to their victims," explains Vicki Isaacks, chief of the family-violence section in the district attorney's office.

Constrained by enormous caseloads and sometimes-unreliable monitoring devices such as electronic bracelets and telephone contacts, pretrial-release agency officials nonetheless defend their programs as both necessary for poor defendants and more cost-effective, for taxpayers, than imprisonment. Moreover, "If you release 7,000 people a year, some of those defendants are going to go out and commit new offenses," says Charles Noble, director of Harris County Pretrial Services Agency, which serves Houston.

Heavy Caseloads

Created about 30 years ago, Mr. Noble's agency is headquartered in a drab office in Houston's aging Cotton Exchange building. Its 70 or so case workers, funded with a \$3.5 million budget, interview about 60,000 defendants a year. Judges release roughly 12% of the defendants after its background checks. On any given day, its employees use telephone contact, drug testing and electronic bracelets to monitor as many as 1,800 released defendants, or virtually all of those involved in the pretrial-release program.

Last year, Harris County courts issued warrants for 701 defendants after they failed to appear for trial. Among them

were 91 accused of felonies, including 21 charged with drug possession, 17 accused of auto theft and five facing assault or attempted-murder charges. With only two sheriff's deputies available to pursue the defendants, 153 of the 701 remained at large at year end.

Sometimes, however, the agency gets lucky. To gain pretrial release, Ramon Martinez, a 43-year-old Houstonian arrested on felony drug charges in April 1992 after being caught offering to sell 315 pounds of marijuana, had to undergo drug tests and surrender his resident-alien card, the title to his wife's vehicle and the deed to his home. In July 1992, Mr. Martinez tested positive for cocaine, and an arrest warrant was issued. This year, local authorities caught him hiding in the attic of his home after going there to arrest his wife on an unrelated charge.

In the case of Anthony Dixon, a worker for the Harris County agency encountered him in the county jail in November 1993, soon after the teenager was charged with burglarizing an apartment. On his release application, Mr. Dixon identified himself as a full-time student with a ninth-grade education. He didn't indicate any prior felonies, misdemeanors or missed court dates. For references, he gave his grandmother, mother and "father" — actually the father of his half-sister.

Judge Misinformed

In a report to state court Judge Brian Raines, the agency described the defendant as a medium-risk candidate for pretrial release. The judge was impressed by the agency's indication that Mr. Dixon had no prior criminal record. Before releasing Mr. Dixon without requiring him to pay any of his \$10,000 bail, the judge says he also believed that, prior to trial, the teenager would be locked up and closely supervised at Lakewood House, a home for the mentally retarded in Nacogdoches, Texas, about 130 miles north of Houston.

However, the assessment of Mr. Dixon was an error-ridden disaster. Lakewood House wasn't the secure facility envisioned by the judge. And while Texas privacy laws then in place blocked access to juvenile criminal records, agency case workers might have learned more if they had contacted someone other than a single reference, the defendant's mother. In fact, he had a long history of trouble with the

law, according to documents later filed in connection with the Peavy murder case.

Since taking a teacher's purse as a 12-year-old, he had been referred to juvenile authorities for a theft, two burglaries and a police chase in which he allegedly jumped out of a moving vehicle. After a 1991 shoplifting incident, he was sent to Lakewood House, where he attended local public schools and got weekend passes to ride the bus, by himself, to visit his mother in Houston.

His Lakewood stay included at least 18 documented reports of alleged attacks on other residents or students. He repeatedly threatened staff, had to be physically restrained three times, and admitted two sexual encounters with girls in bathrooms. During one spring break, he was arrested and again referred to juvenile authorities after allegedly pointing a pistol at a construction worker in Houston and, while visiting here over the 1993 Thanksgiving holiday, was charged, for the first time as an adult, in the burglary that landed him before Judge Raines.

More Trouble

But the Harris County agency's errors didn't end with the initial assessment that led to Mr. Dixon's release. A few months after Mr. Dixon was sent back to Lakewood House, where he was supposed to be carefully monitored by the agency, he was involved in the first of several more fights, including one that resulted in assault charges being filed by the local police.

After he wrecked his mother's car during one trip home, she told Lakewood House not to allow him to return to Houston, but he kept coming. It was during one of these visits that he and several friends drove to the convenience store where Dr. Peavy had just returned to her car.

After shooting the young dentist, Mr. Dixon went joy riding in her car and disposed of her purse in a Dumpster, before eventually catching a bus back to Nacogdoches, where he was arrested two days later. He was tried in February 1995, convicted and sentenced to death. His case is on appeal. His attorney, Wayne Hill, declined repeated requests for interviews.

The Harris County Pretrial Services Agency says that Mr. Dixon checked in by telephone or in person every two weeks after his release and that Lakewood House never told the agency of any problems. "I have no doubt that if we had received information about disruptive behavior, it would have been our charge to communicate that to the court and Mr. Dixon's bail would have been revoked," says Tom McCarty, an agency spokesman.

Texas Home Management, the operator of group homes for the retarded that runs Lakewood, declines to comment.

In the aftermath of the Peavy murder, some Houston-area judges have stopped releasing defendants previously charged with or convicted of felonies. In addition, Harris County commissioners are studying whether the agency's operating guidelines should be revised.

Meanwhile, Houston police Sgt. J.W. Beik, who helped investigate the murder, deplors the breakdown in communication between the agency and the court. "Had Tony Dixon been closely monitored by the pretrial-release service agency in the facility where he was, Beth Peavy would still be alive today," he says.

Kathy Peavy Bailey also wishes that Mr. Dixon had had to raise bail money and that a relative, bondsman or bounty hunter had kept track of him. "Maybe they would have held him if he couldn't come up with bond, or maybe they would have supervised him more closely if he did," the victim's sister says. "They're just letting lots of people out, and it's not working the way it's meant to work."

12-15

KANSAS SENATE BILL NO. 158

**HEARING BEFORE COMMITTEE ON FEDERAL AND STATE AFFAIRS
FEBRUARY 12, 1997**

SUMMARY

of remarks by Jerry W. Watson, IN OPPOSITION

Senate Bill No. 158 is a private business displacement measure. It seeks to put county government into the commercial court appearance bonding business. In so doing, it will not only create and grow a massive bureaucracy, it will eradicate large and long-standing private sector business that has a well-proven record of advancing state economy and public safety.

I stand opposed to the Bill for a number of reasons, among them being the following:

I. IT IS UNWORKABLE IN TERMS OF GETTING PERSONS TO COURT.

The very important question for any method of releasing defendants pending trial is, "How well does it get people back to court for proper case disposition?"

10% cash deposit programs have a very poor track record on getting persons back to court.

Nationwide the failure to appear rate with commercial surety companies is, of their own financial necessity, very low, while with government-run 10% deposit programs the failure to appear rate approximates 25%.

In 1973, Oregon passed a law very much like Kansas Senate Bill No. 158. A recent comprehensive statistical study in that state showed that over 40% of those released failed to make their court appearance.

Cook County, Illinois is trying the 10% cash deposit bail approach. The Illinois Criminal Justice Information Authority reports that the failure to appear rate for women is 21% and for men is 30%.

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The National Pretrial Reporting Program states that the failure to appear rate for those out on deposit bond is 50% higher than for commercial bond releases.

II. IT CREATES A PUBLIC SAFETY DANGER.

There is no question but that persons released pretrial via a 10% cash deposit program commit more crimes than persons released on a commercial, private sector, bond.

And the recidivism differential is considerable.

In Illinois (a state allowing deposit bail) a state criminal justice research project showed deposit bail release re-arrest rates of 17% for women and 39% for men. For commercial bond releases, however, a nationwide study of enormous scope shows that the re-arrest rate is only 9%.

Senate Bill No. 158 would increase crime by the creation of a new government program.

III. IT IS ECONOMICALLY UNSOUND.

Senate Bill No. 158 necessarily presupposes that government can do things better than private industry.

The idea that government is better equipped to release and monitor people accused of crimes rather than insurance companies is a total fabrication. Government run programs are terribly expensive in terms of personnel costs and usually take up valuable jail space for pretrial release employees. No deposit bond program has the necessary component of monitoring the day to day activities of a person after release. Deposit bond fulfills only half of the equation -- thus explaining their dismal failure to appear rates.

On this point, the National Center for Policy Analysis, in its study entitled Using The Private Sector to Deter Crime, says:

"Higher Costs. This poor performance harms the general public in two ways, first, the taxpayers pay a small fortune in rearrest warrants. Second, while on release, the defendants commit more crimes. In these respects, the PTRs contrast unfavorably with private agencies."

Private bail insurance companies historically monitor the whereabouts and employment status of their clients. They regularly, by phone, letter or personal appearances, remind the accused of court duties. In many cases, bail agents actually deliver the defendant to the court.

Conversely, 10% deposit programs always end up using public monies to fund release officers, whose only function is to interview and release people accused of serious crimes. Proponents of this Bill need only look at the 4 or 5 states where deposit bail was encouraged. Those programs, economically, are disasters.

IV. IT IS WISELY SHUNNED BY OTHER STATES.

Of prime consideration should be the question, "Why have other states recently, after review, avoided deposit bail?"

CALIFORNIA is probably the most telling example of deciding against 10% cash deposit bail. A large deposit bail pilot project was run there. In addition to finding that deposit bail did not alleviate jail overcrowding, California concluded that: (1) commercial bonds were more successful in assuring reappearance of defendants, and (2) taxpayers carried a significantly higher financial burden with deposit bail.

COLORADO: in its 1993 legislative session the General Assembly heard and considered House Bill 1297 which proposed 10% cash deposit bail. After thorough debate, for and against, the Bill was soundly defeated.

SUMMARY
February 7, 1997
Page Four

MINNESOTA, in 1994, took up the 10% deposit issue. The Legislature and the Supreme Court, after carefully considering whether to amend their rules to allow for a Kansas Senate Bill No. 158 type measure, refused to allow the modification.

NEW JERSEY had the type program suggested by Senate Bill No. 158. They employed the program for years. In 1995, their legislature dismantled the program because of its abysmal failure.

CONCLUSION: It is respectfully submitted that Senate Bill No. 158 is inherently unwise because it expands government at the cost of destroying a meaningful segment of the private sector -- an industry that employs many Kansans and pays a direct tax to state government on every single one of its transactions. And, all of this just to supplant those private businesses with a government program that will increase the crime rate, be fiscally irresponsible and burden the state's criminal justice system. The Bill should be defeated.

**OUTLINE OF TESTIMONY IN OPPOSITION TO
SENATE BILL 158**

- I. **There is no need for the legislature to enact Senate Bill 158.**
 - A. Administrative Order No. 96 of the Kansas Supreme Court currently empowers every judicial district in the State of Kansas to implement a pretrial release procedure identical with that created by this bill.
 - B. In the two years since the Supreme Court has authorized implementation of this procedure, the overwhelming majority of judicial districts have rejected this procedure in favor of traditional bail bond systems.
 - C. The enactment of this bill would force judicial districts to implement a procedure which they have considered and rejected.
 - D. The impetus for bail bond reform arose out of abuses of the system in Cook County, Illinois, New York, and other metropolitan areas where commercial bail bondsmen illegally colluded with a corrupt judiciary.
 - E. There have been no incidents in Kansas where judges have accepted bribes from bondsmen, nor any suggestion that any bondsman in the State of Kansas has acted on behalf of any corrupt judge.
 - F. There is no need for bail bond reform in Kansas.

II. Consideration of Senate Bill 158 should be postponed pending determination by the Kansas Supreme Court of the constitutionality of the proposed pretrial release procedures.

- A. There is an appeal pending in the Kansas Court of Appeals challenging the constitutionality of Shawnee County's pretrial release procedures which are substantially similar to those outlined in SB 158.
- B. The procedures challenged therein have been uniformly held unconstitutional in every other jurisdiction where they have been challenged.
- C. Since Administrative Order No. 96 of the Kansas Supreme court already authorizes the Own Recognizance Cash Deposit program, there is no need to require statewide compliance with accompanying expense until such time as the constitutionality of this program has been determined.

III. There is no need for an "own recognizance" cash deposit bond.

- A. Release on recognizance means that an individual recognizes his duty to appear before the court to answer the charges against him.
- B. There is no need for the court to charge a fee to a person who will appear in court solely on the strength of his promise.
- C. If a person's promise to appear is not sufficient, then an appropriate bond is necessary to ensure his presence in court.

IV. The procedure proposed in Senate Bill 158 will not work.

- A. The purpose of the bail bond system is to ensure that those charged with crimes will appear to answer the charges against them.

- B. Since the implementation of this system in Shawnee County, the number of persons failing to appear has sharply increased.
- C. The poor are harmed by an OR Cash Deposit Bond system because they cannot afford to post 10% cash and remain in jail longer.
- V. **In an era of privatization, Senate Bill 158 creates a new bureaucracy with no benefit to the taxpayer while eliminating a substantial number of private enterprise jobs.**
 - A. Implementation of this procedure will require additional court service personnel, jail personnel, and court personnel to administer and supervise pretrial release. These functions were traditionally performed by bail bondsmen at no cost to the taxpayer.
 - B. Implementation of this procedure will require additional court proceedings to ensure that those convicted of crimes are afforded due process before seizure of their bail money pursuant to this bill.
 - C. If this new system is adopted, a new bureaucracy must be established to collect forfeited OR Cash Deposit bonds. These bonds would otherwise be paid by insurance companies.
 - D. These collection procedures will require additional prosecutors, more judges, more court rooms and personnel.
 - E. In Shawnee County, with hundreds of thousands of dollars in forfeited OR Cash Deposit Bonds, there has never been a forfeited OR Cash Deposit Bond collected.

#15

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Attorneys at Law

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18 NORTH FOREST
CHANUTE, KANSAS 66720

EDWIN H. BIDEAU III
DAVID J. BIDEAU

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FAX: (316) 431-2742

February 11, 1997

**TESTIMONY BEFORE SENATE COMMITTEE ON FEDERAL
AND STATE AFFAIRS IN OPPOSITION TO S.B. 158**

Honorable Members of the Committee:

I am appearing before the committee this morning as a private citizen, not as a paid lobbyist for any interest group. I am here on my own time at my own expense as an interested citizen. The issues raised by S.B. 158 are ones in which I have had a longstanding interest, having served in the Neosho County Attorney's Office for roughly ten years. As county attorney I successfully represented the state in the matter of State v. Indemnity Ins. Co., 9 Kan. App.2d 53, 672 P.2d 251, which is one of the few appellate level cases involving a bond forfeiture action against a private surety decided by the Kansas courts within the last 20 years. Following my service as a county prosecutor I served in the Kansas House for two terms during the late 1980s and I was involved in this same issue which was then considered in H.B. 2961 and H.B. 2252. I have also served as chair of the Kansas Law Enforcement Training Commission and I am currently the municipal judge for the City of Thayer, Kansas. I have represented many law enforcement officers and our local Fraternal Order of Police chapter in the course of my private law practice and I maintain an active interest in criminal law enforcement issues.

I am opposed to the proposal for a discount ten percent deposit bond system contained in this bill for the following reasons:

1. Under our constitution the sole and only factor which should be considered in setting a bond is to insure or guarantee the appearance of the Defendant to answer the charges filed against him. All Defendants are presumed innocent until proven guilty and cannot be punished before a trial has occurred. A bond cannot and should not be used for any purpose other than to guarantee appearance. A major component of the bond program being proposed is to make money for the court system or the state to use to fund other programs. No Defendant should have to pay a fee to fund other programs in order to be released on bond. If in fact ten percent of the bond set will insure the Defendant's appearance then the bond should be reduced to that amount or in the alternative the Defendant should be released either on his own recognizance or to some private or commercial surety who will be responsible to guarantee his appearance.

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2. A cash deposit bond system creates an artificially high bond amount which the public and the victims of the crime will not understand. It will further erode their confidence in the system and provide yet another "Catch 22". Allowing release of a Defendant with deposit of merely ten percent of the amount of bond set will be misleading and infer that far more control has been placed upon the Defendant to insure appearance than actually exists. As far as the public perception is concerned, bond set does not equal bond posted. As a practical matter Defendants do not have the money or assets to collect anything from them above what is actually paid into the court. The balance above what is actually paid is merely a practical fiction. The court deposit bond program is in effect nothing but a modified OR or PR bond with a fee collected and misunderstanding by the public as to the true nature of the bond. The public should be able to rely upon the face amount of the bond being the actual amount a Defendant must post to be released. Bond amount set should equal bond posted.

3. Other than as a vehicle to raise money, the courts have many tools which they can now rely upon in order to guarantee appearance of criminal Defendants. Relatives or friends of a Defendant can post a property bond or act as private surety. A Defendant will be reluctant to skip out on a charge if it would result in a close relative sustaining serious financial loss. A Defendant can be placed on a cash bond to be posted by the Defendant but he can be ordered to report to the court frequently to prove that he has not absconded. A commercial surety can be used which will post bond for the Defendant in exchange for a fee but is also financially responsible for payment of bond forfeiture if the Defendant fails to appear.

4. I do not believe the program will increase apprehension of Defendants who fail to appear. County law enforcement, when left to its own resources, generally does not do a very good job of finding Defendants that fail to appear on criminal charges. There is no financial incentive for county law enforcement to go beat the bushes for a no show Defendant. They are understaffed and unless the Defendant is a local resident that can easily be found, the most that ordinarily occurs is that the warrant is placed in the National Crime Information Center computer. No "manhunt" usually occurs after a failure to appear. Only if the Defendant is unlucky enough to be arrested again or stopped for a traffic infraction and is properly identified would he be arrested on the outstanding warrant.

Every year many old outstanding warrants are simply dismissed by law enforcement because a number of years has gone by without activity. Misdemeanor warrants cannot be served across state lines unless the Defendant has waived extradition when bonded. In contrast, family members, private sureties and commercial sureties have strong and compelling reasons to go out and find the Defendant and return him to court to prevent their financial loss. They can often cross state lines without the formalities required of law enforcement authorities. A private surety can and often does post a cash reward for the apprehension of a no show Defendant.

5. There would seem to be an inherent conflict of interest in the Court acting as a source of funds to guarantee of appearance of a criminal Defendant that must appear before it. The proposed program seems to have no financial or other incentive for apprehension of an absconding Defendant. There seems to be no mechanism for the

surety to go find the Defendant and produce him back before the Court to have forfeiture set aside. Instead of granting PR or OR release as might be done under the current system, there is a financial incentive to require a cash discount bond. There also does not appear to be any vehicle to pay the cost of apprehending a bail jumper under the system proposed. Indeed, more money might be paid into the state and county treasury if the Defendant fails to appear and is never apprehended.

In conclusion, I do not feel there is any pressing need for enactment of this legislation. The sole factor which should be considered in setting bond is to insure or guarantee the appearance of the Defendant to answer criminal charges. The Defendant must be presumed innocent and a discount bond system should not be used as a vehicle to raise funds for programs which are not related to securing the defendant's presence before the court for trial.

Edwin H. Bideau III

KANSAS PEACE OFFICERS ASSOCIATION

and

KANSAS SHERIFFS ASSOCIATION

Senate Federal and State Affairs Committee

February 12, 1997

Senate Bill No. 158

Mr. Chairman and Members of the Committee:

My name is Helen Stephens, representing KPOA and KSA.

We believe there are several issues which should be considered before a vote is taken by this committee.

Chief among our concerns is, if enacted, would this bill create a condition of an increased number of fugitive warrants to be issued because of the small amount of cash required for pre-trial release? There is evidence from studies conducted by the United States Department of Justice and the Bureau of Justice Statistics, that this may occur in Kansas. When it does, Kansas Sheriffs will incur a significant increase in extradition costs when these defendants have to be returned to the jurisdiction issuing the fugitive warrant.

Obviously, professional bonding companies posting appearance bonds have a vested interest in this proposed legislation -- they will have to make their own case. However, it should be noted that when one of their bondees fail to appear, they are responsible to bear the cost of returning the fugitive back to the jurisdiction issuing the warrant.

Until the above concerns can be address, KSA and KPOA oppose passage of SB 158.

If you have any questions, I would be happy to answer them.

FEB - 7 1997

PROFESSIONAL BAIL AGENTS OF KANSAS
611 WEST 4TH STREET
TOPEKA, KS 66603
(913) 235-3949

February 6, 1997

Honorable Lana Oleen
Chairperson Federal and State Affairs Committee
Room 136 North
Capitol Building
Topeka, KS 66612

RE: SB 158

Dear Senator Oleen:

The captioned bill, if passed, would place the state, each county, and every taxpayer in the criminal bail bond business.

This bill will allow the criminal defendant to post only 10% of his bond and when he fails to appear in court he has lost very little. The taxpayer takes the loss and the risk, yet the accused can do as he pleases, knowing that a bail agent will not be looking for him.

Why should the state set bond at \$1,000 and only require the criminal defendant to post \$100? It is deceiving to tell the citizens that a criminal has been released on a \$1,000 bond, knowing that money cannot be collected from a bond jumper.

The professional bail agent posts full-liability/full-responsibility bonds in the total amount set. The bail agent supervises the defendant while on bond, and if he fails to appear the bail agent surrenders him to the court.

If the defendant cannot be located the bail agent pays the entire amount of the bond to the state. With SB 158 none of the above would happen. There would be no full-liability/full-responsibility bonds, no supervision of the defendant, no one to take the defendant to court, and no one to pay the bond when forfeited. This job is presently being performed at no cost to the taxpayers. If SB 158 were to pass, the victim taxpayers would be victimized twice, first when the crime is committed against them, and then be forced to underwrite the person's bond who committed the criminal act against them. SB 158 would cost the non-criminal tax payers millions of dollars per year through

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unpaid bond forfeitures, increased crime, additional court clerks, bookkeepers, court services personnel and more judges to process this scheme. Each county would be required to hire more sheriffs, deputies and vehicles to re-arrest the bond jumpers, and additional jail space to house them, as well as more jailers to book them in and guard them. Taxpayers will be forced to pay the costs for calling juries and witnesses for criminal defendants who do not appear for trial and more assistant county attorneys to prosecute them for failing to appear. This program would fast develop into one of the largest, most expensive self-perpetuating bureaus in the state. The cost to the state and county taxpayers to operate this same 10% unsecured bond program in Shawnee County was over two million dollars than they received in the last three years and they now want to mandate this same program throughout the state.

The Shawnee County administrative judge has already requested the legislature to provide state funds for six new judges in Topeka along with a complete staff for each of them. They further desire more deputy clerks and court services employees.

SB 158 will eradicate an entire Kansas industry, the private sector bail agents, and void over 300 jobs while replacing those private sector jobs with bureaucrats paid for by taxpayers. The state would lose not only the taxes paid by each bail agent and his staff but would further lose the additional tax that is presently paid to the state by the insurance companies when each bail bond is written.

Our goal is to provide an honest, fair, and secure criminal justice system. The Professional Bail Agents of the United States stand with the victims of crime, non-criminal taxpayer, law enforcement, and free enterprise. We ask you to do the same and vote "NO" on SB 158.

Respectfully Submitted:



Ralph Hiatt, President
Professional Bail Agents of Kansas

February 7, 1997

Committee of Federal and State Affairs
State Capital, Room 136 (NORTH)
Topeka, Kansas 66612

Subject: SENATE BILL No. 158

Honorable Committee Members:

This testimonial is to provide some of the necessary background information in support of surety bondsman.

Surety bondsmanship is a profession that supports many facets of the judicial system. Some of that support comes from bondsman providing current and complete data/information on known criminals and defendants.

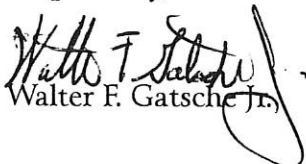
The bondsman also absorbs such costs as bond forfeitures, prisoner transport, bond skip trace, and defendant location searches. It should be stated that without these services by bondsman, the cost would be paid by the public and state taxpayers.

Bondsman are routinely called upon by the courts, county attorneys, lawyers, and law enforcement officials to assist with problem solving at the local, state, and federal level.

Unfortunately, our judicial system is a complicated and hectic environment which to the average citizen is viewed cold and unforgiving. Bondsman provide a open and unbiased route of communication between the defendant and the legal system. The bondsman accomplishes this through positive counseling and weekly checks to ensure defendants know their current status and position with the courts. We can not begin to count the individuals that have benefited from this sort of positive reinforcement, and have turned their lives around completely. Young and old defendants alike have approached us and stated "They wouldn't of made it without the support of their bondsman." We challenge any body else involved with the legal system and courts to state the same.

In closing, we would like to state, by replacing the current surety bondsman with a court appointee would be detrimental to the legal process, the court system, and the defendant. Also, the undue stress and additional workload thrown upon the law enforcement community would have a debilitating effect on the security and well being of the taxpayer.

Respectfully,


Walter F. Gatsche Jr.

GATSCHE & ASSOCIATES BONDING

P.O. BOX 992 ♦ MANHATTAN, KS 66502
(913) 539-3950 ♦ fax: (913) 539-5465-1

Sen. Federal & State Affairs Comm.
Date: 2-12-97
Attachment #: 18



To the Senate Federal & State Affairs Committee Re: Senate Bill 158

Ladies & Gentleman:

I am presently the President and CEO of NewTek, Inc. in Topeka. I had practiced law here for 25 years. In the simplest of terms what you have before you in Senate Bill number 158 is one reason I chose not to practice law any longer. Our judiciary has continually chosen to abuse the power of their positions by creating law and circumventing the Constitutional procedures of our system.

Not only are they doing that, they are forcing us to abide by a costly archaic system which has proven to be nothing more than an additional burden on the usual victims, the law abiding taxpayers or our communities. As I have said previously, if you put these judges in charge of Economic Development for our State and they could do for the State what they have done for crime in Topeka we would have the most successful State in the Country. In case no one has noticed, we are annually in the top five among all cities in per capita crime rate.

This system devised because a particular judge did not like bondsmen has become very costly as you have been made aware. It also has resulted in the need for more jail space and additional layer of beauracracy to administer what was previously the responsibility of bondsmen and the alleged criminals. Today the criminal in our community enjoys the privilege of doing business with no overhead. I wish the Judiciary would do that for us legitimate business people.

In closing, I ask you to do the right thing; Vote no on this bill and admonish the Court for its intrusion into the Legislative Branch of government.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dwight J. Parscale', is written over a large, light-colored oval shape. The signature is somewhat stylized and overlaps the oval.

Dwight J. Parscale

Sen. Federal & State Affairs Comm.
Date: 2-12-97
Attachment: #19

DWIGHT J. PARSCALE

Attorney at Law

P.O. Box 5808

Topeka, Kansas 66605

(913) 267-4190

January 17, 1994

Senator Gus Bogina
State Capitol
120-S
Topeka, Kansas 66612

Dear Senator Bogina:

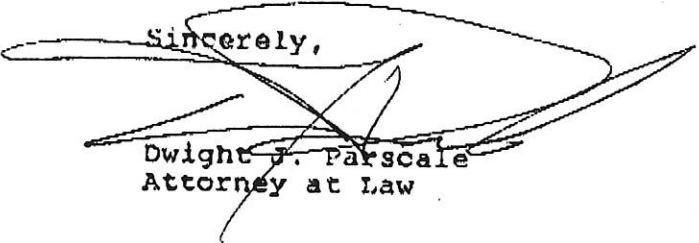
As I advised earlier, I am forwarding to you a list of personnel involved in Shawnee County District Courts bail bond business. This list does not include all the people involved but is limited to the main ones. Considering the fact that this court has now gone to almost exclusively using its own bond business (almost no bonds are being written by insurance bond agents) it is no wonder they have closed the courthouse early every day at 4:00 pm..

After reviewing the enclosed list you will see that Judge Carpenter is not giving you the true facts. It is very clear why his court staff is being overworked. The solution is very simple-comply with the law and get out of the bail bond business. The court should stop abusing the taxpayers to subsidize criminals and their illegal activities.

As you can see the cost to the taxpayers exceeds \$220,977.00 at a minimum and more probably \$292,864.00 if we use the figures given. The list of employees includes minimum and maximum because we do not know what pay step each person is on. Needless to say, these sums include only wages. All other expenses for benefits, overtime, supplies, etc. have not been included. It should be noted that there are a substantial number of other employees used in this but we did not include them because it is very clear what is happening.

If I can be of any further assistance, please contact me.

Sincerely,


Dwight J. Parscale
Attorney at Law

DJP:er

Clerk of the District Court Employees (Shawnee County)

| <u>Name</u> | <u>Position</u> | <u>Min</u> | <u>Max</u> |
|--------------------|---------------------|-------------|-------------|
| Joyce Reeves | Clerk of Court | \$ 1,500.00 | \$ 2,200.00 |
| Kay Falley | Court Administrator | 1,500.00 | 3,100.00 |
| Debbie Fitzgerald | Asst. Clerk | 3,500.00 | 4,900.00 |
| Babi Babette Scott | Asst. Clerk | 7,165.00 | 10,100.00 |
| Karen Dodson | Asst. Clerk | 5,525.00 | 7,775.00 |
| Michelle Mainey | Asst. Clerk | 4,000.00 | 5,550.00 |
| Shelly Stewart | Asst. Clerk | 4,300.00 | 6,050.00 |
| Janet Barnett | Asst. Clerk | 4,300.00 | 6,050.00 |
| Marie Stringer | Sup. of Accounting | 10,000.00 | 14,200.00 |
| Jean Myers | Bookkeeper | 15,687.00 | 22,000.00 |
| Darlene Ribelin | Bookkeeper | 6,300.00 | 8,900.00 |
| Dormie Kramer | Bookkeeper | 6,300.00 | 8,900.00 |
| Jerold Henry | Bookkeeper | 6,300.00 | 8,900.00 |
| Kelly Schreiner | Bookkeeper | 4,300.00 | 6,000.00 |

Court Services Employees

| | | | |
|---------------|----------------|-----------|-----------|
| Kelly Lee | Court Services | 21,000.00 | 29,539.00 |
| Jack McGinnis | Court Services | 19,300.00 | 27,700.00 |

Judges

| | | | |
|-----------------|-------|-----------|-----------|
| Judge Carpenter | Judge | 10,500.00 | 21,000.00 |
| Judge Buchele | Judge | 10,500.00 | 21,000.00 |

Jail Employees

| | | <u>Actual Amount</u> |
|--------------------|------------------|----------------------|
| Wanda Crady | Supervisor | \$ 10,775.00 |
| Sandy Brooke | Clerk III | 7,670.00 |
| Molly Glenn | Clerk III | 6,132.00 |
| Pam Wolfley | Secretary I | 3,636.00 |
| Phyllis Blum | Secretary II | 3,325.00 |
| Shirley Sharpknach | Accounting Clerk | 11,580.00 |

Jail Book-In Employees

| | |
|---|--------------|
| Average 10 hours extra per day at \$10.00 per hour | \$ 36,500.00 |
|---|--------------|

TOTALS \$220,977.00-\$292,864.00

DWIGHT J. PARSCALE

Attorney at Law

P.O. Box 5808

Topeka, Kansas 66605

(913) 267-4190

December 15, 1993

Mr. Gus Bogina
5747 Richards Circle
Shawnee, Kansas 66216

Dear Gus:

Pursuant to our telephone conversation I have enclosed a number of documents regarding the bail business being conducted by the Court in Shawnee County. As you are aware Judge Carpenter has claimed at his own press conference that his Court is operating short of manpower and funding. This statement was made in spite of the fact, that they have committed substantial Court personnel to the operation of this bail bond business, which I believe to be in violation of State Law.

I will be forwarding to you very soon a list of Court personnel and hopefully their salaries involved in the Courts bail bond business. If in fact our Court is operating short of manpower and funding then someone should ask why the Court has committed substantial manpower and funds to a program of bail bonds, which only benefits the criminals in our community at taxpayer expense. This criminal advocacy on the part of our Court not only violates State Law it again victimizes the law abiding public who are suppose to trust this same Court to protect them.

The State of Kansas would do well if they would place Judge Buchele and Judge Carpenter in charge of Economic Development for the State of Kansas. If they could do for Kansas what they have done for crime in Shawnee County our State would have no more problems. I strongly believe that Legislative action is the only way to change what has happened in our county. Only the legislature can force a Court system which thumbs its nose at the law to comply and conform to desires and needs of the law abiding society it should be protecting.

This system is just pouring criminals back into our community with no incentive to abide by the law and no supervision. When private surety is used all

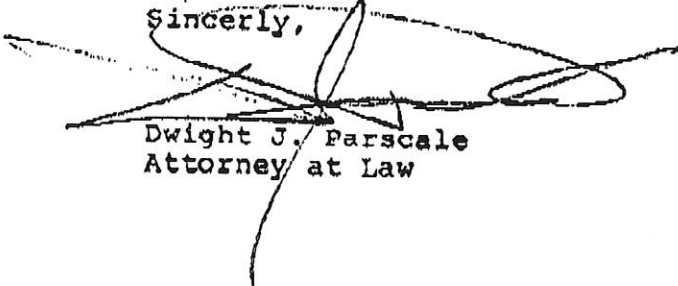
Dec. 15, 1993

studies have shown the highest appearance rate and the least amount of problems with repeat offenses were experienced while out on bond. They are also well supervised by the bondsmen. All this at no cost to the taxpayer.

Finally, this Court-operated bail bond business generates no income to the State because the Court is not paying any premium tax on the bonds it makes. The money it does make, which is not publicly accounted for is turned over to the County General Fund and not the State.

I hope that this information will be helpful to you. I also hope that you can do something about a very bad situation, which is getting worse. If I can provide you with any further information feel free to contact me.

Sincerely,



Dwight J. Parscale
Attorney at Law

DJP:xx

FEB 1997

January 30, 1997



RORK
LAW OFFICE

e-mail
rorklo@ix.netcom.com
(all lower case)

The Liberty Building • 214 SW 6th Ave. • Suite 300 (3rd Floor)
Topeka, KS 66603-3719 • Phone (913) 235-1650 Fax (913) 235-2421

SEN LANA OLEEN, CHAIRPERSON
FEDERAL AND STATE AFFAIRS COMMITTEE
KANSAS STATE HOUSE
TOPEKA KS 66612

RE: Senate Bill No. 28

Dear Sen. Oleen:

As a member of the National Association of Criminal Defense Lawyers (NACDL), Kansas Association of Criminal Defense Lawyers (KACDL), Kansas Bar Association Criminal Law Section, and Kansas Society for Criminal Justice (KSCJ), I work solely in the area of criminal defense, traffic laws, DUIs, and at times on collateral consequences of same, involving driver's license suspension, forfeiture of property, and drug tax assessments.

I am writing with respect to my concerns with Senate Bill No. 28 which is currently before your Committee for adoption, or consideration of same. I do not believe the own recognizance cash-deposit pretrial release program should be added to the current statutory pretrial release system as provided in K.S.A. 22-2801 et seq.

Time and time again I have seen own recognizance-cash deposit (ORC) bonds posted, and when the party bonded fails to appear, only the amount deposited has been forfeited, and the original amount of the bond evidently is forgiven, or just plain forgot.

When a person uses surety, such as a bondsman, when the party fails to appear, the entire amount of the bond written is forfeited and the bondsman and his surety are held accountable for reimbursement for the entire amount of the bond versus just 10% of the bond which is posted in an ORC situation.

Further, I travel extensively throughout the State of Kansas, and while at certain times I have requested ORC bonds be implemented by the courts, most judges outside of Shawnee County don't look too favorably on that situation, as they desire to have someone held accountable, the full amount of bond met by surety, to better assure that the bonded person has the sufficient motivation from commitments by family members and others to the surety, to appear at court during all times directed prior to finality of the case, and in the event such appearance does not occur, authority to impose sanctions by judgement on the entire amount of the bond, versus just 10% of the amount set as bond and paid in under the ORC circumstances.

"In all criminal prosecutions, the accused shall enjoy the right to have the Assistance of Counsel for his defence"

Sen. Federal & State Affairs Comm.
Date: 2-12-97
Attachment: #20

I am sure I am only one of hundreds of defense attorneys who may feel the same way, and I have no particular tie to any bonding company, in any manner what so ever. I just know that when bondsmen are involved with clients of mine, I can be more assured that the individuals will appear as directed, or if there is any doubt about their commitment to appear when required, the bondsman who directly supervises these individuals using a variety of means, will turn them in on their bond so they will be held and definitely be present for the date of any future court hearing if any uncertainty concerning their commitment to so appear exists from the time of their release.

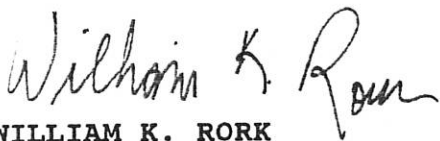
I don't know what the statistics in Shawnee County may show, but as numbers go, and having taken statistics in several different areas for my undergraduate degree, under three separate departments, numbers can mean just about anything you want them to. I would be interested in seeing just how many judgements in Shawnee County, or those counties where the ORC bonds are now authorized, actually collect the total amount of the bond posted, versus the 10% deposited with the court, and the judgements entered for the total amount of bond versus the 10% posted, as well as the percentage of such monies thereafter collected in that 90% which is merely a fiction as it would represent funds on deposit.

This is my humble opinion, and I would like to appear and respond to any questions you or your Committee may have concerning adoption of this particular piece of legislation, should my schedule and the time allotted by your Committee coincide and allow for same, but in any respect, would desire these written comments to be taken into consideration. I am open to questions from you or any other members of this Committee and would appreciate dissemination of my thoughts to the other Committee members for their review prior to taking a final vote or taking a position regarding favorable or undesirable attention to be provided this particular legislation.

Thank you for the opportunity to allow me to express my views concerning this matter.

While I mentioned some of the associations I am a member of, just to establish my credibility and practice solely in the area of criminal law, I speak only on behalf of myself, and am not authorized, nor have I sought authorization nor intended in any manner to speak on behalf of the associations initially referenced within this communication.

Sincerely,



WILLIAM K. RORK

WKR/ras

92b 101n.sen

Strike Back!

January 23, 1997

Senator Lana Oleen
Statehouse
300 S.W. 10th Ave.
Topeka, KS 66612-1504

Dear Senator Oleen:

STRIKE BACK! is opposed to S.B. 28 because it contains language which would allow persons to be released while awaiting trial, by posting 10% of the amount of their bond.

STRIKE BACK! is a non-profit criminal justice reform organization that works with victims groups, law enforcement, legislators, and citizens to promote effective crime control measures in the states.

Currently, in Kansas, a person can be released while awaiting trial through private bail systems (secured release), a government-funded pretrial release agency, or "own recognizance" ordered by the judge. National studies consistently show that of these three, secured release is more efficient in ensuring that persons attend their court hearings and do not commit further crimes while awaiting trial.

The same is true when comparing secured release to 10% cash programs. In 1980, California initiated a 10% cash option as a five-year test program to alleviate jail overcrowding. At the end of that period, the California government elected not to continue the program because it did not relieve jail overcrowding.

In addition, California officials found that secured release was more successful in assuring reappearance of defendants and that taxpayers carried a much higher financial burden with 10% cash as opposed to bonds.

For these very reasons, the New Jersey legislature did away with their 10% cash program in 1994.

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January 23, 1997
Page Two

The use of 10% cash programs sets up a "revolving door" of criminals at the beginning of the criminal justice system.

Thank you for your consideration and please oppose S.B. 28.

If you have any questions, please call (800) 251-9073. Please note that STRIKE BACK! has moved their office. The new address is: **7700 Leesburg Pike, Ste. 406, Falls Church, VA 22043.**

Sincerely,



Gary Barrett
Executive Director

JACKSON COUNTY SHERIFF'S OFFICE

224 ARIZONA
P. O. Box 271
HOLTON, KANSAS 66436-0271
TEL. (913) 364-2251 FAX (913) 364-4820

PHILIP G. MCMANIGAL
SHERIFF
STEVE FREDERICK
UNDERSHERIFF

February 12, 1997

Committee on Federal & State Affairs
300 Southwest 10th Avenue
Topeka, Kansas 66612-1504

Re: Opposition to Senate Bill 158

Dear Committee Members;

I have researched the final result of proposed Senate Bill No. 158. I find that if the bill is passed, it will have a devastating effect on the tax payers and residents of Jackson County as well as on the operations of the Jackson County Sheriff's Office.

The bill provides by rule for an own recognizance-cash deposit pretrial release program.

I have been in contact with Sheriff Jim Daily of Barton County, Kansas, (Great Bend), where this program has been in effect as a pilot program. His input is that the program has not worked from the beginning and does not work today.

Under the terms of this system, the accused person deposits 10% of the amount of the bond with the clerk of the court and then is released to appear in court on a pre set court date. The appearance rate is poor. Warrants are issued for those failing to appear. (During this time, the victim, to whom we all owe swift "justice," waits.) Now the first major burden is on the already under-staffed Sheriffs' Office to locate and re-arrest the persons who do not appear and place them back in the county jail. Next, bond is either reset beyond the ability of the accused to make bond, or the accused is jailed without bond.

This creates the second burden on the Sheriff and the taxpayer: a jail that is even more overcrowded than normal. If a small jail becomes too overcrowded, the Sheriff must find jail space in other counties and then pay to transport and house inmates out-of-county.

Our current system in Jackson County provides for either a commercial bond or, in some cases, a cash bond with 100% of the bond, (not 10% of the bond,) placed with the Clerk of the Court. These bonds are backed with 100% of the amount of the bond. This is true whether the bond is written through a surety bondsman or whether it is a 100% cash bond. These true bonds in effect, reflect a 98% appearance rate in Jackson County. This takes the burden off of my department to rearrest the accused person and it keeps our jail

Sen. Federal & State Affairs Comm
Date: 2-12-97
Attachment: #22

population at fourteen to sixteen inmates.

We are building a new jail facility with a capacity of thirty two inmates. We plan to lease sixteen beds to out-of-county prisoners as a means to finance the construction. If Senate Bill 158 is passed, it will require more officers which are not and cannot be budgeted for. It will also devastate the countys' ability to repay the financing on the new jail.

Jackson County currently executes approximately \$400,000 worth of Bonds per year. A full 10% of this amount is \$40,000. Under the proposed bill, if the accused does appear in court as some claim that he or she will, the amount of 10% retained of the of the 10% collected will amount to \$4,000. Therefore, Jackson County will have \$4,000 to add necessary additional court services personnel, additional deputies, and still meet the additional costs of housing prisoners out-of-county.

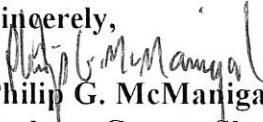
The additional sixteen cells in our new jail will be leased out at the rate of \$45 per space per day. In one week, we can generate more money, (\$5040,) than what Senate Bill 158 proposes in a full year. These figures are true figures and will apply to any size county or facility depending on the population.

I submit to you that proposed Senate Bill 158 does for the victims of crime exactly what we all should be working against: it will make prisoners less accountable than they already are, it will heap more duties on already overworked law enforcement officers, it will overcrowd already overcrowded jails, it will cost the already over-taxed taxpayer, and it will slow the already slow-turning wheels of justice.

I ask you to consider the taxpayer, consider the people you serve, consider the law enforcement officer, and most of all, consider the victims of crime. Do not try and fix something that already works.

I thank you for this opportunity to be heard and I wish to take this opportunity to thank you all for the work you do serving the people of Kansas.

Sincerely,


Philip G. McManigal
Jackson County Sheriff

cc: Ja. Co. Commission

REASONS TO VOTE AGAINST SENATE BILL 158

THE PURPOSE OF BAIL IS TO INSURE THAT THE DEFENDANTS APPEAR IN COURT, THAT IF THE DEFENDANT FAILS TO APPEAR IN COURT OR PERFORM TO THE CONDITIONS OF HIS BOND, THAT HE OR SURETY BE FINANCIALLY ABLE TO PERFORM TO PAY THE COURT IF HIS BAIL IS FORFEITED. LAST BUT NOT LEAST AND MOST IMPORTANT IF ALL, THE RIGHTS OF THE VICTIMS AND SOCIETY SHOULD BE PROTECTED THE MOST. " **THE PRIMARY PURPOSE OF BAIL IS NOT TO BEEF UP THE PUBLIC REVENUES OR PUNISH THE BAIL, OR SURETY:** THAT HE WILL BE PRESENT IN COURT TO MEET THE CHARGES DIRECTED AGAINST HIM. THAT BAIL NOT BE USED FOR THE PURPOSE OF PAYING FINES OR COURT COSTS **STATE VS MIDLAND INSURANCE CO208 KAN 886,887,888,889 494P.2D 1228. ATTORNEY GENERAL OPINION 78-294.**

THE BAIL SYSTEM IN THIS COUNTY HAS BEEN UNDER ATTACK FOR THE PAST 35 YEARS. IN 1970 THE COLUMBIA COURT REFORM AND CRIMINAL PROCEDURES ACT SEEMED TO BE A MODEL LAW. WELL THIS LAW HAS NOT WORKED THE VERY NAME BAIL REFORM HAS BEEN A LAUGHTER , BUT THE LAUGHTER IS NOT FUNNY, IN HUNDREDS UPON HUNDREDS OF CASES DEFENDANTS RELEASED WITH OUT BAIL OR 10% BAIL FAIL TO APPEAR IN COURT. TO OFTEN THE RIGHTS OF THE DEFENDANTS IS MISPLACED. THE DEFENDANTS GET THE BENEFIT OF DOUBT AND THE COMMUNITY GETS THE BENEFIT OF HIS CRIMINAL ACTIVITIES.

SINCE THE INCEPTION OF THE OR 10% SYSTEM IN THE STATE OF ILL , **COOK COUNTY FOR THE YEAR 1970, HAD 15,098 10% AND 2837 PR BONDS THAT FAILED TO APPEAR. IN 1971 16,421 10% BONDS AND 6047 PR BONDS FAILED TO APPEAR. IN 1972 16,618 10% BONDS AND 6128 PR BONDS FAILED TO APPEAR. PRIOR TO THE YEAR 1970 THE BONDSMAN LOST ONLY 89 DEFENDANTS.** A FAR BETTER RECORD THAN THE 10% SYSTEM. THE CLERK OF THE COURT WILL NOT GIVE OUT ANY FURTHER INFORMATION.

JUST RECENTLY THE **ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY** PUBLISHED THE RESULTS OF THEIR RESEARCH. (COPY OF RESEARCH ATTACHED) WHAT ARE THE RESULTS. **50% OF THE MEN FAILED TO APPEAR AND 33% OF THE WOMEN FAILED TO APPEAR. 36% OF THE MEN AND 25% OF THE WOMEN RELEASED FOR PRE TRIAL WERE REASSERTED FOR NEW CRIMES.** GIVEN THE NUMBER OF DEFENDANTS RELEASED 30,000 ACCOUNT FOR AN ADDITIONAL 60,000 ADDITIONAL TRANSACTIONS TO CASE DISPOSITIONS. AGAIN EXTRAPOLATING THE ADDITIONAL COST TO THE ENTIRE POPULATION OF RELEASED DEFENDANTS IN COOK COUNTY ILL. ILLUSTRATES THE TREMENDOUS IMPACT OF PRETRIAL RELEASE **FAILURE.** THE PRESENT ESTIMATED COST PER ARREST IS NOW **1847.00.** THE COST OF THE PROGRAM IN COOK COUNTY ILL. IS NOW OVER **104,000,000 A YEAR** TO OPERATE THE OR 10% PROGRAM IN COOK COUNTY ILL. ALONE.

THERE ARE 750 WARRANTS FOR EVERY TWO MAN TEAM IN COOK COUNTY ILL. IF THE COURT STOPPED ISSUING WARRANTS TODAY IT WOULD TAKE OVER 40 YEARS TO SERVE ALL THE FTA WARRANTS.

LETS LOOK AT THE RESULTS OF THE OR CASH DEPOSIT SYSTEM IN SHAWNEE COUNTY, KANSAS INSTITUTED BY THE LOCAL JUDGES.

IN EXAMINATION OF CASES FROM 96CR01 TO 96CR500, THE RESULTS ARE AS FOLLOWS **146 WARRANTS WERE ORDERED FOR FTA THAT 29.20% FTA RATIO, AND 91 OF THOSE ARE STILL AT LARGE. THAT IS 63% OF WARRANTS ISSUED HAVE NOT BEEN SERVED**

THERE WERE 48 CASES OF AGGRAVATED FAIL TO APPEAR FILED. THERE WERE 5 CASES OF AGGRAVATED INDECENT LIBERTIES WITH CHILD ALL 5 FAILED TO APPEAR. ONE RAPE CASE PENDING AND HE FAILED TO APPEAR.

INFORMATION SUPPLIED BY THE SHAWNEE COUNTY DISTRICT COURT TO THE TOPEKA JOURNAL (ARTICLE ATTACHED)

| YEAR | FACE VALUE OF BOND | NUMBER BONDS | MONEY RECEIVED COUNTY | AVERAGE BOND | MONEY RECEIVED PER BOND |
|-------------------------|---------------------------|---------------------|------------------------------|---------------------|--------------------------------|
| 1986 | 41,070 | 169 | 2,982.00 | 242.02 | 17.65 |
| 1987 | 33,860 | 151 | 4,246.00 | 224.24 | 28.12 |
| 1988 | 49,959 | 228 | 5,200.00 | 219.12 | 22.81 |
| 1989 | 74,457 | 291 | 7,765.00 | 255.87 | 26.69 |
| 1990 | 93,720 | 486 | 11,383.00 | 192.84 | 23.43 |
| 1991 | 116,145 | 494 | 14,472.00 | 235.12 | 29.30 |
| 1992 | 97,910 | 486 | 14,886.00 | 201.47 | 30.63 |
| 1993 | 132,470 | 735 | 12,185.00 | 180.24 | 16.58 |
| TOTALS | 639,591.00 | 3040 | 73,121.00 | 1751.92 | 195.21 |
| AVERAGE PER YEAR | 79,948.88 | 380 | 9,140.13 | 218.99 | 24.40 |

FOR THE YEAR 1992 THERE WERE 30,396 CASES FILED IN KANSAS AND FOR 1995 THERE WERE 34,117 CASES FILED. USING THE TWO YEARS THE AVERAGE WOULD BE 32,257 CASE A YEAR

USING THE AVERAGE OF 32,257 CASES FILED AND AN AVERAGE OF 24.40 NET INCOME PER BOND THE TOTAL NET AMOUNT THE COUNTIES WOULD RECEIVE STATE WIDE WOULD BE **787,048.40** IN TOTAL REVENUE

EXPENSES WOULD BE

| | |
|--|---------------------|
| BOND SCREENERS 1 EACH COUNTY 105 COUNTIES | 3,150,000.00 |
| COST TO APPREHEND 15% FTA 4839 MY COST 175.00 | 846,825.00 |
| LOSS TO STATE NO BONDSMAN INCOME TAX 300 AV. 2000.00 | 600,000.00 |
| EXTRA LAW ENFORCEMENT OFFICERS 2 PER CO. 210 AT 25,000 | 5,250,000.00 |
| THIS DOES NOT INCLUDE COST OF GASOLINE AND VEHICLE MAINTENANCE, HEALTH INSURANCE. | |
| LOSS OF THE 90% OF THE BOND TO THE STATE USING SHAWNEE COUNTIES ALLEGED AVERAGE OF 3% LOW FTA RATE , 968 BONDS WOULD BE FORFEITED. AT AN AVERAGE OF 2110.00 EACH THAT WOULD BE UNCOLLECTABLE BY THE STATE, OR COUNTIES | 2,042,480.00 |
| TOTAL COST OF 10% SYSTEM PER YEAR WOULD BE | 9,846,825.00 |
| LESS INCOME FROM THE 10% FORFEITED BONDS | 787,048.40 |
| NET LOSS TO STATE AND LOCAL GOVERNMENTS | 9,059,776.60 |

IN ADDITION SHAWNEE COUNTY COURTS WANT TO HIRE 18 MARSHAL

TO SERVE CIVIL PAPERS AND CRIMINAL SUMMONS BECAUSE THE SHERIFFS OFFICE DOES NOT HAVE THE TIME OR MAN POWER TO DO SO DUE TO THE INCREASED FTA RATE. (SEE NEWSPAPER ARTICLE ATTACHED).

THE CRIME RATE HAS GONE UP SINCE THE INCEPTION OF THE OR 10% SYSTEM. TOPEKA IS FOURTH IN CRIME RATE NATIONALLY, WITH 105 CRIMES PER 1000 PERSONS (SEE ATTACHED NEWSPAPER ARTICLE). FROM 1985 TO 1986 CRIME INCREASED 13.5% SEE (ATTACHED NEWSPAPER ARTICLE) WHILE CRIME IN JOHNON COUNTY IS DOWN WHERE THE 10% SYSTEM IS NOT IN USE.

CRIME IN THE STATE OF KANSAS HAS GONE FROM 30,396 CRIMINAL CASES IN 1992 TO 34,117 CASES IN 1995. THIS IS A 11% INCREASE IN CRIMINAL CASES FILED IN THE STATE OF KANSAS. WHILE THE COST OF THE INDIGENT DEFENSE HAS GONE FROM A COST OF 3,274,359.00 TO 11,077,947.00 IN 1995. THIS IS AN INCREASE OF 214.%. FAR MORE THAN THE INCREASE IN THE NUMBER OF CRIMINAL CASES FILED. I BELIEVE A CHECK OF WHY THE COSTS HAVE INCREASED ABOVE THE NUMBER OF CASES FILED. PROJECTED COST FOR THE INDIGENT DEFENSE FOR 1997 IS 13,400,000.00.

THE JUDICIAL COUNCIL ADMITTED THAT THE FIGURES SUPPLIED THEM WERE NOT CORRECT. " **QUOTE MS. PORTER THAT SOME OF THE NUMBERS SHE RECEIVED MAY BE QUESTIONABLE**".

IN THE LAST TWELVE MONTHS MY COMPANY HAS SURRENDERED OVER 300 DEFENDANTS THAT HAVE FAILED TO APPEAR.. SEE COPY OF BODY RECEIPTS. THIS WAS A COST TO ME OF 52,000.00. AND NO COST TO THE TAX PAYERS OR LOSS TO THE VICTIMS.

I WOULD APPRECIATE YOUR VOTE AGAINST SENATE BILL 158 TO ELIMINATE THE INDUSTRY OF BAIL BONDING IN THE STATE OF KANSAS. IF I CAN ANSWER ANY OTHER QUESTIONS PLEASE FEEL FREE TO CONTACT ME . **IF IT IS NOT BROKE WHY FIX IT.**

**MANUEL BARABAN
13144 BIRCH
OVELAND PARK , KANSAS 66209
913 782 0670**

Sept 27, 1996

Meneley opposes plan for warrants marshals

By BILL BLANKENSHIP
The Capital-Journal

Sheriff Dave Meneley threw a match Thursday on a plan to reduce the backlog of unserved legal paperwork piling up in the courthouse.

District Judge Terry L. Bullock, Shawnee County District Court's administrative judge, presented a proposal to commissioners on Monday that called for the court to appoint a chief marshal and hire a cadre of part-time marshals.

Those marshals would serve notices of lawsuits and other documents currently served by deputies. The number of those documents have mushroomed to 128,260 last year from 21,144 in 1985.

Bullock said deputies would be needed to assist in what he called "sticky situations," such as evictions and divorce cases involving very antagonistic couples.

However, using unarmed, non-law enforcement process servers would free the time of deputies to serve a growing backlog of arrest warrants in criminal cases where a uniformed, gun-toting officer was required.

Although Meneley had a representative on the committee that crafted the plan, he said he didn't realize until this week the civilian process servers would work for the

court and not for him.

"You're just creating another bureaucracy in the county," Meneley told commissioners.

Bullock responded that the civilian process servers couldn't be hired within the sheriff's department because the county's labor contract with the Fraternal Order of Police precluded such a move.

Meneley disagreed with Bullock's reading of the contract, leading Commissioner Winnie Kingman to seek clarification from county counselor Sandra L. Jacquot.

Jacquot said she would review the contract but tended to agree with Bullock's reading, predicting the FOP wouldn't look favorably on lower-paid civilians taking over duties currently performed by deputies.

Commissioner Don Cooper was ready to set aside Meneley's last-minute concerns and authorize Bullock's request, although with fewer marshals than the judge requested.

Cooper offered a motion to hire a full-time chief marshal, a secretary and eight half-time marshals. Bullock had requested 18 half-time marshals.

However, neither Kingman nor Commissioner Vic Miller seconded Cooper's motion, putting the issue off until Monday at the earliest.

MINUTES OF THE MEETING OF THE JUDICIAL COUNCIL JUDICIAL BRANCH/
BOARD OF INDIGENTS' DEFENSE SERVICE ADVISORY COMMITTEE
HELD AUGUST 30, 1996

The Judicial Council Judicial Branch/Board of Indigents' Defense Services Advisory Committee met Friday, August 30, 1996 in the Judicial Council Conference Room, Kansas Judicial Center, Topeka, Kansas. The meeting convened at 9:30 a.m.

The following members were present:

Hon. Marla J. Luckert, Chair,
Hon. Jack L. Burr,
Hon. William F. Lyle Jr,
Hon. Paul E. Miller,
Rep. Gayle Mollenkamp,
Sen. Stephen R. Morris,
Hon. Clark V. Owens II,
Prof. William Rich,
Ronald E. Wurtz, and
Randy M. Hearrell, Reporter.

Mark J. Sachse could not attend.

In addition, Kathy Porter of Legislative Research Department and Terri Saiya of the Kansas Parole Board appeared before the Committee at the morning session. Manuel Baraban, bondsman from Johnson County, attended the morning session and a part of the afternoon session.

MINUTES

The minutes of the July 19, 1996 meeting were approved, as amended.

BONDS SET AND FORFEITED

Kathy Porter of the Legislative Research Department appeared before the Committee and circulated the results of a study relating to bonds set and forfeited in fiscal years 1995 and 1996. Ms. Porter reported that currently 71 of the 105 counties, representing approximately 65% of the criminal cases, have reported to her. She informed the Committee of her methodology in conducting the study and stated that the study is an ongoing process because she expects information from additional counties. Ms. Porter stated that some numbers she has received may be questionable and

hope that, together, the system can operate in balance and in a better manner.

Between 1985 and 1990, federal, state and local government spending for all civil and criminal justice activities increased 63% (\$29

The Cost of the War On Crime

Table I
Per Capita costs, Criminal Justice

| Category | 1988 ⁵ | 1990 ⁶ | Percent Inc. |
|-------------------|-------------------|-------------------|--------------|
| Law Enforcement | \$114 | \$133 | 16% |
| Prisons and Jails | \$78 | \$101 | 29% |
| Court Operations | \$31 | \$37 | 19% |
| Prosecutions | \$17 | \$22 | 29% |
| Public Defense | \$6 | \$7 | 16% |
| Total | \$246 | \$297 | 20% |

Table II⁷

| Agency | FY 85 Budget | FY 90 Budget | FY 95 Budget | Percent Inc. |
|---|-------------------|-------------------|-------------------------|--------------|
| Department of Corrections | \$ 59,649,787 | \$ 134,569,219 | \$ 180,215,131 | 202% |
| Judicial Branch | 39,791,407 | 57,946,099 | 66,566,468 | 67% |
| Attorney General ⁸ | 2,622,796 | 8,741,201 | 9,016,744 | 243% |
| Board of Indigent Defense Services | 3,274,359 | 6,971,214 | 11,171,514 | 241% |
| Kansas Bureau of Investigation | 5,838,576 | 13,878,385 | 11,077,947 ⁹ | 89% |
| Highway Patrol | 20,346,647 | 31,682,220 | 40,789,960 | 100% |
| Youth Services, SRS | 39,852,233 | 58,780,016 | 130,953,944 | 228% |
| Youth Corrections, YCAT, Beloit Etc., Misc. agencies | <u>12,847,345</u> | <u>18,423,548</u> | <u>27,320,548</u> | <u>112%</u> |
| Subtotal | 184,223,150 | 330,991,902 | 477,112,256 | 158% |
| Total State Spending same period | 3,257,347,002 | 4,760,529,560 | 7,447,245,717 | 128% |

⁵ Id., p. 19

⁶ Justice Expenditures & Employment, Bureau of Criminal Justice, p. 15 (1990)

⁷ Includes all funds, state and federal.

⁸ Includes only State funds, and is the AG's entire budget. Only part of it is devoted to criminal prosecutions. District attorneys and county prosecutors are funded, of course, by the counties.

⁹ Loss was federal funds. State General Fund expenditures grew from \$5.7 million in FY 1985 to \$9.5 million in FY 1995, a total increase of 167%.

billion). In Kansas, spending for prisons and inmate programs increased from \$59 million to \$134 million, a 127% increase in five years. Courts increased their budgets 45% in the same period.¹⁰ These increases reflect the war on drugs and crime begun in general during the Reagan and Bush Administrations. Among the fastest growing segments were criminal prosecutions. In 1988, national justice system expenditures totaled nearly \$61 billion, over twice the \$26 billion spent on the same system in 1979.¹¹ By 1990, the totals had reached \$74 billion. Between 1985 and 1995 in Kansas, the cost of criminal justice has increased 23% faster than the overall growth of state government generally.¹²

Nationally, 3.2% of all government spending is on criminal and civil justice related activities. Police get the lion's share of the billions spent annually. Taxpayers in 1988 paid \$7,813 per capita for all federal, state and local government functions. The per capita costs for criminal justice were far less, and are set forth in Table I, *supra*.

These costs get skewed between jurisdictions. For example, the states pick up most of the cost of prisons, while local governments pick up the lion's share of law enforcement costs. Public prosecutors get approximately three dollars of county funding for every dollar the state pays in public defense. Three-fourths of justice expenditures are directed toward police protection and prisons. The parts of the system which insure that guilty criminals go to prison -- courts, prosecutors and defenders -- get only one fourth of the resources.

These figures do not include the indirect cost of crime, such as insurance rates, medical bills, and other social costs.

The vast majority of felony crimes involve indigent defendants, enforcement of new crimes, enhanced prosecutions or punishments for existing crimes, or changes in procedure all of which lengthen the time to handle criminal cases and automatically increase the taxpayer's cost to prosecute and defend such actions.¹³

¹⁰ See Table II.

¹¹ Crime, Drugs and Criminal Justice, p. 20

¹² Table II.

¹³ In FY 1992 there were 30,396 criminal actions filed in Kansas district courts. This includes all crimes, even those where incarceration is not an option in sentencing. The Board of Indigent Defense Services, through public defenders or by paying private counsel, handled 15,421 (approximately 51%) of those cases. Since FY 1992, the

Whether and how much the crime rate is growing may not be the right questions. Whether or not the crime rate is increasing, the growth of criminal justice expenditures is increasing rapidly, 25% faster than overall state spending. It is growing faster than entitlement programming. From FY 1990 through FY 1995, the cost for these agencies is summarized in Table II, *supra*.

The Indigent Defense program is the only tax-supported program of assistance to the poor which is required by the U.S. Constitution. While measurement of indigent costs in constant 1988 per capita outlay shows that public defense costs have increased 33% between 1979 and 1988 and roughly equals the increase in per capita costs for prosecutors during the same period, prosecutors have considerably more dollars for use in prosecutions: \$4 billion annually versus \$1.4 billion for public defense.¹⁴

We must keep these costs in perspective. Americans spend \$20 billion annually on pet foods. Total 1990 expenditures in this nation for indigent defense services, \$1.7 billion, is slightly more than what Americans spend annually for cosmetic surgery.

OPTIONS FOR INCREASING FUNDING WITHIN THE SYSTEM

Reverse County Mandate. One important aspect of the Criminal Justice System is that it is not a "top-down" managed program. *This is unique in all of state government.* All other state programs take their cue on expenditures and program growth from elected leaders -- governors, legislators and state officials, and their appointees. Not so the criminal justice system. The legislature enacts laws, the police enforce them and the county and district attorneys prosecute. Law enforcement action by county police and prosecutors trigger significant outlay of expenditures for state agencies. *State criminal justice funding is often a product of what a county official does.* Most defendants need legal counsel appointed for them. Judges have to set time for motions, hearings and trials, and state corrections personnel get involved in

Criminal caseload has jumped to 34,117 in FY 95, the most recent year available. That is a 12 percent increase in three years. We presume public defenders and assigned counsel handle the same number of cases. They've had a 12-percent increase, too.

¹⁴ Crime, Drugs and Criminal Justice, *supra*, p. 19

Driver once imprisoned cited again

Man convicted of vehicular fatality arrested in DUI case

By TIM HRENCHIR
The Capital-Journal

A Topeka man who committed a homicide in 1986 while driving drunk was arrested Friday in connection with driving under the influence of alcohol.



Gaylen Stumbaugh

It was the second DUI arrest in less than a year for Gaylen Stumbaugh, 34, 1416 S.E. Lott.

Stumbaugh was sentenced to 10 years for voluntary manslaughter in the July 1986 killing of Jack D. Norton, 22. Police said Norton was intentionally run down with a car in a parking lot near S.E. 21st and California.

Court records said Stumbaugh's blood-alcohol content an hour after the incident was 0.386 percent, nearly four times the legal limit at the time of 0.10 percent.

Stumbaugh acknowledged at his trial that he regularly drank 18 to 36 beers a day.

Stumbaugh was paroled in June 1991.

Police arrested Stumbaugh in connection with DUI on March 28, 1993, after an officer stopped a car he was driving 55 mph in a 30 mph zone.

Stumbaugh was then stopped about 5:20 p.m. Friday in the 1300 block of S.E. 23rd and booked into the Shawnee County Jail in connection with DUI and driving with an illegal license plate. He was released on a signature bond.

Jail bond program makes money

Eight-year-old initiative enables defendants to get out of jail less expensively than if they used a professional bondsman

By STEVE FRY
The Capital-Journal

It is the program that not only saves users money but actually generates revenue for the county general fund.

In 1993, the county's "own recognizance cash deposit" bond program was used by 735 people, a 151 percent increase over the 486 people in 1992, and churned out \$12,185. In eight years, the county has received \$73,122 from the program.

This past week, Shawnee County District Judge William Carpenter paid the county the money for its general fund. Carpenter is administrative judge for the Third Judicial District, which comprises only Shawnee County.

Of the \$12,185, \$3,073 was interest collected on bonds paid into the program and the rest was money collected as fees.

"We've had a good experience with it," Carpenter said.

The program serves a good purpose, Carpenter said, saving money for people who are released at a modest cost and generating a small revenue for the county.

Under the program, a low-risk criminal defendant charged with a crime pays 10 percent of the face value of a bond, then receives 90 percent of that back if he or she meets all the bond conditions.

For instance, someone who has been arrested and jailed would be released on a \$1,000 ORCD. That means he or she would pay \$100 to the county, then get \$90 back if he or she makes all court appearances, complies with bond conditions, reports to a court services officer if told to and doesn't make false statements on the bond form. The other \$10 is paid to the county.

If the bond is forfeited, the defendant is responsible to pay the face value of the bond. If the defendant is convicted, his or her ORCD bond deposit can be used to help offset fines and fees imposed by court.

When bonding out of jail on a conventional \$1,000 surety bond, a defendant pays 10 percent or \$100 to a bondsman. The bondsman keeps the \$100 as the cost of

Making money off bonds

Under the own recognizance cash deposit program, the users save money while the county makes money. A defendant pays 10 percent of the bond's face value, then gets 90 percent of that back if he or she meets all bond conditions.

| | Face value of bonds | Number of bonds issued | Money county received |
|--------------|---------------------|------------------------|-----------------------|
| 1986 | \$41,070 | 169 | \$2,982 |
| 1987 | \$33,860 | 151 | \$4,246 |
| 1988 | \$49,959 | 228 | \$5,200 |
| 1989 | \$74,457 | 291 | \$7,765 |
| 1990 | \$93,720 | 486 | \$11,383 |
| 1991 | \$116,145 | 494 | \$14,472 |
| 1992 | \$97,910 | 486 | \$14,886 |
| 1993 | \$132,470 | 735 | \$12,185 |
| TOTAL | \$639,591 | 3,040 | \$73,121 |

Source: Shawnee County District Court — The Capital-Journal

providing a service. Less than 10 percent of the total bonds written in Shawnee County are ORCD bonds, Carpenter said.

In the eight years the program has operated, 39 criminal defendants and six traffic defendants have forfeited bonds in the program, Carpenter said. That is 1.5 percent of the 3,040 bonds issued.

When the program was first proposed, professional bondsmen criticized the program, saying the public would be at risk. Carpenter said that hasn't happened and calls the program a model for statewide use.

A defendant eligible for the ORCD bonds would be someone who either owns property in Shawnee County, a member of the military stationed at a base in Kansas or meets three of five criteria: has been a Shawnee County resident more than six months, has a Kansas driver's license, has been employed in Shawnee County more than three months, has a telephone and is enrolled as a student in Kansas.

The defendant also must not have a history of serious crimes.

Serious crime rose in state, county in 1986

By BILL BLANKENSHIP
Capital-Journal law enforcement writer

Serious crime in Kansas and in Shawnee County increased last year, boosted primarily by a hike in the number of property crimes.

The state's serious crime rate jumped 9.1 percent in 1986, according to preliminary annual crime statistics released today by the Kansas Bureau of Investigation.

The incidence of grave crimes in the county increased 13.5 percent.

More rapes, robberies, aggravated assaults, burglaries, larcenies and

First of a series

motor vehicle thefts were reported in 1986 than in 1985 by the approximately 300 local law enforcement agencies that submit statistics on Part I crimes to the KBI.

Part I crimes are offenses selected as an indicator of a community's crime problem because of their severity, their frequency of occurrence and their likelihood of being reported to local authorities, according to KBI reporting guidelines.

Murder was the only Part I crime that declined last year in Kansas.

The number of homicides dropped 11.6 percent. Rapes went up 11.7 percent; robberies rose 1.1 percent; and aggravated assaults increased 2.7 percent.

Overall, violent crimes increased 2.9 percent, accounting for only a fraction of the total upswing in serious crime. The KBI figures show

Continued on page 2, column 6

Kansas annual crime statistics

| Offense | 1985 | 1986 | Percent Change |
|---------------------|---------|---------|----------------|
| Murder | 121 | 107 | -11.6 |
| Rape | 720 | 804 | +11.7 |
| Robbery | 1,924 | 1,946 | + 1.1 |
| Aggravated assault | 5,924 | 6,085 | + 2.7 |
| Violent crimes | 8,689 | 8,942 | + 2.9 |
| Burglary | 26,751 | 34,561 | +29.2 |
| Larceny | 66,194 | 66,945 | + 1.1 |
| Motor vehicle theft | 5,277 | 6,243 | +18.3 |
| Property crimes | 98,222 | 107,749 | + 9.7 |
| Total | 106,911 | 116,691 | + 9.1 |

Source: Kansas Bureau of Investigation

Shawnee County annual crime statistics

| Offense | 1985 | 1986 | Percent Change |
|---------------------|-------|--------|----------------|
| Murder | 6 | 12 | +100.0 |
| Rape | 56 | 66 | +17.9 |
| Robbery | 229 | 248 | + 8.3 |
| Aggravated assault | 491 | 539 | + 9.8 |
| Violent crimes | 782 | 865 | +10.6 |
| Burglary | 3,643 | 5,474 | +50.3 |
| Larceny | 5,203 | 4,557 | -12.4 |
| Motor vehicle theft | 315 | 388 | +23.2 |
| Property crimes | 9,161 | 10,419 | +13.7 |
| Total | 9,943 | 11,284 | +13.5 |

Source: Kansas Bureau of Investigation

Crime increase is caused by liberal Shawnee Co. Judges

Chairlift accident kills five, injures 41

TARBES, France (AP) — A damaged chairlift pitched dozens of skiers onto rocks and snow far below Sunday, killing five and seriously injuring 41 at the Pyrenees resort of Luz-Ardiden, officials reported.

They said 76 other people on the lift were treated for lesser injuries or shock.

All of the victims who perished

regional governor's office as Francisco Pako San Sebastian of Isasondo-Alcabbda, Spain.

Some victims reportedly fell from heights of up to 130 feet.

The accident occurred about 4:30 p.m., but the cause was not clear. Local news media gave conflicting reports, saying the lift cable snapped, that it jumped off a pulley,

The lift could carry 200 skiers at a time.

The chairlift, on the resort's upper slopes at an altitude of nearly 10,000 feet, was new and opened just two weeks ago.

The resort is high in the Pyrenees mountains running along the border between France and Spain. Luz-Ardiden is about 20 miles south of the

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Sept 27, 1996

Meneley opposes plan for warrants marshals

By BILL BLANKENSHIP
The Capital-Journal

Sheriff Dave Meneley threw a match Thursday on a plan to reduce the backlog of unserved legal paperwork piling up in the courthouse.

District Judge Terry L. Bullock, Shawnee County District Court's administrative judge, presented a proposal to commissioners on Monday that called for the court to appoint a chief marshal and hire a cadre of part-time marshals.

Those marshals would serve notices of lawsuits and other documents currently served by deputies. The number of those documents have mushroomed to 128,260 last year from 21,144 in 1985.

Bullock said deputies would be needed to assist in what he called "sticky situations," such as evictions and divorce cases involving very antagonistic couples.

However, using unarmed, non-law enforcement process servers would free the time of deputies to serve a growing backlog of arrest warrants in criminal cases where a uniformed, gun-toting officer was required.

Although Meneley had a representative on the committee that crafted the plan, he said he didn't realize until this week the civilian process servers would work for the

court and not for him.

"You're just creating another bureaucracy in the county," Meneley told commissioners.

Bullock responded that the civilian process servers couldn't be hired within the sheriff's department because the county's labor contract with the Fraternal Order of Police precluded such a move.

Meneley disagreed with Bullock's reading of the contract, leading Commissioner Winnie Kingman to seek clarification from county counselor Sandra L. Jacquot.

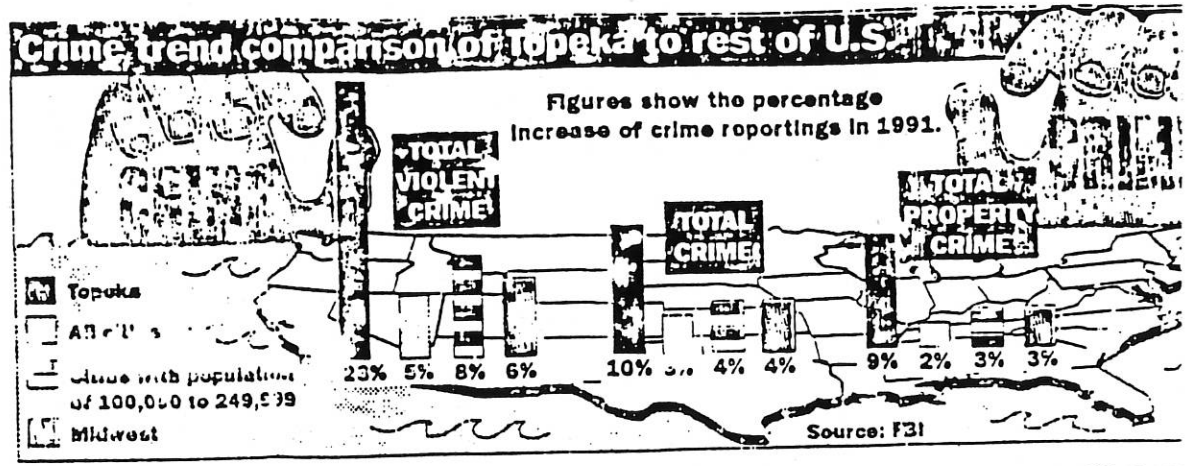
Jacquot said she would review the contract but tended to agree with Bullock's reading, predicting the FOP wouldn't look favorably on lower-paid civilians taking over duties currently performed by deputies.

Commissioner Don Cooper was ready to set aside Meneley's last-minute concerns and authorize Bullock's request, although with fewer marshals than the judge requested.

Cooper offered a motion to hire a full-time chief marshal, a secretary and eight half-time marshals. Bullock had requested 18 half-time marshals.

However, neither Kingman nor Commissioner Vic Miller seconded Cooper's motion, putting the issue off until Monday at the earliest.

Local crime rates climb



Topeka violence soars in 1991

By BILL BLANKENSHIP
The Capital-Journal

Crime in Topeka, particularly violent crime, grew sharply higher here in 1991 than in the rest of the nation, according to a Capital-Journal analysis of FBI statistics released Sunday.

While preliminary figures from the FBI's Uniform Crime Reports showed total crime up 3 percent in the nation, the same report said total crime in Topeka had increased 10 percent in 1991.

The trend in property crime was higher in Topeka than in the nation with a 9 percent rise compared to a 2 percent increase across the country.

But the greatest increase was in violent crime — up 23 percent in Topeka compared to the national average increase of 5 percent.

The FBI report didn't include per capita crime rates, but using population numbers from the 1990 census, the Capital-Journal calculated those rates for the 182 cities of 100,000 population or greater for which the FBI had complete data.

Where did Topeka rank?

With 105 crimes per 1,000 people, Topeka ranked 53rd in total crime, ahead of Los Angeles (66th with 99.3

Crime statistics by city

Figures rank total crime reportings for 1991 in cities with populations similar to Topeka. Also shown are total crimes committed per 1,000 people.

| RANK | CITY | POPULATION | TOTAL CRIMES | CRIMES PER 1,000 |
|------|----------------------------|----------------|---------------|------------------|
| 1 | Tallahassee, Fla. | 125,000 | 19,923 | 159 |
| 2 | New Haven, Conn. | 130,000 | 19,492 | 149 |
| 3 | Beaumont, Texas | 114,000 | 13,146 | 115 |
| 4 | Topeka, Kan. | 120,000 | 12,599 | 105 |
| 5 | Hollywood, Fla. | 122,000 | 12,614 | 103 |
| 6 | Cary, Ind. | 117,000 | 11,706 | 100 |
| 7 | Laredo, Texas | 123,000 | 11,823 | 96 |
| 8 | Padadena, Texas | 119,000 | 11,290 | 95 |
| 9 | Lansing, Mich. | 127,000 | 10,340 | 81 |
| 10 | Eugene, Ore. | 113,000 | 9,052 | 80 |
| 11 | Moreno Valley, Calif. | 119,000 | 9,204 | 77 |
| 12 | Fullerton, Calif. | 114,000 | 8,098 | 71 |
| 13 | Independence, Mo. | 112,000 | 7,775 | 69 |
| 14 | Lakewood, Colo. | 126,000 | 8,534 | 67 |
| 15 | Oceanside, Calif. | 128,000 | 8,358 | 65 |
| 16 | Santa Rosa, Calif. | 113,000 | 6,981 | 61 |
| 17 | Evansville, Ind. | 126,000 | 7,658 | 60 |
| 18 | Plano, Texas | 129,000 | 7,593 | 58 |
| 19 | Boise, Idaho | 126,000 | 7,216 | 57 |
| 20 | Scottsdale, Ariz. | 130,000 | 7,360 | 56 |
| 21 | Sterling Heights, Mich. | 118,000 | 5,789 | 49 |
| 22 | Overland Park, Kan. | 112,000 | 5,492 | 49 |
| 23 | Sunnyvale, Calif. | 117,000 | 4,671 | 40 |

Source: FBI

*Topeka Capital-Journal
April 27, 1992*

MONDAY
OCTOBER 7, 1991



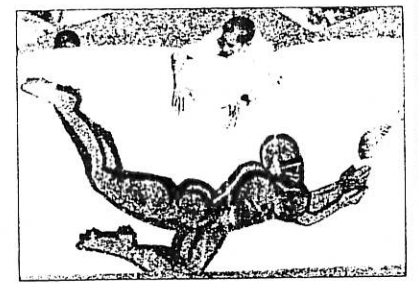
HIGH 81
LOW 58

THE OLATHE DAILY NEWS

SPORTS

Airing it out

▶ The passion to play football hasn't escaped those taking part in the NFL Air it Out tournament. — Page 1B



Volume 37-Number 99

35 Cents

23-12

Low crime rate draws people to Olathe

Safety important when choosing a home

Steve Porter
Daily News Reporter

Moving to Johnson County has long been assumed to be a move to a safer environment. Crime statistics bear that out. Real estate brokers tout that as an enticement. Chamber of Commerce officials brag about it.

In a citizen survey conducted last fall, 88 percent of those responding in Olathe ranked low crime as a reason for living here. That was the second most frequently cited reason, close behind quality of housing at 91 percent.

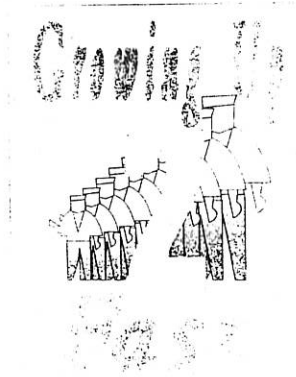
Respondents also listed Olathe's low crime rate as

the third most frequent reason given to stay in Olathe.

But perception changes from one neighborhood to another, sometimes from resident to resident. And neighborhoods change depending on age, home value, the number of single family homes owned or rented on a given block.

One problem neighbor in a block can cause parents to keep their children inside — even on the mildest of days. One poorly kept or disruptive home not only can drive property values down in a neighborhood, those living next door are more likely to

■ See SAFETY, Page 2A



Johnson County ranks low in violent crimes

Steve Porter
Daily News Reporter

A murder occurs in Kansas about once every two days, according to "Crime in Kansas," the Kansas Bureau of Investigation's compilation of annual statistics.

The state's murder rate is rising over the past 10 years, according to the latest report issued in 1994. During the decade ending two years ago, the lowest number of homicides and non-legal

manslaughter was 95 deaths in 1988; the highest 188 in 1993, when the murder rate per 1,000 population climbed to 0.07 from a rate of 0.04 three years earlier. In 1994 the report counted 170 deaths in the feloniously fatal category.

In Olathe, the number and rate of murders has held fairly steady over the decade, never climbing above two a year (1993, '91, '90, '88 and '85), sometimes dropping to none (1993, '91 and '82). For

■ See JOHNSON, Page 2A

vision where probably 15 Oklahoma police officers lived," said Currence. "I talked to my real estate agent about safety, and he really didn't say Olathe was that safe. In our minds, the farther out of the city, the more we felt safe."

She feels safe in her northwest Olathe subdivision, in part because it has one element that her Oklahoma neighborhood also had.

"We do have an Olathe police officer who lives across the street from us," Currence said. "It's a quiet neighborhood. It feels safe out here."

But even having police officers for neighbors doesn't mean a neighborhood is safe from violence. Two years ago a young man

Johnson County, Olathe rank low in violent crimes

■ JOHNSON, From Page 1B

ing that same period, murders in Johnson County listed by the KBI report fluctuated from 12 in 1985 to two in 1993 and 1987.

Across the county line and state line, murder was more prevalent.

In Wyandotte County, the number of murders varied from 60 in 1992 to a low of 22 in 1986. In Jackson County, Mo., murder statistics ranged from 126 in 1992, and 122 in 1988 and '80 to a low of 76 in 1985. Johnson County is more than twice as populous as Wyandotte County, but more than half as populous as Jackson County. Murders here during the past decade

ranged from 12 in 1985, and 11 in 1990 to two in 1993 and '87, and three in 1994.

Sedgwick County, with a population roughly the same as Johnson County, is a far more violent place according to statistics. Murders ranged from 55 in 1993 to 16 in 1990. Shawnee County, with less than half the population of Johnson County, had a high of 29 murders in 1994 and 24 in '93, and a low of 4 murders in 1987.

Statistics on violent crime are composed of murders, forcible rape, robbery and aggravated assault/battery. In 1994, those numbers were lowest per capita in Johnson County

among five counties that also include Sedgwick, Shawnee, Wyandotte and Finney County (Garden City).

The counties, their violent crime rankings per 1,000 population and estimated population in 1994:

- Wyandotte County, 14.5 crimes, 161,108.
- Shawnee County, 9.6 crimes, 165,955.
- Sedgwick County, 5.7 crimes, 419,670.
- Finney County, 5.3 crimes, 34,594.
- Johnson County, 2.6 crimes, 480,998.



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Olathe police are combing Johnson County for scofflaws

If you live in Johnson County and have a delinquent traffic ticket from Olathe somewhere in your closet of anxieties, you might swing by that city's Municipal Court as soon as possible.

Armed with more than 1,000 arrest warrants, 20 Olathe police officers have begun bringing to justice people from throughout the county who have ignored requests to appear before a municipal judge.

The arrests began Friday and probably will continue throughout the weekend, police said.

All of the warrants are for minor offenses such as traffic violations or shoplifting, said Lt. Larry Griffin of the Olathe Police Department. Named are individuals who have refused to appear in court over the last two years.

"They're just people who essentially feel that we won't come get them, so they won't come in," Lt. Griffin said. "We may not find all the people we're looking for, but we're going to go hunting out there anyway."

Once defendants are arrested, they are being brought to Olathe's Public Safety Center, 501 E. U.S. 56, where two municipal judges will be on duty throughout much of the weekend. After arraignment defendants post bond or go to jail.

Olathe police holding cells can accommodate about 15 prisoners at one time, Lt. Griffin said, and prisoners will be transported to the Johnson County Jail if need be.

"The trick is to keep them moving," he said.

Most of the offenders face fines of

\$25 to more than \$400 if convicted.

The larger fines are for multiple offenses or more serious crimes such as driving while intoxicated.



RESULT OF N.T.A.

| DISCRPTION | REDUCED | DISMISSED | DIVERSION | OPEN | GUILTY | N. GUILTY | TOTAL | FTA |
|--|---------|-----------|-----------|------|--------|-----------|-------|-----|
| AGG I GLARY & BUR | 16 | 4 | | 2 | 1 | | 24 | |
| CRIMINAL THREAT | 2 | | | | | | 2 | |
| F POSS OF FIRE ARM | 5 | 1 | | | | | 6 | |
| FORGERY & FALSE WRITING | 8 | 5 | 2 | 2 | 1 | | 18 | |
| OBSTRUCT L. PROCESS | 4 | 4 | 1 | 1 | | | 10 | |
| THEFT FELONY | 6 | 6 | 1 | 1 | | | 14 | |
| UNEMPLOYMENT FRAUD | 5 | | 3 | | | | 8 | |
| POSS DRUGS | 11 | 5 | 2 | 1 | | | 19 | |
| POSS DRUGS FELONY | 16 | 2 | 2 | | | | 20 | |
| THEFT M | 1 | 2 | 2 | 1 | | | 6 | |
| AGG ARSON | 1 | | | | | | 1 | |
| RAPE & SODOMY | | 2 | | | | | 3 | 1 |
| INLWC OR INCEST | | | | | | | 5 | 5 |
| AGG FTA | 6 | 40 | | 1 | 1 | | 48 | |
| KIDNAPPING | 1 | | | | | | 1 | |
| DWI | 4 | 2 | | | | | 6 | |
| AGG ROBBERY | 6 | 2 | | | | | 8 | |
| WELEFAIR FRAUD | 1 | | | | | | 1 | |
| FELONY DWS & DWI | 10 | 6 | | 1 | | | 24 | |
| CDT PROPERTY | 6 | 5 | 2 | 1 | 1 NG | | 15 | |
| BATTERY LEO | 5 | | | | | | 5 | |
| UNLAWFUL DEPOF PROP | | 1 | | | | | 1 | |
| AGG F IMPERSONATION | | | | | 1 NG | | 1 | |
| POSS OF DRUGS W TO SELL | 4 | 26 | 11 | | | | 44 | 3 |
| DWS | 4 | | | | | | 4 | |
| F NON SUPPORT | | 1 | 1 | | | | 2 | |
| L. TO A MINOR | 1 | | 9 | | | | 10 | |
| AGG ASSULT & BATTERY | 16 | 12 | 2 | 5 | 1 | | 36 | |
| AGG ASSAULT LEO | 2 | 1 | 1 | | 1 | | 5 | |
| ENGANGERING CHILD | | 1 | | | | | 1 | |
| STALKING | 1 | | | 1 | | | 2 | |
| DOMESTIN VIOLENCE RELATE | 16 | 19 | 13 | 3 | 6 | 4 | 61 | |
| FUG | | 5 | | 1 | | 1 WAIVED | 6 | |
| WARRENTS OPEN FTA | | | | | | | | 82 |
| VCL | 1 | | | | | | 1 | |
| | 159 | 152 | 53 | 21 | 11 | 4 | 409 | 91 |
| RESULTS RESEARCH CASES 96CR001 TO 96CR500 SHAWNEE COUNTY DISTRICT COURT | | | | | | | | |
| OUT OF 500 CASES 146 WARRENTS FOR FTA ISSUED | | | | | | | | |
| OUT OF 146 FTA WARRENTS 91 STILL AT LARGE | | | | | | | | |
| 29.20% FTA | | | | | | | | |
| 63% STILL AT LARGE | | | | | | | | |

23-14

Law Office of Darrell Smith

7270 W. 98th Terrace Suite 220
Overland Park, KS 66212
(913) 381-4338
Fax: (913) 341-4780

January 23, 1997

Manuel Baraban
Mannie's Bonding Company
302 East Santa Fe
Box 546
Olathe KS 66061

Dear Mr. Baraban:

Thank you for providing me with a copy of proposed Senate Bill No. 28. After reviewing the new sections at the beginning of proposed Senate Bill No. 28, like you I became concerned about the possible impact this bill could have on the criminal justice system. As the former bond liaison with the Johnson County District Attorney's Office, as you know, I was in a position to observe quite closely the machinations of the present bonding system in Johnson County, Kansas. Like you, I am quite concerned that a cash recognizance system provides less incentive to a criminal defendant to appear in court. This belief is based upon my assumption that the remaining 90% exists only in the realm of fiction. I would be interested in seeing whether or not jurisdictions which have this system are actually collecting the remaining 90% when a forfeiture and judgment are incurred. I have strong doubts that this remaining 90% is ever being collected.

This situation is different from a bonding contract with a professional surety such as yourself where the contract provides security for the entire amount of the bond and in the case of a failure to appear followed by a forfeiture and judgment, the court knows the entire amount of the bond may be collected from the surety who assumes the risk of collecting reimbursement from his client. This situation obviously provides far greater incentive to a defendant who knows that the entire amount of the bond and not a paltry 10% will actually have to be paid if he fails to appear.

The predictable result if this legislation is enacted is that there will be far more warrants issued for defendants failing to appear once it becomes common knowledge what the actual consequences for failing to appear are. As a practical matter, a defendant who posts this 10% which must have cost deducted prior to being returned, will realize that in most cases, he is not going to see the money again, therefore, his incentive to show up for court is only the incentive to avoid having another warrant issued. In many cases, the defendant might opt for a warrant.


I am concerned that the priorities in this legislation are a short-sighted attempt to find another source of revenue while sacrificing a system that provides maximum incentive to criminal defendants to appear in court. In my opinion, the appropriate priority for society would be to make sure that people showed up for court, not provide a system for collecting costs and fees at the cost of possibly allowing accused criminals to escape justice. In the long run, any system which results in more failures to appear, I believe, will cost more money to the state in an indirect manner. Obviously, if criminal defendants fail to appear more frequently, more officers will be needed to serve warrants, more jail cells will be needed

to incarcerate those who cannot make their second bond if they are picked up and more failure to appear cases will in turn be filed by the District Attorney's Office. This does not account for the other costs incurred by a society in which people are out on the street on warrant status who should be in the criminal justice system.

After reading this bill and knowing the high number of appearances in the Johnson County district courts, I am reminded of a saying that my father was very fond of: "If it ain't broke, don't fix it." I would be very happy to discuss this matter with you further or anyone who wishes to receive my opinion. It is my understanding that the Kansas County and District Attorneys Association is also opposed to this legislation. I think that if this is correct, I think that the opinion of a statewide prosecutors office should be weighted heavily by the legislature.

Please contact me if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Darrell L. Smith". The signature is fluid and cursive, with a large initial "D" and "S".

Darrell L. Smith
Attorney

DLS/jv

Shane L. Rolf

Testimony in Opposition
to Senate Bill 158

INTRODUCTION

My name is Shane Rolf, I operate a bail bond business in Olathe, Kansas called Aarecorp Bonding, L.P. We also operate under the name Shane's Bail Bonds.

I have been in business since 1986. I am a lifelong Kansas resident, I am a member of the Chamber of Commerce and the National Federation of Independent Businesses, I am a homeowner, a taxpayer, a husband and a father.

I would like to present the Committee with my comments in opposition to Senate Bill 158.

MY BUSINESS HISTORY AND EXPERIENCE

In the past four years I have posted about 8,000 bonds

In that period my failure to appear rate has been roughly 12% or 960 FTA's

Of those 960 FTA's:

- I was responsible for returning roughly 65% or 630 people to court or custody at a cost to me of \$70,000.00 (This constitutes a saving to the state of \$283,500.00)
- I paid the full bond in roughly 18% or 180 cases for a total payment to the court of \$102,000.00
- The balance, 17% or 150 cases, were returned to court by law enforcement.

MISLEADING STATEMENTS IN JUDICIAL COUNCIL REPORT

I believe that the Judicial Council report, A Study of the Interaction between the Judicial Branch and the Board of Indigents' Defense Services, which advocates this bill, has three premises which are stated in such a way as to be intentionally misleading.

INCREASED COLLECTIONS?

The report states:

The collection of court-ordered obligations such as fees, fines, restitution and reimbursement is increased. As an example, in Shawnee County, using 1994 as the base year, the increase over 1994 in 1995 was \$280,000.00 for a ten month period. [Page 7, Lines 10-13]

The report would have its reader believe that this increase is solely due to the reinstatement of the ORCD program in Shawnee County. This statement is intentionally misleading in that it does not give any direct accounting of ORCD money that was transferred to these court ordered obligations. At best, ORCD money accounted for only \$34,000 [See Table 1]. Shawnee County could have easily generated exact figures attributable to the ORCD program. The fact that this was not done is significant.

Further, this report only reflects how much the dollar amount of *collections* of these debts increased. It does not reflect how much the total amount of debt due increased. The fact is, Shawnee County obligations due seem to have increased at a faster

rate than obligations collected. For example, in 1994 Shawnee county recovered \$17,188.20 for state attorney fees, this was 2.2% of the total expenditures for state attorney fees. In 1995, recovery of state attorney fees jumped \$9,133.16, an increase of 53%. However, expenditures for state attorney fees increased by 87%, meaning that Shawnee County only recovered 1.8% of state attorney fees spent. In short, despite collecting more money, Shawnee County's rate of recovery actually fell by almost 20% from 1994 to 1995 for state attorney fees. [See Table 2 for calculations and sources]

Again, this "percentage of total" figure could have been easily included. The fact that it was not is once again significant. The report would have the reader believe that this dollar amount constitutes a positive step when in truth it is a step backwards.

APPEARANCE RATE

The report states:

The experience in counties using the "own recognizance-cash deposit pretrial release program" has been the defendant's rate of appearance in court at least equals and may exceed that of bail bondsmen, ... [Page 7, Lines 7-9]

Shawnee County issued 1400 failure to appear warrants in 1994, in 1995 that total dropped to 1257.¹ As a result of this decline, Shawnee County claims that this means that ORCD bonds perform better than professional surety bonds. However, the report does not elaborate that most of the bonds which were posted in 1995 as ORCD bonds would have been unsecured bonds in 1994, not surety bonds. Deposit bonds do, in fact, perform better than unsecured bonds.² The Shawnee County ORCD program does not, however, offer a head to head comparison of ORCD versus professional surety, for two reasons:

1. Shawnee County doesn't use bail bondsmen to the degree necessary to establish a comparison (in 1994-95, 7,243 bonds were posted, only 206 were by bail bondsmen³), and,

2. Shawnee County has never done a case-by-case study of the appearance rate of its ORCD program. Quite simply, they don't know the appearance rate for ORCD bonds. In the one study which was done by Legislative Post Audit, the auditor was forced to ask the clerks if, in the past eight years, they could remember any specific cases where someone failed to appear on an ORCD bond.⁴ This is hardly a clinical study.

The fact is Shawnee County had an overall failure to appear rate in 1995 of 34% [1257 Warrants / 3671 bonds⁵]. This is almost 20% higher than the national average for surety bonds of 15%.⁶

The claim that ORCD programs have an appearance rate anywhere close to surety bonds is simply not true.

¹Exhibits accompanying testimony of Hon. James P. Buchele before Judicial Council Subcommittee on June 28, 1996

²Bureau of Justice Statistics report, Pretrial Release of Felony Defendants, 1992, Page 10, Table 14

³Exhibits accompanying testimony of Hon. James P. Buchele before Judicial Council Subcommittee on June 28, 1996

⁴Performance Audit Report, Reviewing District Courts' Handling of Appearance Bonds for Persons Charged with Crimes, Legislative Division of Post Audit, State of Kansas, May 1994, Page 20

⁵Exhibits accompanying testimony of Hon. James P. Buchele before Judicial Council Subcommittee on June 28, 1996

⁶Bureau of Justice Statistics report, Pretrial Release of Felony Defendants, 1992, Page 10, Table 14

HIDDEN BUREAUCRACY

The Report states:

And that the bond screening which is implemented as part of the program protects the public because it identifies dangerous persons. [Page 7, Lines 9-10]

The report would have the reader believe that the police and the prosecutor's office do not have access to a defendant's criminal history and that those agencies do not already perform that function. The misleading aspect of this statement is that this bill does not provide for the establishment of a redundant bureaucracy.

INCREASED COSTS

The passage of this bill would cause a dramatic increase in the costs borne by law enforcement.

APPREHENSION COSTS

First, according to the Bureau of Justice Statistics report, the failure to appear rate would increase by roughly 40%.⁷ Given that Kansas has 35,000 criminal cases filed each year, this means an additional 2,100 fugitives on Kansas streets each year. Studies have estimated that the cost of rearresting a defendant who has failed to appear in court average about \$450.00 each.⁸ This is a cost increase of about \$1 Million annually due to an increased failure to appear rate.

INCARCERATION COSTS

Front end Pre-trial

The BJS reports reveals that ORCD bonds take significantly longer to secure their initial release from custody. In fact, after 30 days only 82% of ORCD bonds who will be released, have been released, versus 93% for surety bonds.⁹ This 11% difference for 30 days has a dramatic effect on pre-trial incarceration expense. On a statewide basis this means 115,500 extra days in custody, at \$50.00 per day this is a statewide cost increase of \$5.7 Million, due solely to the lag in release speed. As an example when this deposit bond program was enacted in Illinois the state suffered a 550% increase in its pre-trial incarceration rate in the first three years.¹⁰

Back-end Pre-trial

Once these 2,100 fugitives per year are eventually captured, something has to be done with them. They will most likely remain in custody for the duration of their case (or

⁷Bureau of Justice Statistics report, Pretrial Release of Felony Defendants, 1992, Page 11, Table 15

⁸Illinois Criminal Justice Information Authority report, Cook County Pretrial Release Study, 1992, Page 74

⁹Bureau of Justice Statistics Report, Pretrial Release of Felony Defendants, 1992, Page 7, Table 9

¹⁰Illinois Legislative Council, 1974

post bond and begin the cycle anew). This will mean roughly 90 day in custody each or an additional 189,000 extra days in custody. Again at \$50.00 per day this is a statewide cost increase of \$9.45 Million

These three cost increases total \$16.2 Million

County Jail Capacity

Another way to look at this is in terms of 304,000 incarceration days. Passage of this bill would result in an increase in the county jail population in Kansas by 1,000 inmates all year, per year. Quite simply, The county jail system in Kansas does not have the capacity to absorb that kind of increase. \$16.2 Million is a low estimate when one considers that Johnson County alone is spending \$40 Million to build a new jail, Shawnee County is spending \$25 Million on its new jail. Add several more counties to that list and the costs of this ORCD program start to really add up.

INCREASED CRIME

BJS Rearrest Rates

The BJS report reveals that defendants released on ORCD bonds are arrested for committing additional crimes while on bond at a rate 77% higher than defendants released on professional surety bonds.¹¹ Given that crime tends to be committed by criminals, passage of this bill would dramatically increase the overall crime rate.

Shawnee County Crime Rate

As an example one need only look to the most recent KBI crime statistics which reveal that Shawnee County has a violent crime rate 4 times higher than Johnson County, despite having only half the population.¹² Plus, Johnson County is part of a major metropolitan area, Shawnee County is relatively isolated from large city crime pressures, yet the startling difference remains.

Illinois Criminal Justice Information Authority

A study published in 1992 by the ICJIA indicated that approximately 30,000 people are released on bond annually in Cook County, Illinois.¹³ Roughly 82% of these are released on deposit (ORCD) bonds.¹⁴ This study tracked these defendants and found that these 30,000 releases were responsible for an estimated 27,734 rearrests.¹⁵ These rearrests resulted in 14,283 new convictions of which **8,708** had discernible human victims.¹⁶

¹¹Bureau of Justice Statistics report, Pretrial Release of Felony Defendants, 1992, Page 11, Table 15

¹²Kansas Bureau of Investigation, 1995 Crime Statistics

¹³Illinois Criminal Justice Information Authority report, Cook County Pretrial Release Study, 1992.

¹⁴Illinois Criminal Justice Information Authority report, The Pretrial Process in Cook County, August 1987, Page 45

¹⁵Illinois Criminal Justice Information Authority report, Cook County Pretrial Release Study, 1992, Page 80

¹⁶Ibid. Page 80

In short, passage of this bill will lead to an increase in crime in Kansas.

It is impossible for me to attach a dollar figure to increased crime. Quality of life, fear, being victimized, these things have no dollar value.

INCREASED GOVERNMENT

Shawnee County advocates using CSO's or "staff" to do bonds screening and supervision and take indigency information. Inherent with an ORCD program is the creation of a new bureaucracy to oversee that program. Government bureaucracies are never self supporting.

On a statewide basis this would require the hiring of at least one new person per county and several new people in larger counties. 200 new employees statewide is not an unreasonable estimate. Add \$6 Million in salaries and benefits to the steadily increasing cost of the ORCD program.

PHILOSOPHICAL PROBLEMS

This bill also has some functional philosophical problems. I am not an advocate of larger government and as such I have a problem with creating new bureaucracies.

Furthermore, the more recent trend has been an increased use of the private sector rather than a decreased use. The use of private companies to operate prisons is just one example.

I have deep philosophical concerns about destroying a healthy, self-supporting, private industry and replacing it with a government agency.

CLOSE

I hope I have demonstrated that ORCD bonds are a poor choice to address any of the problems their proponents claim that they solve. Everywhere else in the nation where these programs have been enacted, they have been bereft with problems:

- California enacted a ten-percent program in 1990 in hopes of easing jail overcrowding. The law was a five year test. It failed miserably and was not renewed.
- Governor Christine Whitman of New Jersey recently signed legislation which severely limited the use of 10% deposit bonds in her state.
- Recently the State of New Mexico de-funded its entire pre-trial release program at the state level, claiming that the private sector (bail bondsmen) did the job more effectively and at no cost to the taxpayer.
- Harris County, Texas spends 3.75 Million to supervise, screen and release 7,000

defendants per year, or \$535 per defendant. Applying that figure to Kansas' 35,000 releases annually would produce a statewide cost of \$18.75 Million for the hidden ORCD bureaucracy.

- Illinois continues to have wave after wave of corruption charges relating to misuse of deposit bond funds (Operation Greylord and other federal probes).

Please ask yourself one question before making your decision:

Why should we eradicate a system, rather an industry, which costs the taxpayers nothing, only to replace it with a government program which is not as effective and costs the taxpayers millions of dollars?

If you cannot answer this question to your satisfaction, then I urge you to kill this bill.

Thank you for your time.

TABLE 1

ORCD MONEY ATTRIBUTABLE TO INCREASED COLLECTIONS IN SHAWNEE COUNTY IN 1995

- | | | |
|-----------------------------------|------------|-----------|
| • Total ORCD bonds posted in 1995 | 516 | |
| Less ORCD bonds posted in 1994 | <u>113</u> | |
| Total increase in ORCD bonds* | 403 | 403 Bonds |

- Shawnee County has a dismissal rate of 40%*, and a failure to appear rate of 34%*. Assume favorably that only 30% of ORCD deposits were refunded to acquitted defendants.

403 bonds x 70% = 280 bonds 280 Bonds

- Consider that the average case takes longer than 60 days to resolve, therefore the last two months of ORCD bonds in 1995 would not be credited toward 1995 collections.

| | | |
|---------------------------|-----------|--|
| November 1995 ORCD Bonds* | 56 | |
| December 1995 ORCD Bonds* | <u>43</u> | |
| | 99 Bonds | |

280 bonds - 99 bonds = 181 bonds 181 Bonds

- In the period 1986-1993, the average ORCD deposit was \$210.00**

\$210.00 x 181 bonds = \$38,010.00

- Less 10% administrative fee

\$38,010 x 90% = \$34,209 \$34,209.00

- \$34,209.99 is the *maximum* amount of increased collections that could possibly be attributed to the ORCD program.

* Exhibits accompanying testimony of Hon. James P. Buchele before Judicial Council Subcommittee on June 28, 1996
 ** Topeka Capital Journal, February 1994 interview of Hon. William Carpenter

TABLE 2

**SHAWNEE COUNTY RECOVERY
OF STATE ATTORNEY FEES 1994-1995**

| | | |
|---|-----------------------|-------|
| 1994 Recovery of State Attorney Fees* | \$17,188.20 | |
| 1995 Recovery of State Attorney Fees* | <u>\$26,321.36</u> | |
| | \$ 9,133.16 | +53% |
| | | |
| 1994 Rate of Recovery of State Attorney Fees** | 2.2% | |
| 1995 Rate of Recovery of State Attorney Fees** | 1.8% | |
| | | |
| 1994 Expenditures for State Attorney Fees | | |
| \$17,188.20 / 2.2% | \$ 781,281.81 | |
| 1995 Expenditures for State Attorney Fees | | |
| \$26,321.36 / 1.8% | <u>\$1,462,297.77</u> | |
| | \$ 681,015.96 | +87% |
| | | |
| Rate of Recovery of State Attorney Fees 1994-1995 | | <18%> |

* Exhibits accompanying testimony of Hon. James P. Buchele before Judicial Council Subcommittee on June 28, 1996

** Indigent Defense in Kansas: A Report on State Policy and Management, H. Edward Flentje and Jay P. Newton, III, September 1995, Page 32, Table 10.



Bureau of Justice Statistics Bulletin

November 1994, NCJ-148818

National Pretrial Reporting Program

Pretrial Release of Felony Defendants, 1992

By
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BJS Statisticians

An estimated 63% of the defendants who had State felony charges filed against them in the Nation's 75 most populous counties during May 1992 were released by the court prior to the disposition of their case. About a third of these released defendants were either rearrested for a new offense, failed to appear in court as scheduled, or committed some other violation that resulted in the revocation of their pretrial release. Of the 25% of released defendants who had a bench warrant issued for their arrest because they did not appear in court as scheduled, about a third, representing 8% of all released defendants, were still fugitives after 1 year.

These findings are drawn from a sample of felony cases filed in State courts during May 1992. The cases were followed for up to 1 year as part of the National Pretrial Reporting Program (NPRP) sponsored by the Bureau of Justice Statistics.

Highlights

- Murder defendants (24%) were the least likely to be released prior to case disposition, followed by defendants whose most serious arrest charge was rape (48%), robbery (50%), or burglary (51%).
- A sixth of the defendants detained until case disposition were held without bail. Defendants held without bail comprised 6% of all felony defendants, with defendants charged with murder (40%) the most likely to be denied bail.
- Among defendants already on pretrial release for a prior case when arrested on the current felony charges, 56% were released again. Thirty-two percent of those arrested while on parole and 44% of those already on probation were released.
- Twenty-seven percent of released defendants had at least one prior felony conviction, including 9% with a prior conviction for a violent felony. Among detained defendants, 57% had a prior conviction, including 21% with at least one prior conviction for a violent felony.
- Among released defendants who had failed to appear in court at least once on a previous charge, 38% had a bench warrant issued because they failed to appear during the current case. This was about twice the failure-to-appear rate of other released defendants (20%).
- About 14% of all released defendants were rearrested while on pretrial release, 10% for a felony. Released defendants with at least one prior conviction (19%) were about twice as likely to be rearrested as those with no prior convictions (9%). Twenty-nine percent of released defendants with five or more prior convictions were rearrested while on pretrial release.
- The overall pretrial release rate of 63% recorded by the 1992 NPRP was similar to that found in 1990 (65%) and 1988 (66%). Failure-to-appear rates have also remained constant at about a fourth of those released. The 1992 rearrest rate of 14% for defendants on pretrial release represented a slight decrease from the 18% rate recorded in 1988 and 1990.

About 10% of defendants who had a prior felony conviction were denied bail, compared to 3% of other defendants.

Time from arrest to pretrial release

Fifty-two percent of all pretrial releases occurred either on the day of arrest or on the following day, and 91% occurred within 1 month of arrest (table 9). The time from arrest to release varied by factors that included the type of release conditions imposed, the bail amount set (if any), and the type of arrest charge.

About two-thirds of defendants released on unsecured bond, conditional release, or emergency release were discharged on the day of arrest or on the following day, compared to a third of those who were eventually released on deposit or full cash bond. About half of those released on recognizance, surety bond, or property bond were released within a day of their arrest. Overall, about 2 in 5 financial releases occurred within a day of arrest compared to 3 in 5 nonfinancial releases.

When the defendant was required to post money to secure release (surety, full cash, or deposit bond), the time from arrest to pretrial release increased as the bail amount did. When the bail amount was \$10,000 or more, 1 in 3 defendants secured release within a day. Nearly 1 in 2 did so when the bail amount was under \$2,500.

Defendants charged with violent offenses (46%) were slightly less likely than those charged with drug (51%), public-order (53%), or property (56%) offenses to be released on the day of arrest or the following day.

Criminal history of released versus detained defendants

Three-fourths of detained defendants had at least 1 prior conviction compared to just under half of released defendants (table 10). Among

Table 9. Time from arrest to release for felony defendants released before case disposition, by type of release, bail amount set, and the most serious current arrest charge, 1992

| Type of release, bail amount set, and the most serious arrest charge | Number of defendants | Percent of released felony defendants in the 75 largest counties who were released within: | | |
|--|----------------------|--|--------|---------|
| | | 1 day | 1 week | 1 month |
| All released defendants | 31,562 | 52% | 77% | 91% |
| Type of release | | | | |
| Financial release | 12,189 | 41% | 71% | 89% |
| Surety bond | 6,762 | 48 | 76 | 93 |
| Full cash bond | 2,951 | 31 | 68 | 87 |
| Deposit bond | 2,151 | 34 | 59 | 82 |
| Property bond | 325 | 49 | 74 | 88 |
| Nonfinancial release | 18,577 | 59% | 81% | 93% |
| Recognizance | 12,107 | 55 | 80 | 92 |
| Conditional | 4,221 | 65 | 85 | 93 |
| Unsecured bond | 2,249 | 68 | 80 | 94 |
| Emergency release | 796 | 69% | 84% | 93% |
| Bail amount set* | | | | |
| \$20,000 or more | 885 | 33% | 61% | 83% |
| \$10,000-\$19,999 | 1,863 | 33 | 62 | 82 |
| \$2,500-\$9,999 | 4,809 | 41 | 72 | 91 |
| Under \$2,500 | 4,241 | 46 | 76 | 91 |
| Most serious arrest charge | | | | |
| Violent offenses | 7,873 | 46% | 72% | 87% |
| Property offenses | 11,104 | 56 | 79 | 94 |
| Drug offenses | 10,740 | 51 | 79 | 93 |
| Public-order offenses | 2,834 | 53 | 76 | 90 |

Note: Data on time from arrest to pretrial release were available for 98% of all cases involving a defendant who was released prior to case disposition. Release data were collected for 1 year. Defendants released after the 1-year study period are excluded from the table.

*Includes defendants released on deposit, surety, or full cash bond.

Table 10. Number of prior convictions of released and detained felony defendants, by the most serious current arrest charge, 1992

| Most serious current arrest charge | Number of defendants | Percent of felony defendants in the 75 largest counties | | | | | | |
|------------------------------------|----------------------|---|------------------------------|----------------------|-------------------|-----|-----|-----|
| | | Total with | Number of prior convictions* | | | | | |
| | | | Total | No prior convictions | Prior convictions | 1 | 2-4 | 5-9 |
| Released defendants | | | | | | | | |
| All offenses | 29,138 | 100% | 55% | 45% | 14% | 17% | 9% | 5% |
| Violent offenses | 7,163 | 25 | 14 | 10 | 3 | 4 | 2 | 1 |
| Property offenses | 9,829 | 34 | 19 | 15 | 5 | 5 | 3 | 2 |
| Drug offenses | 9,667 | 33 | 17 | 16 | 5 | 6 | 3 | 1 |
| Public-order offenses | 2,479 | 9 | 5 | 4 | 1 | 2 | 1 | -- |
| Detained defendants | | | | | | | | |
| All offenses | 16,826 | 100% | 25% | 75% | 16% | 28% | 19% | 12% |
| Violent offenses | 5,171 | 31 | 10 | 21 | 4 | 9 | 5 | 3 |
| Property offenses | 5,873 | 35 | 7 | 28 | 5 | 10 | 8 | 5 |
| Drug offenses | 4,426 | 26 | 7 | 19 | 5 | 7 | 4 | 3 |
| Public-order offenses | 1,356 | 8 | 1 | 7 | 2 | 3 | 2 | 1 |

Note: Data on both number of prior convictions and detention/release outcome were available for 83% of all cases. Detail may not add to total because of rounding.

*Number of convictions refers to number of charges.

-- Less than 0.5%.

Nearly half of the defendants placed on emergency release (44%) and about a third of the defendants released on unsecured bond (35%) had missed at least 1 court appearance during a previous case. Lower percentages of defendants released on surety bond (16%), conditional release (19%), recognizance (21%), full cash bond (22%), or deposit bond (25%) had previously missed a court appearance.

Misconduct by defendants placed on pretrial release

Failure to appear in court

A primary goal of any pretrial release decision by the court is to ensure the defendant's appearance in court as scheduled. Among those felony defendants who were released prior to case disposition, 3 out of 4 made all scheduled court appearances. A bench

warrant was issued for the arrest of the remaining 25% because they had missed one or more court dates (table 14). Two-thirds of these defendants had been returned to the court by the end of the 1-year study period, while a third of them, 8% of all released defendants, remained fugitives.

The percentage of defendants who failed to appear varied somewhat by the type of arrest charge. Bench warrants for failure to appear were issued more often for released property defendants (29%) and drug defendants (27%) than for defendants charged with public-order offenses (18%) or violent offenses (17%).

Rates of failure to appear varied little by sex or age. By race, failure-to-appear rates ranged from 27% for black defendants to 21% for whites and 15% for defendants of other races. When Hispanic origin was considered, failure-to-appear rates were higher for Hispanics (30%) and non-Hispanic blacks (28%) than for other defendants.

A defendant's court appearance history for previous arrests was related to the probability of failing to appear on the current charges. For those who had missed one or more court dates in the past, about 38% failed to make a scheduled court appearance during the current case, nearly twice the failure-to-appear rate of defendants who had made all court appearances related to prior arrests (22%) or had no prior arrests (20%).

By type of release, defendants on emergency release (49%) were the most likely to have a bench warrant issued because they failed to appear in court, although in 7 out of 10 such cases they were returned to the court. The next highest failure-to-appear rate was for defendants released on unsecured bond (42%). Bench warrants for failure to appear were less likely to be issued for defendants released on surety bond (15%), conditional release (19%), deposit bond (21%), full cash bond (22%), or personal recognizance (26%).

Table 14. Released felony defendants who failed to make a scheduled court appearance, by selected defendant characteristics, 1992

| Defendant characteristic | Number of defendants | Percent of released felony defendants in the 75 largest counties: | | | | |
|-----------------------------------|----------------------|---|----------------------------|---------------------------|-------------------|---------------------|
| | | Total | Made all court appearances | Failed to appear in court | | |
| | | | | Total | Returned to court | Remained a fugitive |
| All released defendants | 33,484 | 100% | 75% | 25% | 17% | 8% |
| Most serious arrest charge | | | | | | |
| Violent offenses | 8,159 | 100% | 83% | 17% | 11% | 6% |
| Property offenses | 11,449 | 100 | 71 | 29 | 20 | 10 |
| Drug offenses | 10,958 | 100 | 73 | 27 | 19 | 8 |
| Public-order offenses | 2,918 | 100 | 82 | 18 | 13 | 6 |
| Sex | | | | | | |
| Male | 27,700 | 100% | 75% | 25% | 17% | 8% |
| Female | 5,696 | 100 | 78 | 22 | 14 | 8 |
| Race | | | | | | |
| Black | 17,701 | 100% | 73% | 27% | 19% | 9% |
| White | 12,525 | 100 | 79 | 21 | 14 | 7 |
| Other | 395 | 100 | 85 | 15 | 10 | 5 |
| Race/Hispanic origin* | | | | | | |
| Non-Hispanic | | | | | | |
| Black | 12,566 | 100% | 72% | 28% | 19% | 8% |
| White | 7,166 | 100 | 81 | 19 | 13 | 6 |
| Other | 391 | 100 | 86 | 14 | 9 | 5 |
| Hispanic, any race | 5,885 | 100 | 70 | 30 | 17 | 13 |
| Age at arrest | | | | | | |
| Under 21 | 7,628 | 100% | 78% | 22% | 15% | 6% |
| 21-24 | 6,110 | 100 | 77 | 23 | 16 | 7 |
| 25-29 | 6,264 | 100 | 73 | 27 | 18 | 9 |
| 30-34 | 5,319 | 100 | 73 | 27 | 18 | 9 |
| 35 or older | 7,482 | 100 | 75 | 25 | 17 | 8 |
| Court appearance history | | | | | | |
| Failed to appear | 5,967 | 100% | 62% | 38% | 28% | 11% |
| Made all appearances | 8,396 | 100 | 78 | 22 | 18 | 5 |
| Had no prior arrests | 12,586 | 100 | 80 | 20 | 11 | 9 |
| Type of release | | | | | | |
| Recognizance | 12,054 | 100% | 74% | 26% | 18% | 9% |
| Surety bond | 6,764 | 100 | 85 | 15 | 12 | 3 |
| Conditional | 4,205 | 100 | 81 | 19 | 14 | 5 |
| Full cash bond | 3,115 | 100 | 78 | 22 | 14 | 8 |
| Deposit bond | 2,403 | 100 | 79 | 21 | 15 | 6 |
| Unsecured bond | 2,249 | 100 | 58 | 42 | 23 | 19 |
| Emergency | 796 | 100 | 51 | 49 | 36 | 13 |

Note: Data on the court appearance record for the current case were available for 99% of cases involving a defendant released prior to case disposition. All defendants who failed to appear in court and were not returned to the court within the 1-year study period are counted as fugitives. Some of these defendants may have been returned to the court at a later date. Detail may not add to total because of rounding.

*Based on defendants with known race and Hispanic origin. See *Methodology* on page 15 for a discussion of underreporting of Hispanic origin.

When a defendant missed a court date and a bench warrant was issued, the failure to appear occurred within 1 week of release in 12% of the cases, within 1 month of release in 35% of the cases, and within 3 months in 74% of the cases. For all defendants failing to appear in court, the median time between pretrial release and the initial missed court date was 46 days.

| Time from release to failure to appear | Percent of defendants |
|--|-----------------------|
| 1 week | 12% |
| 1 month | 35 |
| 3 months | 74 |
| 6 months | 94 |
| 1 year | 100 |
| Median | 46 days |

Return of fugitive defendants to the court

Overall, about 1 in 13 released felony defendants had failed to appear in court as scheduled and were still fugitives at the end of the year-long study. The percentage of defendants who were fugitives at the end of the study was higher when the method of release was unsecured bond (19%) or emergency release (13%) than when some other type of release was used.

About a third of the defendants for whom a bench warrant was issued were returned to the court within 1 month of their failure to appear, and about half had been returned after 3 months. At the end of the 1-year study period, about two-thirds of all defendants who had failed to appear had been returned to the court.* The remaining third were still fugitives.

| Time from failure to appear to return | Percent of defendants |
|---------------------------------------|-----------------------|
| 1 week | 14% |
| 1 month | 34 |
| 3 months | 51 |
| 6 months | 59 |
| 1 year | 68 |
| Median | 29 days |

Not returned within 1 year

32%

*Some defendants returned to the court voluntarily, and the bench warrant for their arrest was withdrawn.

Among those defendants who failed to appear, the percentage who were still fugitives at the end of the study was highest for those who had been

released on unsecured bond (44%). Less than a third of the defendants for whom a bench warrant had been issued remained fugitives when they

Table 15. Released felony defendants who were rearrested while on pretrial release, by selected defendant characteristics, 1992

| Defendant characteristic | Number of defendants | Not rearrested | Percent of released felony defendants in the 75 largest counties: Rearrested | | |
|--|----------------------|----------------|--|--------|-------------|
| | | | Total | Felony | Misdemeanor |
| All released defendants | 30,051 | 86% | 14% | 10% | 3% |
| Most serious original arrest charge | | | | | |
| Violent offenses | 6,991 | 88% | 12% | 8% | 3% |
| Property offenses | 10,147 | 86 | 14 | 11 | 4 |
| Drug offenses | 10,146 | 84 | 16 | 13 | 4 |
| Public-order offenses | 2,765 | 91 | 9 | 7 | 2 |
| Sex | | | | | |
| Male | 24,839 | 85% | 15% | 11% | 3% |
| Female | 5,164 | 91 | 9 | 6 | 3 |
| Race | | | | | |
| Black | 15,830 | 85% | 15% | 12% | 4% |
| White | 11,329 | 89 | 11 | 8 | 3 |
| Other | 365 | 95 | 5 | 5 | 0 |
| Race/Hispanic origin* | | | | | |
| Non-Hispanic | | | | | |
| Black | 11,292 | 85% | 15% | 11% | 4% |
| White | 6,313 | 91 | 9 | 7 | 3 |
| Other | 361 | 94 | 6 | 6 | 0 |
| Hispanic, any race | 5,126 | 84 | 16 | 12 | 4 |
| Age at arrest | | | | | |
| Under 21 | 7,008 | 84% | 16% | 12% | 4% |
| 21-34 | 15,907 | 86 | 14 | 11 | 3 |
| 35 or older | 6,730 | 89 | 11 | 9 | 2 |
| Type of release | | | | | |
| Financial release | 11,877 | 88% | 12% | 9% | 3% |
| Surety bond | 6,611 | 91 | 9 | 6 | 3 |
| Full cash bond | 2,697 | 84 | 16 | 13 | 4 |
| Deposit bond | 2,275 | 84 | 16 | 14 | 3 |
| Property bond | 294 | 91 | 9 | 3 | 6 |
| Nonfinancial release | 16,089 | 86% | 14% | 11% | 3% |
| Recognizance | 9,785 | 85 | 15 | 11 | 4 |
| Conditional | 4,075 | 88 | 10 | 7 | 2 |
| Unsecured bond | 2,228 | 88 | 16 | 15 | 1 |
| Emergency release | 776 | 82% | 18% | 12% | 6% |
| Number of prior convictions | | | | | |
| 10 or more | 1,154 | 62% | 38% | 27% | 11% |
| 5-9 | 2,393 | 74 | 26 | 19 | 7 |
| 2-4 | 4,691 | 82 | 18 | 14 | 4 |
| 1 | 4,122 | 86 | 14 | 10 | 4 |
| None | 15,670 | 91 | 9 | 7 | 2 |
| Most serious prior conviction | | | | | |
| Felony | 7,684 | 76% | 24% | 19% | 5% |
| Misdemeanor | 4,948 | 86 | 14 | 8 | 6 |
| None | 15,642 | 91 | 9 | 7 | 2 |

Note: Rearrest data were collected for 1 year. Rearrests occurring after the end of this 1-year study period are not included in the table. Information on rearrests in jurisdictions other than the one granting the pretrial release was not always available. Rearrest data were available for 94% of released defendants. Detail may not add to total because of rounding. *Based on defendants with known race and Hispanic origin. See *Methodology* on page 15 for a discussion of underreporting of Hispanic origin.

A STUDY OF THE INTERACTION
BETWEEN THE JUDICIAL BRANCH AND THE
BOARD OF INDIGENTS' DEFENSE SERVICES

Prepared by the Kansas
Judicial Council Judicial Branch/
Board of Indigents' Defense Services
Advisory Committee

Approved by the
Kansas Judicial Council
November 22, 1996

**A STUDY OF THE INTERACTION
BETWEEN THE JUDICIAL BRANCH AND THE
BOARD OF INDIGENTS' DEFENSE SERVICES**

1 **BACKGROUND**

2
3 The 1996 Legislature requested the Kansas Judicial Council undertake a study of interaction
4 between the Judicial Branch and the Board of Indigents' Defense Services. The request from the
5 Legislature also included the following language:

6
7 "The study should include suggestions about how to help judges
8 determine indigence, how to ensure that judges are actually
9 scrutinizing the required affidavits of indigence, what factors are
10 appropriate to examine in determining indigence, and any other
11 measures that would help increase the recoupment efforts of the
12 Board of Indigents' Defense Services. The study should also focus
13 on reimbursement for services and costs for those defendants found
14 to be partially indigent and whether judges should order defendants
15 to reimburse defense costs at the time of sentencing."

16
17 The Judicial Council reviewed the request, accepted the study, and appointed an advisory
18 committee consisting of district judges, legislators, and practicing lawyers. The following are the
19 members of the Kansas Judicial Council Judicial Branch/Board of Indigents' Defense Services
20 Advisory Committee: Judges: Honorable Marla J. Luckert, Chair, Topeka; Honorable Jack L. Burr,
21 Goodland; Honorable William F. Lyle Jr., Hutchinson; Honorable Paul E. Miller, Manhattan; and
22 Honorable Clark V. Owens II, Wichita. Legislators: Representative Gayle Mollenkamp, Russell
23 Springs; and Senator Stephen R. Morris, Hugoton. Lawyers: Professor William Rich, Topeka; Mark
24 J. Sachse, Kansas City; and Ronald E. Wurtz, Topeka.

25
26 The committee met five times and, in addition, the Chair of the committee reported on the
27 work of the committee to the Kansas Judicial Conference, which is semi-annual meeting of all of
28 the judges in Kansas.

29
30 The committee has reviewed applicable statutes, rules and regulations, Attorney Generals'
31 opinions, reports, research, practices in other states, proposed legislation, and legal writings. In
32 addition, the following persons appeared before the committee: Kathy Estes, J. Patrick Lawless, and
33 Scott Rothe, from the State Board of Indigents' Defense Services; Ed Collister, practicing lawyer
34 in Lawrence; Ellyn Sipp and Trish Pfannenstiel, Legislative Division of Post Audit; Honorable
35 James P. Buchele, Shawnee County District Court Judge; Kelly Lee, Shawnee County District Court
36 Court Services Officer; Kathy Porter, Legislative Research Department and Terri Saiya, Kansas
37 Parole Board.

1 reasons for this is that the current statute sets out a procedure whereby BIDS may send notice to the
2 county or district attorney in the county where the defendant was convicted and that the county or
3 district attorney may petition the district court to require defendant to pay all or part of the expenses
4 for defense services. Because this is at the option of the county or district attorney that there is little
5 consistency in obtaining civil judgments in these cases.
6

7 The committee recommends that current language setting forth this procedure be stricken and
8 that language be inserted in K.S.A. 22-4513 which follows the language of K.S.A. 22-3801a that
9 makes court costs a civil judgment.
10

11 The committee is of the opinion that obtaining civil judgments in each case will allow more
12 consistency in pursuing these amounts. It is the opinion of the committee that obtaining these civil
13 judgments will allow the state to be more successful in collection of these debts.
14

15 See recommendations 5 and 6 relating to collection of debts owed to courts.
16

17 See page 28 of the Appendix for the proposed amendment.
18

19 **3. K.S.A. 22-4507 be amended to require claims for compensation and reimbursement of**
20 **court-appointed counsel be presented to the court at sentencing.**
21

22 In discussing recoupment of expenditures by BIDS, it was observed that one of the reasons
23 for inconsistency in courts ordering repayment of expenditures for defense services is that the costs
24 are not known at the time of sentencing. The committee proposes K.S.A. 22-4507 be amended to
25 require claims for compensation and reimbursement of court-appointed counsel be presented at
26 sentencing and thus enable the court to enter orders and judgments for a liquidated amount.
27

28 The committee also recommends language be inserted in K.S.A. 22-4507 to state that if good
29 cause is shown why the claim is not presented, a supplemental claim may be filed at a later time.
30

31 See page 27 of the Appendix for the proposed amendment.
32

33 **4. The Legislature enact a statute which requires each judicial district to adopt an "own**
34 **recognizance-cash deposit pretrial release program."**
35

36 The committee recommends the legislature adopt a statute which requires each judicial
37 district to adopt an "own recognizance-cash deposit pretrial release program." Such a program
38 allows the defendant to post a cash bail deposit directly with the court rather. Generally, ten percent
39 of the bond's face value is posted. If the defendant is found not guilty, nine percent of the bond's
40 face value is returned to the defendant and one percent of the bond's face value is kept as an
41 administrative fee and paid to the county general fund.
42

43 If the defendant is found guilty, the county keeps one percent of the face value of the bond
44 as an administrative fee which is placed in the county general fund. The refundable portion of the
45 bond (the remaining nine percent of the face value of the bond) is first allocated to pay court-ordered
46 obligations such as court costs, fines, restitution of victims, and reimbursement of the state for

1 providing defense services. If all of the refundable portion is not required to pay court-ordered
2 obligations, the balance is refunded to the defendant. If the defendant uses a bondsman and is found
3 not guilty, none of the money is refunded to him or her and none of the money is paid into the county
4 general fund. If the defendant uses a bondsman and is found guilty, none of the money goes to pay
5 court-ordered obligations and none of the money is paid into the county general fund.
6

7 The experience in counties using the "own recognizance-cash deposit pretrial release
8 program" has been the defendants' rate of appearance in court at least equals and may exceed that
9 of bail bondsmen, and that the bond screening which is implemented as part of the program protects
10 the public because it identifies dangerous persons. In addition, the collection of court-ordered
11 obligations such as fees, fines, restitution, and reimbursement is increased. As an example, in
12 Shawnee County, using 1994 as the base year, the increase over 1994 in 1995 was \$280,000 for a
13 ten month period. The increase over 1994 in 1996 was \$400,000.
14

15 The committee was impressed with the Shawnee County "own recognizance-cash pretrial
16 release program." In the Shawnee County program, a staff person does bond screening. The person
17 goes to the jail each morning and, if necessary, assists in completing the bond screening form. The
18 staff person verifies the information contained on the bond screening form and also checks the
19 accused person's criminal history. At first appearance, the staff person makes a recommendation
20 relating to bonding with the main focuses being the safety of the community and the appearance of
21 the accused person in court. The committee believes that bonding and financial information relating
22 to indigency can be gathered at the same time, and if staff is involved, with the assistance of the
23 same person.
24

25 There have been court bonding programs in Kansas for a number of years. In 1995, the
26 Kansas Supreme Court issued Administrative Order No. 96 which provides a model local rule and
27 supporting materials for establishment of a "own recognizance-cash deposit pretrial release
28 program." The administrative order requires that judicial districts which have such programs comply
29 with the rule. The American Bar Association in the American Bar Association Standards for
30 Criminal Justice, Pretrial Release Standard 10-5.4(a) and the National District Attorney's
31 Association in the National Prosecution Standards, Second Edition, Pretrial, Section 45.6, Money
32 bail, both recommend the ten percent cash deposit bail options.
33

34 The statute recommended by the committee is modeled after a statute recommended by the
35 1984 Interim Judiciary Committee.
36

37 See page 1 of the Appendix for the draft of proposed legislation
38

39 **5. Chapter 195 of the 1996 Session Laws of Kansas be utilized to collect money expended
40 by the Board of Indigents' Defense Services.**
41

42 On July 1, 1996, Senate Substitute for House Bill 2012 became law. The legislation provides
43 for collection of "debts owed to courts" which is defined as any assessment of court costs, fines, fee
44 or other charges which a district court judgment has ordered to be paid to the court. It appears
45 reimbursement for defense costs provided by BIDS may be included in the definition of "debts owed
46 to courts". To clarify this, the committee recommends that Section 1 of Chapter 195 of the 1996

_____ BILL NO. _____

1 New Section 1. On or before January 1, 1998, each judicial district shall provide by rule for an "own
2 recognizance-cash deposit pretrial release program" which shall be in addition to the current
3 statutory pretrial release system. The rule shall provide that in all misdemeanors; level 7, 8, 9 and
4 10 felonies; drug severity level 4 felonies and unranked or unclassified felonies except for off-grid
5 felonies, the "own recognizance-cash deposit pretrial release program" is available as an alternative
6 to the current statutory pretrial release system. The "own recognizance-cash deposit pretrial release
7 program" shall provide that an accused person may deposit with the clerk of the court a cash sum
8 not to exceed 10 percent of the amount of the appearance bond set by the court. If the defendant
9 makes such a cash deposit, 90 percent of the deposit shall be returned to the defendant upon
10 performance of all required appearances and payment of all court ordered obligations or a finding
11 of not guilty. The remainder of the deposit and any interest thereon shall be deposited in the county
12 treasury and credited to the county general fund.

MINUTES OF THE MEETING OF THE JUDICIAL COUNCIL
JUDICIAL BRANCH/BOARD OF INDIGENTS'
DEFENSE SERVICES ADVISORY COMMITTEE
HELD JUNE 28, 1996

The Judicial Council Judicial Branch/Board of Indigents' Defense Services Advisory Committee met Friday, June 28, 1996, in the Judicial Council conference room, Kansas Judicial Center, Topeka, Kansas. The meeting convened at 9:30 a.m.

The following committee members were present:

Hon. Marla J. Luckert, Chair,
Hon. Jack L. Burr,
Hon. William F. Lyle, Jr.,
Hon. Paul E. Miller,
Rep. Gayle Mollenkamp,
Sen. Stephen R. Morris,
Hon. Clark V. Owens II,
Professor William Rich,
Mark J. Sachse,
Ronald E. Wurtz, and
Randy M. Hearrell, Reporter.

In addition, J. Patrick Lawless and Scott Rothe of BIDS attended the morning session. Ellyn Sipp and Trish Pfannenstiel of Legislative Post Audit appeared before the committee, as did Honorable James P. Buchele and Kelly Lee and the Third Judicial District.

MINUTES

The minutes of the May 24, 1996 meeting were approved as drafted.

AFFIDAVIT

The committee first turned its attention to consideration of the current "financial affidavit" form which is used in the Kansas courts. The committee reviewed the current BIDS regulations, the proposed amendments to the BIDS regulations, the current Kansas financial affidavit form, the current application for appointed defense services form which accompanies the Kansas affidavit, the current property guidelines, the Los Angeles County defendant's financial statement, and the financial affidavit used in Sedgwick County.

June 28, 1996

Question:

Do you have any other observations?

Answer:

There seems to be an inconsistency as to whether indigents were later required to pay attorney fees, and whether attorney fees were paid through community service. Ms. Sipp noted that some states require some type of verification on an affidavit and, she also stated that there were differences in how attorney fees are charged.

Thereupon, the committee discussed the desirability of requiring counsel to inform the court of the amount of attorney fees at the sentencing. It was noted that, in fact, there is core group of attorneys in most areas that do not turn in vouchers.

After hearing the presentation by the auditors, Judge Miller stated that in his opinion, the most practical approach is to fully determine indigency, and account for expenditures, at the end of the case.

JAMES P. BUCHELE AND KELLY LEE:

The committee next turned its attention to presentations by Judge James P. Buchele, Judge of the Third Judicial District, and Kelly Lee CSO in charge of pretrial screening, relating to Shawnee County District Court Rule 3.311, Pretrial Release. Judge Buchele distributed copies of: Rule 3.311; general bond conditions; recognizance for appearance form; information regarding or cash deposit bonds; first appearance bond screen form; the first appearance bond screen form (domestic); the order setting bond; collections year to date compared with previous year to date-1995; collections year to date compared with previous year to date-May 1996; failure to appear information; new case filings-1995 YTD; bonds posted in 1994; bonds posted in 1995; and an affidavit of pretrial release officer.

Thereupon, Judge Buchele explained to the committee the history of bail bonding, how the bonding system functions under the bail bondsman system, and how the bonding system functions under the Shawnee County pretrial release system.

Judge Buchele stated that if the accused person is approved for pretrial release, that person or relatives pays ten percent of the amount of the bond. If that person meets all obligations that are court ordered, then nine-tenths of the ten percent, or nine percent, is returned to the person.

Judge Buchele explained how CSOs are used to do pretrial screening with the major issues being the safety of the community and the appearance of the person in court. He also stated that, in some

June 28, 1996

instances, the bond money is used to satisfy the person's obligations to the government. Judge Buchele explained the bonding chart in which bond is automatically available to any person for certain levels of crimes.

Thereupon, Ms. Kelly Lee explained the CSO's role in the pretrial release system and described to the committee the CSO's involvement in the typical case.

Judge Buchele stated that one result of the Shawnee County system has been an improved appearance rate. He also stated that there are certain political realities to implementing this kind of program. He indicated that in some instances, bail bonding is very lucrative, and that he would not expect bondsmen in any given area to agree with a change similar to Shawnee County's.

He further stated that in Kentucky, Wisconsin, Connecticut and Oregon, bail bonding is illegal as it is in Cook County, Illinois. Judge Buchele stated that there are a number of lawsuits and litigation upholding the ability to abolish bail bonding.

Thereupon, the committee further discussed the Shawnee County system, and the question was raised as to what amount of money was paid into the state by bail bondsmen and bail forfeitures. It was agreed that Senator Morris would request legislative research to compile those figures and provide them to him. A question was raised as to what is the local incentive of the county taxpayer to support the pre-release program, and it was noted that currently, bond forfeiture money goes to the state. It was agreed that the committee could look at returning a portion of that money to localities.

COST CONTROL ISSUE

The committee next discussed the experience in Wyandotte County in controlling costs. Mr. Sachse stated that the elimination wasted time in pretrial, lengthy dockets, and rules relating to residents in the county which have cut the amount of time per case that is required in Wyandotte County.

REVIEWING VOUCHERS

The committee next discussed the subject of reviewing vouchers. The judges on the committee indicated their personal experience with the reviewing of the vouchers. The question was raised as to whether lists of what lawyers are paid and how they deviate from the norm in billable hours would be of interest to the judges who consider these vouchers. It was agreed that inquiry would be made of the Board of Indigents' Defense Services about this matter. It was also agreed that the committee draft a recommended bond screen/indigency combination form fashioned after Shawnee County.

COLLECTIONS YEAR TO DATE COMPARED
WITH PREVIOUS YEAR TO DATE
AS OF DECEMBER 1995

L.C.O.

COLLECTIONS IN 1995

| | Criminal | Traffic | Juvenile | TOTAL |
|------------------|--------------|--------------|-------------|----------------|
| Docket Fees | \$220,989.32 | \$342,715.36 | \$6,380.00 | \$570,084.68 |
| Fines | \$58,697.74 | \$335,696.87 | \$1,158.50 | \$395,553.11 |
| Restitution | \$455,835.89 | \$33.00 | \$28,339.50 | \$484,208.39 |
| Atty Fee(State) | \$26,321.36 | \$0.00 | \$0.00 | \$26,321.36 |
| Atty Fee(County) | \$90,918.46 | \$7,743.56 | \$28,034.05 | \$126,696.07 |
| Probation Fees | \$14,315.76 | \$2,414.00 | \$0.00 | \$16,729.76 |
| Others | \$110,947.37 | \$108,616.51 | \$301.70 | \$219,865.58 |
| TOTAL | \$978,025.90 | \$797,219.30 | \$64,213.75 | \$1,839,458.95 |

COLLECTIONS IN 1994

| | Criminal | Traffic | Juvenile | TOTAL |
|------------------|--------------|--------------|-------------|----------------|
| Docket Fees | \$140,450.37 | \$351,877.60 | \$8,078.25 | \$500,406.22 |
| Fines | \$58,689.40 | \$330,524.18 | \$3,467.00 | \$392,680.58 |
| Restitution | \$337,613.74 | \$50.00 | \$13,752.89 | \$351,416.63 |
| Atty Fee(State) | \$17,188.20 | \$0.00 | \$0.00 | \$17,188.20 |
| Atty Fee(County) | \$62,322.19 | \$13,168.83 | \$33,832.73 | \$109,323.75 |
| Probation Fees | \$8,744.33 | \$2,638.50 | \$0.00 | \$11,382.83 |
| Others | \$72,348.88 | \$108,906.02 | \$503.50 | \$181,758.40 |
| TOTAL | \$697,357.11 | \$807,165.13 | \$59,634.37 | \$1,564,156.61 |

| | | | | |
|------------|--------------|--------------|------------|--------------|
| Difference | \$280,668.79 | (\$9,945.83) | \$4,579.38 | \$275,302.34 |
|------------|--------------|--------------|------------|--------------|

| | | | | |
|---|--------|--------|-------|--------|
| Percent of In(+) or De(-) over last year on Dept. totals | 40.25% | -1.23% | 7.68% | 17.60% |
|---|--------|--------|-------|--------|

INDIVIDUAL ACCOUNT PERCENTAGES
OF THE IN(+) OR DE(-)
OVER LAST YEAR

| | Criminal | Traffic | Juvenile |
|------------------|----------|---------|----------|
| Docket Fees | 57.34% | -2.60% | -21.02% |
| Fines | 0.01% | 1.56% | -66.58% |
| Restitution | 35.02% | -34.00% | 106.06% |
| Atty Fee(State) | 53.14% | 0.00% | 0.00% |
| Atty Fee(County) | 45.88% | -41.20% | -17.14% |
| Probation Fees | 63.71% | -8.51% | 0.00% |
| Others | 53.35% | -0.27% | -40.08% |

COLLECTIONS YEAR TO DATE COMPARED
WITH PREVIOUS YEAR TO DATE

OF MAY 1996

COLLECTIONS IN 1996

| | <i>Criminal</i> | <i>Traffic</i> | <i>Juvenile</i> | TOTAL |
|-------------------------|---------------------|---------------------|--------------------|---------------------|
| <i>Docket Fees</i> | \$101,933.72 | \$145,542.42 | \$4,626.83 | \$252,102.97 |
| <i>Fines</i> | \$32,896.27 | \$153,880.47 | \$750.00 | \$187,526.74 |
| <i>Restitution</i> | \$210,659.81 | \$200.00 | \$6,286.92 | \$217,146.73 |
| <i>Atty Fee(State)</i> | \$13,216.11 | \$0.00 | \$0.00 | \$13,216.11 |
| <i>Atty Fee(County)</i> | \$46,745.73 | \$3,730.87 | \$12,633.20 | \$63,109.80 |
| <i>Probation Fees</i> | \$8,698.25 | \$1,292.50 | \$0.00 | \$9,990.75 |
| <i>Others</i> | \$50,473.94 | \$65,032.77 | \$314.00 | \$115,820.71 |
| TOTAL | \$464,623.83 | \$369,679.03 | \$24,610.95 | \$858,913.81 |

COLLECTIONS IN 1995

| | <i>Criminal</i> | <i>Traffic</i> | <i>Juvenile</i> | TOTAL |
|-------------------------|---------------------|---------------------|--------------------|---------------------|
| <i>Docket Fees</i> | \$92,685.73 | \$142,152.21 | \$2,876.50 | \$237,714.44 |
| <i>Fines</i> | \$24,379.89 | \$133,161.17 | \$503.00 | \$158,044.06 |
| <i>Restitution</i> | \$199,134.74 | \$0.00 | \$11,340.68 | \$210,475.42 |
| <i>Atty Fee(State)</i> | \$9,149.40 | \$0.00 | \$0.00 | \$9,149.40 |
| <i>Atty Fee(County)</i> | \$39,554.21 | \$3,972.75 | \$12,474.99 | \$56,001.95 |
| <i>Probation Fees</i> | \$4,963.03 | \$882.50 | \$0.00 | \$5,845.53 |
| <i>Others</i> | \$45,260.35 | \$44,565.47 | \$110.00 | \$89,935.82 |
| TOTAL | \$415,127.35 | \$324,734.10 | \$27,305.17 | \$767,166.62 |

| | | | | |
|-------------------|-------------|-------------|-------------|-------------|
| <i>Difference</i> | \$49,496.48 | \$44,944.93 | -\$2,694.22 | \$91,747.19 |
|-------------------|-------------|-------------|-------------|-------------|

Percent of
In(+) or De(-)
over last year
on Dept. totals

| | | | |
|--------|--------|--------|--------|
| 11.92% | 13.84% | -9.87% | 11.96% |
|--------|--------|--------|--------|

INDIVIDUAL ACCOUNT PERCENTAGES
OF THE IN(+) OR DE(-)
OVER LAST YEAR

| | <i>Criminal</i> | <i>Traffic</i> | <i>Juvenile</i> |
|-------------------------|-----------------|----------------|-----------------|
| <i>Docket Fees</i> | 9.98% | 2.38% | 60.85% |
| <i>Fines</i> | 34.93% | 15.56% | 49.11% |
| <i>Restitution</i> | 5.79% | 100.00% | -44.56% |
| <i>Atty Fee(State)</i> | 44.45% | 0.00% | 0.00% |
| <i>Atty Fee(County)</i> | 18.18% | -6.09% | 1.27% |
| <i>Probation Fees</i> | 75.26% | 46.46% | 0.00% |
| <i>Others</i> | 11.52% | 45.93% | 100.00% |

FAILURE TO APPEAR

| | Cases Filed | Warrants Issued |
|-----------|----------------|--------------------|
| January | 55 | 56 |
| February | 85 | 85 |
| March | 73 | 164 |
| April | 9 | 99 |
| May | 64 | 68 |
| June | 20 | 64 |
| July | 9 | 74 |
| August | 79 | 151 |
| September | 68 | 168 |
| October | 19 | 120 |
| November | 40 | 114 |
| December | 28 | 94 |

| | | |
|--------------|-------|--------|
| YTD TOTAL | 549 | 1257 |
| Previous YTD | 646 | 1400 |
| 95 Mo. Avg. | 45.75 | 104.75 |

24-24
#

New Case Filings - 1995 YTD

| | Criminal | Felony | Misd | Municipal Court Appeal | Dismissed Cases | Wrnts | Sumn |
|-----------|----------|--------|------|------------------------------|--------------------|-------|------|
| January | 517 | 232 | 284 | 1 | 156 | 524 | 109 |
| February | 404 | 181 | 219 | 4 | 195 | 528 | 106 |
| March | 361 | 169 | 188 | 5 | 180 | 587 | 113 |
| April | 239 | 133 | 105 | 0 | 186 | 382 | 60 |
| May | 372 | 198 | 174 | 0 | 146 | 508 | 144 |
| June | 438 | 187 | 250 | 1 | 129 | 549 | 136 |
| July | 450 | 224 | 224 | 2 | 127 | 524 | 233 |
| August | 478 | 221 | 257 | 3 | 122 | 608 | 182 |
| September | 356 | 173 | 182 | 1 | 142 | 492 | 98 |
| October | 300 | 169 | 131 | 3 | 155 | 441 | 145 |
| November | 321 | 165 | 155 | 0 | 164 | 370 | 111 |
| December | 336 | 187 | 149 | 1 | 120 | 388 | 192 |

| | | | | | | | |
|--------------|------|------|------|----|------|------|------|
| YTD TOTALS | 4572 | 2239 | 2318 | 21 | 1822 | 5901 | 1629 |
| Previous YTD | 4215 | 1861 | 2345 | 30 | | 5647 | 1158 |

24-25
15

BONDS POSTED IN 1994

| | CA | CD | OR | WS | PS |
|-------------|-------|------|--------|-------|-------|
| JANUARY | 37 | 57 | 91 | 43 | 12 |
| FEBRUARY | 28 | 55 | 86 | 47 | 8 |
| MARCH | 112 | 1 | 134 | 110 | 19 |
| APRIL | 87 | 0 | 129 | 106 | 3 |
| MAY | 83 | 0 | 117 | 67 | 9 |
| JUNE | 91 | 0 | 97 | 73 | 24 |
| JULY | 68 | 0 | 135 | 48 | 14 |
| AUGUST | 93 | 0 | 151 | 76 | 13 |
| SEPTEMBER | 103 | 0 | 152 | 66 | 13 |
| OCTOBER | 108 | 0 | 153 | 65 | 8 |
| NOVEMBER | 127 | 0 | 102 | 47 | 14 |
| DECEMBER | 97 | 0 | 130 | 57 | 6 |
| TOTAL | 1034 | 113 | 1477 | 805 | 143 |
| MONTHLY AVG | 86.17 | 9.42 | 123.08 | 67.08 | 11.92 |

CA = CASH
 CD = CASH Deposit
 OR = OWN Recog.
 WS = With Surety
 PS = Prot. Surety

3572

BONDS POSTED IN 1995

| | CA | CD | OR | WS | PS |
|-------------|-------|-------|--------|-------|------|
| JANUARY | 114 | 0 | 116 | 44 | 9 |
| FEBRUARY | 155 | 3 | 126 | 47 | 15 |
| MARCH | 121 | 48 | 107 | 55 | 5 |
| APRIL | 100 | 47 | 121 | 73 | 0 |
| MAY | 84 | 32 | 91 | 54 | 2 |
| JUNE | 82 | 49 | 113 | 61 | 3 |
| JULY | 83 | 48 | 121 | 74 | 4 |
| AUGUST | 78 | 54 | 137 | 53 | 8 |
| SEPTEMBER | 72 | 55 | 106 | 67 | 1 |
| OCTOBER | 65 | 81 | 126 | 60 | 3 |
| NOVEMBER | 50 | 56 | 108 | 48 | 12 |
| DECEMBER | 40 | 43 | 93 | 47 | 1 |
| TOTAL | 1044 | 516 | 1365 | 683 | 63 |
| MONTHLY AVG | 87.00 | 43.00 | 113.75 | 56.92 | 5.25 |

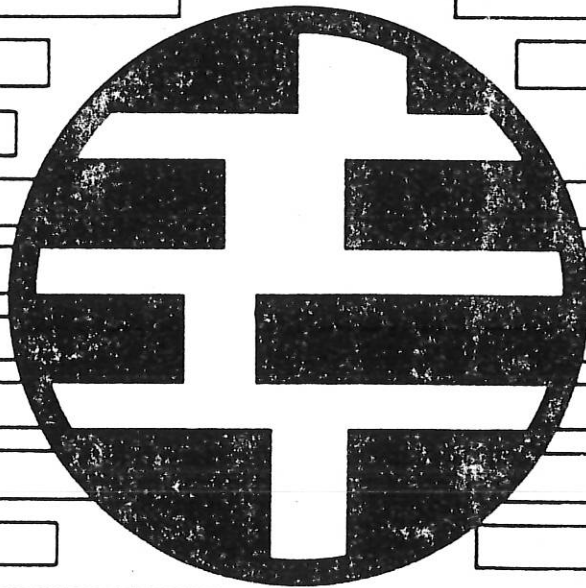
3671

All Affidavits are for the Honorable
 County District Court
 no 9 12-31-95

Cook County Pretrial
Release Study



**ILLINOIS
CRIMINAL JUSTICE
INFORMATION AUTHORITY**



XII. Impact of pretrial release on public safety

Beyond the financial and workload impact of pretrial failures, public safety is also compromised. The 5,816 releasees in the pretrial study weighted sample accounted for 5,320 new arrests, or an average of almost one new arrest per person.¹² These arrests were for a wide range of charges, including both violent and property offenses.

Arrests, however, are not a complete measure of public safety impact. Conviction on the charge is a more definitive measure. In this study, slightly more than 50 percent of rearrests resulted in conviction. This victimization analysis, however, looks only at convictions on violent and property charges, because each of these crimes is assured of having at least one victim. These charges accounted for 60 percent of the total rearrests recorded for the sample. Releasees convicted of violent or property offenses accounted for at least 1,670 additional victimizations (527 before weighting), a number which represents a conservative measurement of the impact on public safety resulting from pretrial failure.

When the sample results are extrapolated to the population from which they were drawn, and the number of people released on all bond types studied is estimated over a one year period, the problem of compromised public safety becomes even larger. For instance, using the weighted sample of 5,816 releasees and assuming relatively consistent levels of release over time, an estimated 30,000 defendants receive at least one pretrial release during one year in Cook County. Assuming relatively consistent levels of rearrest (as based on the rearrests recorded for the sample) these 30,000 releasees account for an estimated 27,734 rearrests. Applying the sample conviction rate of slightly more than 50 percent results in an estimated 14,283 new convictions for these 30,000 pretrial releasees. Removing rearrests for drug, sexual, and public order charges, an estimated 8,708 victimizations are attributable to defendants released prior to trial during one year in Cook County.

¹²These weighted totals are based on 2,127 actual releasees and 1,696 rearrests. For details of the weighting necessary for this sample, see the "Pretrial failure: a workload perspective" section.

Figure 38: Initial costs to arrest, detain, and process 1,000 pretrial releasees in Cook County

| | Arrest | Detain | Court processing | Total |
|--------------|-------------|-----------|------------------|-------------|
| Total sample | \$1,847,000 | \$350,000 | \$1,030,000 | \$3,227,000 |
| Deposit bond | \$1,847,000 | \$910,000 | \$1,163,000 | \$3,920,000 |
| Court I-bond | \$1,847,000 | \$198,000 | \$848,000 | \$2,893,000 |
| Jail I-bond | \$1,847,000 | \$328,000 | \$1,095,000 | \$3,270,000 |

Cost of rearrest

The costs to Cook County's criminal justice system do not end with the initial costs to process each defendant's qualifying case (Figure 39). Although \$3,227 was spent on average to process a defendant from arrest through prosecution or acquittal, each defendant in the sample was rearrested for a new crime an average of .9 times, initiating a new case in the criminal justice process. Average rearrest costs are estimated at \$1,749 per defendant. In addition, each releasee was rearrested .227 times for technical violations resulting in the issuance of a warrant for bond forfeiture, or violation of probation or parole. Although this does not initiate an additional case the court must process, rearrests on bond forfeiture warrants are estimated at about \$419 per individual. Combined costs for arrests on new offenses and technical violations are estimated at \$2,168 per defendant. The cost to reincarcerate a defendant prior second release after rearrest for a new crime averaged \$331 per defendant. The cost to reprocess releasees through the courts for subsequent offenses is estimated at \$975 per defendant. The total cost of the rearrest and subsequent reprocessing is estimated at \$3,474 per individual.



Research Bulletin

Pretrial release and crime in Cook County

The Cook County Pretrial Release Study looks at a criminal justice population that has received extensive publicity but little research scrutiny—those individuals released to the community pending trial in Cook County. The activity of this large and diverse group has an impact on public safety, the workloads of individual criminal justice agencies, and, ultimately, taxpayer expenditures. Of particular concern in Cook County are the dozens of defendants who are released each week from the county jail on their own recognizance in order to comply with a federal court order capping the jail's population.

The study, which began in early 1989, focused on three types of pretrial releasees: those released on court deposit bonds, those receiving court recognizance bonds (court I-bonds), and those receiving Administrative Mandatory Furlough (AMF or "jail I-bonds") from the Cook County Department of Corrections. These three groups account for the vast majority of defendants released on bond prior to trial in Cook County. The study tracked the pretrial release activity of a sample of 2,127 defendants (1,620 men and 507 women) released between September 13-30, 1988, and November 10 through December 31, 1988.

August 1992

When someone is arrested for a crime in Illinois, the public expects that suspect to go through the judicial process without missing court or committing new offenses. Even if the person is released back to the community on bond, the ideal is no "failures" during the pretrial period. In this study of defendants awaiting trial in Cook County, the Illinois Criminal Justice Information Authority found this ideal is not always the case. In tracking a sample of 2,127 defendants released on three different bond types, the Authority discovered high levels of missed court dates and arrests for new crimes. The problem was greatest among defendants released on their own recognizance in order to ease crowding at Cook County Jail, according to the study, which was funded by a grant from the State Justice Institute.

The study found that—

◆ Defendants released on jail I-bonds had higher rates of bond forfeiture, rearrest, and reincarceration than defendants released on either court deposit bonds or court I-bonds (Figure 1). But "failures"—having a bond declared forfeited or a rearrest—were also high in Cook County for those released under the two court-issued bond types, especially when compared with pretrial failure levels in other large U.S. jurisdictions¹ (Figure 2).

◆ Nearly half of the men and a third of the women in the study who were released on jail I-bonds were rearrested at least once before the final disposition of their original cases.

◆ More than half of both the men and women released on jail I-bonds received at least one bond forfeiture for failing to appear in court.

◆ After being released a first time in order to ease crowding at the jail, 36 percent of the men and 25 percent of the women returned to the jail on charges stemming from offenses committed while free on pretrial release.

◆ Fewer defendants who posted a cash bond, or who were released on their own recognizance for reasons other than jail crowding, missed at least one court date, were rearrested, or were reincarcerated, although these pretrial failures still ranged from 11 percent to 39 percent.

Assuming relatively consistent levels of release over time, and that the study sample is representative of its larger population, the Authority estimates that 30,000 defendants receive at least one pretrial release during a year in Cook County.

Given the number of defendants released on bond per year, the workload impact of pretrial failures is enormous. The study estimated that these 30,000 releasees eventually account for nearly 60,000 additional criminal justice transactions (bond forfeitures, rearrests, and reincarcerations) during the period from release on bond to case disposition.²

FIGURE 1
Comparison of pretrial outcomes across bond types

| Type of pretrial activity | ♂ | | | ♀ | | |
|---------------------------|-------------|--------------|--------------|-------------|--------------|--------------|
| | Jail I-bond | Court I-bond | Deposit bond | Jail I-bond | Court I-bond | Deposit bond |
| Bond forfeiture | 52% | 34% | 30% | 54% | 31% | 21% |
| Rearrest | 47% | 33% | 39% | 34% | 19% | 17% |
| Reincarceration | 36% | 24% | 26% | 25% | 16% | 11% |

FIGURE 2
Failure outcomes for selected urban areas in the United States

| Jurisdiction | Bond type | Failure to appear | | Rearrest | |
|--------------------------|--------------|-------------------|------|----------|------|
| | | ♂ | ♀ | ♂ | ♀ |
| Bronx, NY | Recognizance | 35% | 28% | 23% | 9% |
| | Cash | 27% | 29% | 22% | 29% |
| Kings, NY (Brooklyn) | Recognizance | 31% | 47% | 25% | 29% |
| | Cash | 18% | 25% | 22% | N.A. |
| Queens, NY | Recognizance | 31% | 33% | 29% | 30% |
| | Cash | 17% | 33% | 16% | 17% |
| New York, NY (Manhattan) | Recognizance | 31% | 24% | 20% | 10% |
| | Cash | 39% | 33% | 23% | 33% |
| Philadelphia, PA | Recognizance | 55% | 20% | 33% | N.A. |
| | Cash | 23% | 50% | 14% | N.A. |
| Washington, D.C. | Recognizance | 11% | N.A. | 11% | N.A. |
| | Cash | 33% | N.A. | 50% | N.A. |

Source: 1990 National Pretrial Reporting Program, a product of the Pretrial Services Resource Center and the Bureau of Justice Statistics

These transactions increase the workload of the Cook County criminal justice system by an estimated 18,214 bond forfeitures, 27,735 rearrests for new crimes, and 13,761 reincarcerations in the Cook County Jail—at a total estimated annual cost of more than \$104 million.

The toll, in human terms, is also high. Applying a conviction rate of slightly more than 50 percent, for violent and property offenses alone, 30,000 defendants released prior to trial in one year are eventually responsible for more than 8,700 additional victimizations—a conservative estimate.

Failure to appear

Failure to appear was measured by whether or not a released defendant had a bond declared as forfeited during

the time frame of the qualifying case.³ When a defendant does not appear for a scheduled court date, the judge will declare the defendant's bond forfeited, and a warrant may be issued that day or at any time following the declaration of bond forfeiture.

The study found that jail I-bond defendants were more likely to have at least one bond declared forfeited during the prosecution of their qualifying cases than either deposit bond or court I-bond defendants

Fifty-two percent of the male defendants released on jail I-bonds had one or more bond forfeitures, compared to 34 percent of those released on court I-bonds, and 30 percent released on court deposit bonds. For female defendants, the pattern was similar.

Bond forfeiture judgments

Another measurement of failure to appear is the number of bond forfeiture judgments. A judgment is entered on the defendant's court docket—making the defendant liable for the bond amount forfeited—if he or she fails to appear before the court within 30 days after a bond forfeiture is declared.⁴ Analyzing the percentage of releasees who had bond forfeiture judgments entered on their records provided a more specific measure of failure to appear in this study.

The majority of the defendants in each bond group had no bond forfeiture judgments. Sixty percent of the jail I-bond men, 76 percent of the court I-bond men, and 78 percent of the deposit bond men had no bond forfeiture judgments. Patterns were similar for female defendants.

Bond forfeiture rates

The second step in analyzing failure focuses exclusively on those who failed to appear at least once. The question is no longer just who failed, but of those who did, how often did they fail? In other words, how many times, within each 100-day period after release on bond, did they have bond forfeitures declared for failing to appear? This second-level analysis has implications on court workload, because those releasees who have more bond forfeitures

increase the court's workload and tap more of its resources.

Of the releasees who had at least one bond forfeiture, jail I-bond men had significantly higher rates of bond forfeitures per 100 days than deposit bond men, but did not differ significantly from the court I-bond men. Six percent of the jail I-bond men had two or more forfeitures declared per 100 days, compared to 2 percent of the deposit bond men. Interestingly, jail I-bond women had the highest rates of bond forfeiture of any group studied. Twelve percent of the jail I-bond women had two or more bond forfeitures declared per 100 days, compared to 3 percent of the court I-bond women and 5 percent of the deposit bond women.

Rearrests

Forty-seven percent of the male defendants released on jail I-bonds because of crowding at the Cook County Jail were rearrested at least once before their original case was disposed of. Thirty-four percent of the women released on jail I-bonds were rearrested.

Of the jail I-bond men who were rearrested at least once, 67 percent were rearrested for a felony offense. Similar numbers of male defendants released under court-issued bonds were charged with felony offenses. Among women rearrested at least once while free on bond, 52 percent of those released on jail I-bonds were charged with felony offenses, compared to 45 percent of the court I-bond women, and 63 percent of the deposit bond women.

Of the jail I-bond defendants who were rearrested, 25.8 percent of the men and 14.3 percent of the women were rearrested for at least one violent (non-sexual) offense (Figure 3). Fifty-three percent of the rearrested men and 54 percent of the rearrested women in the jail I-bond group were charged with a one or more property offenses. The remaining offenses involved mostly drug and public order offenses.

Among the two types of court-issued bonds, levels of

rearrest were generally lower.

Thirty-three percent of the men and 19 percent of the women released on court I-bonds were rearrested for new crimes at least once before the disposition of their original case.

Of the court I-bond defendants, 27.7 percent of the rearrested men were charged with at least one violent offense, 44.7 percent with property offenses. Among the rearrested women in this bond group, 14 percent were charged with violent crimes and 69 percent with property crimes.

Thirty-nine percent of the men and 17 percent of the women released on court deposit bonds were rearrested for new crimes at least once before the disposition of their original case.

Among the court deposit bond defendants, 39 percent of the rearrested men were charged with at least one violent offense, the highest percentage of rearrests involving violent crime among all bond groups; 45.9 percent were charged with property offenses. Among the rearrested women in this bond group, 6.3 percent were charged with violent crimes and 56.3 percent with property crimes.

Rearrest rates

The two-tiered approach used to analyze failure to appear was also applied in analyzing rearrest. As with failure to appear, the speed at which a group of releasees fails is an indication of that group's effect on the criminal justice system. Rearrests not only affect workload and court resources, but also public safety (particularly when the new arrests involve serious violent or property offenses).

The study found that defendants released on jail I-bonds and court I-bonds had the highest rearrest rates and, therefore, the greatest impact on criminal justice workloads and public safety.

The great majority of deposit bond men and women

FIGURE 3

Type of offense charged for those defendants rearrested at least once

| Type of offense | ♂ | | | ♀ | | |
|-----------------|-------------|--------------|--------------|-------------|--------------|--------------|
| | Jail I-bond | Court I-bond | Deposit bond | Jail I-bond | Court I-bond | Deposit bond |
| Violent | 25.8% | 27.7% | 39.0% | 14.3% | 14.3% | 6.3% |
| Property | 53.4% | 44.7% | 45.9% | 54.0% | 69.0% | 56.3% |
| Drug | 45.7% | 47.3% | 42.4% | 28.6% | 28.6% | 37.5% |
| Sexual | 1.4% | 2.1% | 0.0% | 11.1% | 2.4% | 0.0% |
| Public order | 10.3% | 12.8% | 14.0% | 28.6% | 19.0% | 12.5% |
| Unknown | 0.4% | 1.6% | 0.6% | 1.6% | 0.0% | 0.0% |

Totals do not add up to 100 percent because some defendants are charged with more than one offense.

FIGURE 4

Rearrest rates per 100 days of release, by bond type

| Rearrests per 100 days | ♂ | | | ♀ | | |
|------------------------------|-------------|--------------|--------------|-------------|--------------|--------------|
| | Jail I-bond | Court I-bond | Deposit bond | Jail I-bond | Court I-bond | Deposit bond |
| .01-.24 | 10.7% | 10.7% | 15.5% | 12.7% | 16.7% | 6.3% |
| .25-.49 | 22.5% | 23.5% | 30.3% | 15.9% | 23.8% | 37.5% |
| .50-.74 | 19.3% | 17.7% | 18.5% | 6.3% | 14.3% | 0.0% |
| .75-.99 | 12.5% | 6.9% | 9.5% | 14.3% | 7.1% | 31.2% |
| 1.00-1.49 | 12.5% | 10.7% | 11.9% | 19.1% | 7.1% | 18.8% |
| 1.50-1.99 | 8.2% | 10.7% | 8.9% | 14.2% | 12.0% | 6.2% |
| 2.00-2.49 | 3.9% | 6.4% | 3.0% | 6.4% | 11.9% | 0.0% |
| 2.50-4.99 | 8.6% | 10.7% | 1.2% | 6.3% | 4.7% | 0.0% |
| 5.00-9.99 | 1.4% | 2.2% | 1.2% | 1.6% | 2.4% | 0.0% |
| 10.00 + | 0.4% | 0.5% | 0.0% | 3.2% | 0.0% | 0.0% |
| Average rearrest rate | 1.12 | 1.27 | .79 | 1.77 | 1.12 | .78 |

who were rearrested had fewer than 1.5 rearrests per 100 days (Figure 4). Only 6 percent of the deposit bond women and 14 percent of the deposit bond men had more. In contrast, 23 percent of the jail I-bond men and nearly 31 percent of the court I-bond men had at least 1.5 arrests per 100 days. Two percent of the jail I-bond men and 3 percent of the court I-bond men had at least five rearrests per 100 days. Among the women, 32 percent of the jail I-bond group and 31 percent of the court I-bond group had at least 1.5 arrests per 100 days, while 5 percent of the jail I-bond women had at least 5 arrests per 100 days.

This analysis suggests that, even though the different bond groups were released under very different conditions, once they recidivate they exhibit behavior that is strikingly similar. We have seen that while the jail I-bond groups failed more than the court-issued bond groups, the differences between jail I-bond and court I-bond defendants were often small. And, in some instances, jail I-bond behavioral outcomes were not significantly different from deposit bond outcomes.

Focusing on the rate of recidivism indicates that after court I-bond defendants recidivated at least once, they began to have the same impact on the resources and workload of the criminal justice system as the jail I-bond recidivists. On the other hand, deposit bond men and women recidivated at a much slower rate, and—in terms of workload and resources—had less of an impact on the criminal justice system.

Reincarceration

For both men and women, the percentage of defendants

who were reincarcerated in the Cook County Jail was highest among the jail I-bond group. More than one-third (36 percent) of the men in this bond group, and one-quarter (25 percent) of the women, were reincarcerated at least once before the disposition of their original case. In contrast, one-quarter of the men and 11 percent to 16 percent of the women in the other bond groups were reincarcerated.

Survival analysis

Another way to look at pretrial activity is to measure pretrial *success*, or the length of time during which a defendant on pretrial release is *not* rearrested or does *not* miss any court dates. If the defendant's qualifying case is disposed of without one of these failures, the defendant is said to have "survived." This type of examination is known as survival analysis.

The follow-up period for measuring survival is the time from the defendant's release on bond until the disposition of his or her case. The defendant's "time at risk" can be as long as the follow-up period. If the defendant fails to appear, or is rearrested *before* the disposition of his or her original case, then the "time at risk" ends with one of these pretrial failures. Defendants with longer follow-up periods are expected to survive in fewer numbers than defendants with shorter follow-up periods.⁵ Survival analysis takes these different follow-up periods into account.

Bond forfeitures declared

Using declarations of bond forfeiture as the terminating event, 64 percent of the jail I-bond men—whose cases

were not already disposed of—survived through the eighth week after release on bond. By the eighth week, 83 percent of the court I-bond men and 89 percent of the court deposit bond men were still surviving.

By the 52nd week after release on bond, only 29 percent of the jail I-bond men were surviving, compared to 42 percent of the court I-bond men and 58 percent of the deposit bond men.

Bond forfeiture judgments

Another way of applying survival analysis to failure to appear is to use bond forfeiture *judgments* as the terminating event.

By the eighth week after release, 89 percent of the jail I-bond defendants still at risk had survived (had not had a judgment of bond forfeiture). Ninety-seven percent of both the court I-bond and court deposit bond groups survived through the eighth week after release.

By the 52nd week after release on bond, 53 percent of the jail I-bond group had still not had a bond forfeiture judgment (were surviving), compared to 66 percent of the court I-bond group and 77 percent of the deposit bond group. As with bond forfeitures declared, the risk of receiving a bond forfeiture judgment was greatest for a jail I-bond defendant, within almost every time period after release.

Multivariate analysis

Multivariate analysis—looking at variables in relation to one another—provides a better understanding of pretrial failure and addresses many questions left unanswered by simpler bivariate data comparisons. Knowing that jail I-bond men are more likely than court I-bond men to be rearrested while free on bond is important information, but the difference between these arrest patterns could be due to factors other than bond type. For example, if people receiving jail I-bonds are more likely to have a prior arrest record, and if a prior arrest record affects the likelihood of rearrest, then an apparent difference in rearrest patterns may, in reality, have nothing to do with bond type. Therefore, it is important to determine what factors, other than bond type, influence the chances that a defendant will be rearrested for a new crime or fail to appear for a scheduled court date. To answer these more complex questions, all of the releasees' pretrial behavior needs to be taken into account at the same time.

Conditions influencing pretrial behavior are not limited to the defendant's interaction with the criminal justice system, but are also a result of factors such as economic and employment status, and family life characteristics (marital status, single family home, etc). Unfortunately, the Cook County Pretrial Release Study was limited to using basic demographic factors such as race and age—along with other factors relating to the defendant's contact with the criminal justice system—to

explain pretrial failure. But even this limited information should aid in understanding pretrial failure and developing useful policies to help resolve the problems of pretrial failure.

Factors that influence rearrest

Of all the variables that influence rearrest for a new crime, the length of the follow-up period—that is, how long the defendant was on pretrial release status—was the most influential variable in explaining rearrest for a new crime. Bond type was the least useful in explaining this type of pretrial failure.⁶

In addition to the length of the follow-up period, the following variables also had a measurable impact on the likelihood of rearrest:

- ◆ Age at bond release (in years)
- ◆ Race: white versus black
- ◆ Gender
- ◆ Prior arrest
- ◆ Property and sex crimes as most serious offense versus drug offense
- ◆ Bond type: deposit bond versus jail I-bond

The impact each of these variables had on the likelihood of rearrest is summarized as follows:

- ◆ Older defendants were less likely to be rearrested for a new crime than younger defendants.
- ◆ Blacks were more likely than whites to be rearrested for a new crime.
- ◆ Latinos and blacks were equally likely to be rearrested for a new crime.
- ◆ Women were less likely to be rearrested for a new crime than men.
- ◆ Having a prior arrest increased the likelihood of being rearrested for a new crime.
- ◆ A defendant whose most serious offense in the qualifying case was a violent crime, a probation violation, or a public order offense was just as likely to be rearrested for a new crime as a defendant whose most serious offense in the qualifying case was a drug offense.
- ◆ Accused property offenders were more likely to be rearrested for a new crime than accused drug offenders.
- ◆ Accused sexual offenders were more likely to be rearrested for a new crime than accused drug offenders.
- ◆ Court I-bond defendants were less likely to be rearrested for a new crime than jail I-bond defendants, even with all other variables taken into account.

◆ Deposit bond defendants were less likely to be rearrested for a new crime than jail I-bond defendants, even with all other variables taken into account.

◆ As the length of the follow-up period increased, the likelihood of the defendant being rearrested for a new crime increased.

Factors that influence failure to appear

All of the variables taken individually, and collectively, significantly influenced failure to appear. This suggests that the same variables that influenced the likelihood of rearrest also influenced the likelihood of failure to appear.

However, the variables previously used to explain the likelihood of rearrest had a different *degree* of influence in explaining failure to appear. Demographic variables, for example, were stronger as an explanation of rearrest than failure to appear. The length of the follow-up period was the most influential factor in explaining both forms of pretrial failure.

The most serious offense in the qualifying case and the type of bond release were factors in explaining the likelihood of failure to appear, but not in explaining the likelihood of rearrest. The type of bond release, which had a lesser effect on rearrest than any of the other variables, tied with most serious offense in the qualifying case as the second greatest influence on failure to appear.

In addition to the length of the follow-up period, the following variables had a measurable effect on the likelihood of failure to appear.

◆ Race: white and Latino versus black

◆ Prior arrest

◆ Property offense, violation of probation, and public order offense as the most serious offense in the qualifying case

◆ Bond type: court and deposit

The Pretrial Release Study found that these variables had the following effect on failure to appear:

◆ Whites were less likely to fail to appear than blacks. Latinos were also less likely to fail to appear than blacks; this effect was stronger than the effect of being white.

◆ Having a prior arrest increased the likelihood of failing to appear. Prior arrests had roughly the same degree of influence on failure to appear as rearrest.

◆ A defendant whose most serious offense in the qualifying case was violent, public order, or sexual offense was just as likely to fail to appear as a defendant whose most serious offense in the qualifying case was a drug offense.

◆ Accused property offenders were more likely to

fail to appear than accused drug offenders. This effect was stronger on failure to appear than on rearrest.

◆ Accused probation violators were significantly less likely to fail to appear in court than accused drug offenders, even though a violation charge had no effect on rearrest.

◆ Court I-bond defendants were less likely to fail to appear than jail I-bond defendants, even with all other factors being equal. The effect was stronger on failure to appear than rearrest.

◆ Deposit bond defendants were less likely to fail to appear than jail I-bond defendants, even when all other variables were simultaneously taken into account.

◆ As the length of the follow-up period increased, the likelihood of failure to appear increased. This variable had roughly the same influence on failure to appear as on rearrest.

Impact of pretrial release on public safety

To look at the sampled releasees collectively, and to account for their impact on public safety, it was necessary to give each bond group equal weight. The court I-bond and jail I-bond men were *samples* that represented their larger populations, while the other bond groups were 100 percent of their total populations. Those groups that were not 100 percent samples were assigned specific weights to represent the entire populations of defendants released on those bond types during the 70-day sampling period (see Methodology section).

After weighting the sample, it is estimated that 5,816 defendants were released during the 70-day sampling period. These releasees accounted for 5,320 new arrests, or an average of almost one new arrest per person. These arrests were for a wide range of charges, including both violent and property offenses.

Arrests, however, are not a complete measure of public safety impact. Conviction is a more definitive measure. In this study, slightly more than 50 percent of rearrests resulted in conviction. This victimization analysis, however, looks only at convictions on violent and property charges, because each of these crimes is assured of having at least one victim. These charges accounted for 60 percent of the total rearrests recorded for the sample. Releasees convicted of violent or property offenses accounted for at least 1,670 additional victimizations (527 before weighting)—a conservative measurement of the impact on public safety resulting from pretrial failure.

When the sample results are extrapolated to the entire population from which they were drawn, and the number of people released on all bond types studied is

FIGURE 5

Number of failure outcomes for the weighted sample, by bond type

| | ♂ | | | ♀ | | |
|--|-------------|--------------|--------------|-------------|--------------|--------------|
| | Jail I-bond | Court I-bond | Deposit bond | Jail I-bond | Court I-bond | Deposit bond |
| Sample N | 601 | 577 | 442 | 187 | 226 | 94 |
| Weight | 5.6855 | 2.5129 | 1.0000 | 1.0000 | 1.0000 | 1.0000 |
| Weighted sample N | 3,417 | 1,450 | 442 | 187 | 225 | 94 |
| Transactions contributed by the weighted sample | | | | | | |
| Bond forfeitures | 2,317 | 709 | 168 | 129 | 94 | 22 |
| Rearrests | 3,684 | 978 | 380 | 148 | 104 | 27 |
| Reincarcerations | 1,853 | 488 | 177 | 60 | 50 | 11 |

estimated over a one-year period, the impact on public safety looms even larger.

Using the weighted sample of 5,816 releasees and assuming relatively consistent levels of release over time, an estimated 30,000 defendants receive at least one pretrial release during one year in Cook County. Assuming relatively consistent levels of rearrest (as based on the rearrests recorded for the sample) these 30,000 releasees account for an estimated 27,734 rearrests. Applying the sample conviction rate of slightly more than 50 percent, there were an estimated 14,283 new convictions for these 30,000 pretrial releasees. Removing rearrests for drug, sex, and public order charges, an estimated 8,708 victimizations are attributable to defendants released prior to trial during one year in Cook County.

Impact of pretrial failure on workloads

In addition to compromising public safety, pretrial failures set in motion a series of criminal justice transactions requiring additional resources and time from every component of the justice system. Compared to the ideal of no bond forfeitures, new arrests, or reincarcerations, each of these pretrial transactions could be considered extra or unnecessary. Given the current number of pending cases in the Cook County courts, and the fact that other parts of the system are overloaded as well, these additional transactions only exacerbate an already serious situation.

Given the number of defendants released on bond per year, the annual workload impact of pretrial failures is staggering (Figure 5). For example, the 3,417 jail I-bond men in the weighted sample accounted for an additional 2,317 bond forfeitures and 3,684 arrests.

Assuming relatively consistent levels of release

over time, and that the study sample is representative of its larger population, an estimated 30,000 defendants receive at least one pretrial release during one year in Cook County. It is estimated that these 30,000 releasees account for nearly 60,000 criminal justice transactions during the period from release on bond to case disposition. These transactions increase the workload of the Cook County criminal justice system by an estimated 18,214 bond forfeitures, 27,735 rearrests, and 13,761 reincarcerations.

In analyzing pretrial failures by bond type, the study found that certain releasees are more criminally active than others. That is, a relatively small number of pretrial releasees accounted for a relatively large number of transactions. For example, 12 percent of the releasee sample accounted for nearly 60 percent of all rearrests of pretrial releasees during the tracking period.

This is an important policy issue. To reduce pretrial failure, it will be necessary for criminal justice officials to focus on those releasees who have a higher likelihood of continued failure. This could be accomplished through standardized risk factor assessment scaling—a practice used in other large cities, including Philadelphia and New York. Such focused pretrial intervention could help reduce pretrial failure levels.

Previous studies have indicated that the criminal justice system in Cook County is straining to keep up with current workload demands. This study illustrates how workload pressures are increased by high levels of pretrial failures among all types of releasees. Reducing these failure levels will not only improve public safety and increase the chances of the individual releasee becoming stabilized in the community; reducing failure levels will also help contain the growing workload problem facing the county's justice system.

FIGURE 6

Initial and additional costs of defendants released prior to trial in Cook County

| | Initial costs | | | Additional costs | | |
|-----------------|---------------|--------------|------------------|------------------|-------------|--------------------|
| | Arrest | Detain | Court processing | Rearrest | Detain | Court reprocessing |
| Per defendant | \$1,847 | \$350 | \$1,030 | \$2,168 | \$331 | \$975 |
| Weighted sample | \$10,742,152 | \$2,035,600 | \$5,990,480 | \$12,609,088 | \$1,925,096 | \$5,670,600 |
| 30,000 per year | \$55,410,000 | \$10,500,000 | \$30,900,000 | \$65,040,000 | \$9,930,000 | \$29,250,000 |

Note: Average initial costs based on 8.655 court appearances at \$119 each, and 10.584 days in Cook County Jail at \$33 per day.

Financial impact of pretrial failure

Using information from a parallel study on criminal justice transaction costs, Authority staff were able to assess the estimated costs to criminal justice agencies in Cook County for all of the documented transactions of the sample group.⁷ Again, extrapolating the additional transaction costs to the entire population of released defendants in Cook County illustrates the enormous impact of pretrial release failures.

Present estimates put the average cost of an arrest at \$1,847, the average cost to try a defendant at \$119 per court appearance, and the average cost to incarcerate a prisoner at \$33 per day in Cook County (Figure 6). Looking at the transactions of the weighted sample group (5,816), it is estimated that the pretrial failures of this group alone amounted to \$12.6 million in law enforcement costs, nearly \$5.7 million in court costs, and more than \$1.9 million in correctional costs. The total additional cost of all pretrial failures among the group studied is estimated in excess of \$20.2 million. The total cost to process (and then reprocess) the weighted sample population was an estimated \$39 million.

In comparison, if all pretrial defendants in the weighted sample had been detained for the entire period from arrest to disposition, the cost to the county would have been approximately \$61.5 million (\$10.8 million in law enforcement costs, \$44.7 million in correctional costs, and \$6 million in court costs). From a simple release or incarcerate perspective, pretrial release, even given relatively high failure rates, is more economical, at least in terms of direct criminal justice costs. However, this cost does not reflect the large (and largely immeasurable) costs to the victims of the new crimes.

Experience suggests there may be a more economical option still—formalized and more structured pretrial services. Using estimated costs of supervision within the Cook County Pretrial Services Program, the study estimated that placing all of the 5,816 released defendants in the weighted sample in the current Pretrial Services Program would have cost the county \$2.6 million in

supervision services. Including the costs for the initial arrests and processing through the courts, and rearrest for new crimes, the total cost of 5,816 released defendants would be \$27 million. The cost estimates for Pretrial Services assume an increase in current failure rates: 30 percent in an expanded program compared to a 22 percent failure rate for Pretrial Services, as of July 1991.⁸ Even so, the county could theoretically have reduced overall expenditures for the weighted sample population by \$11.9 million, while ensuring a higher degree of public safety, through use of structured supervised pretrial release.

Summary of recommendations

It is difficult to view any one bond type as “best.” This study shows that there are substantial levels of pretrial release failure in each bond category, not just in the jail I-bond category. Further, it is difficult to determine how many pretrial release failures can be viewed as acceptable. For example, all failures for the jail I-bond group can be seen as unacceptable since they are “forced releases.” But a certain number of these failures could be seen as acceptable, if they provide the benefit of additional jail space or program services for even more serious and dangerous inmates. Based on comparable data from other states, it is apparent that a zero tolerance level of pretrial failure is not achievable.

Nevertheless, defendants released by the courts fare better than those released by the jail. And, the current reported failure outcomes for the Cook County Pretrial Services Program (22 percent forfeited bond as of July 1991) are substantially lower than even those for the court bond categories in this study. These higher performance levels are due, at least in part, to the increased availability of resources and supervision for defendants in this program. In addition, eligibility criteria and other elements of the screening process may also have an influence.

The Cook County Department of Corrections currently uses programs such as electronic monitoring to

accommodate pretrial releasees and help limit adverse effects on the criminal justice system and the community. Also, the department's focus on job training, education, and treatment, in conjunction with supervision on pretrial release, may help reduce pretrial failure.

Pretrial release funds in Cook County must be spent more effectively, and must address public safety issues aggressively. The Authority recommends that the following actions be carefully considered in light of this study's findings.

In the area of court managed pretrial programs:

- ◆ Examine and continue to refine the selection criteria for pretrial release.
- ◆ Develop additional programs to supervise and support defendants released through court-issued deposit or recognizance bonds.
- ◆ Increase resources for the Cook County Pretrial Services Program, to permit more defendants to enter the program.
- ◆ Accommodate high-risk defendants with high levels of failure by expanding the Cook County Pretrial Services Program or creating a special focus in the program for high-risk defendants.

In the area of jail-based recognizance release:

- ◆ Reduce the number of pretrial defendants released through the jail I-bond program through development and use of other, more structured alternatives.
- ◆ If the jail I-bond program continues, expand the resources available to the Cook County Department of Corrections to improve pretrial release programs, such as pretrial electronic monitoring and other enhanced pretrial supervision efforts.

The results of the Cook County Pretrial Release Study should serve as a baseline from which comparisons can be drawn with new or expanded pretrial supervision programs. The Authority recommends that comparable outcome measurements (bond forfeiture, rearrest, and reincarceration) be taken of the Pretrial Services Program and of any other new or enhanced pretrial programs, to ensure that these programs are, in fact, reducing pretrial failure and improving public safety.

Methodology

The Cook County Pretrial Release Study focused on the three types of pretrial releasees that account for the majority of defendants released to trial in Cook County: those released on court deposit bonds, those receiving court recognizance bonds (court I-bonds), and those receiving Administrative Mandatory Furlough (AMF or

"jail I-bonds") from the Cook County Department of Corrections.

The study looked at pretrial release activity among a group of 2,127 defendants (1,620 men and 507 women) released between September 13-30, 1988, and November 10 through December 31, 1988, on the three different bond types.⁹

The study tracked the three releasee groups and documented their criminal activity from the time of their initial pretrial release until the disposition of the case associated with that release. Four specific negative performance measures were used: the declaration of a bond as forfeited, a judgment of bond forfeiture recorded on a defendant's docket, rearrest in Illinois on a new charge, and reincarceration in the Cook County Jail.

The main focus of the study was to determine whether defendants released on jail I-bonds are rearrested more often for new crimes, or fail to appear for scheduled court dates more often than defendants released on other types of bond.

Differences in demographic characteristics, such as race, age, and case information (number of court dates and conviction status), were identified and compared across bond groups. These variables can affect rearrest and failure to appear outcomes. Taking these factors into account, the study attempted to determine what characteristics in pretrial behavior are most influential in understanding whether a defendant will be rearrested for a new crime, or fail to appear in court.

To comprehensively investigate pretrial activity, it was necessary to examine the released defendant's activity as he or she came into contact with each component of the criminal justice system. Therefore, it was necessary to track each individual throughout the criminal justice system from the date of release on bond until the date of the disposition of the case.

In Cook County, there is no comprehensive database that records information about released defendants and their activity—in court or out of court—while on bond. To conduct this study, therefore, a database containing the pre-disposition release activity of defendants had to be created. This database consists of information pertaining to court case activity, reincarceration activity, rearrest activity, and bond changes within the duration of a case. This task was accomplished through the collaborative efforts of each component of the Cook County criminal justice system. The combined resources of law enforcement, the courts (including prosecution and defense), and corrections were made available and used to create the defendant tracking system used in this study.

Defendants released under court I-bonds and deposit bonds were included in the study under the same constraints as defendants released on jail I-bonds. The defendants had to be released on bonds of \$50,000 or less, charged with a felony offense (but not a Class X violent offense) between September 13-30, 1988, and November

10 through December 31, 1988. These were the criteria governing eligibility for jail I-bond release at the time the sample was drawn.

A complete list of defendants (names) released on jail I-bond, court I-bond, and deposit bond was supplied by the Cook County Circuit Court Clerk's Office and the Cook County Department of Corrections. Variables such as bond type, bond amount, release date, charge(s), and gender were used to place defendants in the appropriate bond group and to qualify defendants to be included in the study for possible inclusion in the sample.

Keeping with the demands of the study design, the three bond groups (jail I-bond, court I-bond, and deposit bond) were further divided by gender. This division stratified the population into six groups: jail I-bond women, jail I-bond men, court I-bond women, court I-bond men, deposit bond women, and deposit bond men. A random sample was selected from each of these six strata.

Because some of the groups were over-sampled to ensure that women and serious but rare offenses would be represented, it was necessary to "weight" the samples when the six subgroups were combined for analysis.

The deposit bond men, deposit bond women, court I-bond women, and jail I-bond women were 100 percent samples, which means they represented the entire population of defendants released under their respective bond types during the 70-day sampling period. The jail I-bond and court I-bond men were weighted when analyzed in combination with the other 100 percent samples. The jail I-bond weight factor for men was 5.6855, and the court I-bond weight factor for men was 2.5129.

With the sample selected, the next step was to

collect the follow-up information, which provided the data necessary to compare the groups in terms of rearrests and failures to appear, and to identify any differences found in other factors. Here, the complexities in case and defendant tracking, and in interpreting pretrial release activity, became most prevalent.

Each case had a potential for high court activity, including multiple bond forfeitures, numerous continuances, and pretrial release activity such as bond status changes and rearrests. However, the qualifying case was the tool used to determine the time period within which the released defendant's activity was recorded. For example, if a released defendant had three cases occurring during the time frame of the study, but only one of them was for a felony offense with a bond amount of \$50,000 or less that was not a Class X violent offense, then this was the case which qualified the defendant for the study. When there were two cases which could have qualified a defendant for the study, the release dates were compared, and the one that occurred earlier within the time frame of the study became the qualifying case.

The qualifying case determined the beginning and the end of the follow-up period. Each person was followed from release on bond for the qualifying case to the final disposition date of that case (not including appeals). Follow-up information was recorded during the period of the qualifying case. Even though a defendant may have been charged in another case occurring before or after the qualifying case, only the case that qualified the individual for the study was used in the follow-up analysis to determine the time period for tracking and recording pretrial release activity.

Notes

1. The Pretrial Services Resource Center in Washington, D.C., estimates that between 30 percent and 45 percent of all pretrial releasees nationwide fail to appear at least once, and that between 20 percent and 35 percent of all pretrial releasees are rearrested for a new offense. These are, of course, averages based on *all* types of pretrial release mechanisms (recognizance, cash, or deposit bond). These numbers are also for male and female releasees combined. Thus, while no *direct* comparison can be made to the outcomes measured in the Cook County study, these national ranges do provide a reference for discussion.
2. An estimated 30,000 defendants are released prior to trial each year in Cook County. The additional transactions these releasees contribute occur between the time of release until case disposition, which in many cases is more than one year.
3. The qualifying case is the criminal justice event that qualified a defendant for possible inclusion in the study under certain criteria: felony offenses that were not Class X violent offenses and had bond amounts of \$50,000 or less, occurring between September 13-30, 1988, and November 10 through December 31, 1988. When there were two cases that could have qualified a defendant for the study, the case with the earlier release date within the time frame of the study became the qualifying case.
4. If the defendant, or a representative for the defendant, convinces the judge that the failure to appear was not willful or could not be helped, the judge will vacate the declared bond forfeiture and quash any warrant. However, there is no definitive way of measuring whether a defendant willfully failed to appear.
5. Clarke, Stevens H. and Miriam S. Saxon. *Pretrial Release in Durham, North Carolina: A report on a study of criminal defendants charged in North Carolina's 14th District from February through May, 1985*, Institute of Government, The University of North Carolina at Chapel Hill, 1987.
6. Multivariate analysis was used in this study in order to explain pretrial failure, not to predict it. Logistic regression was used to generate models that explain the factors that influence failure to appear and rearrest. Logistic regression is appropriate when the dependent variable is nominal or categorical. The two outcome measurements of pretrial failure (dependent variables) ask whether or not the releasee was rearrested for a new crime while free on bond, and whether or not the releasee had a bond declared forfeited for failing to appear in court. If one of these two events occurred, the dependent variable has a value of 1. If the defendant was never rearrested, or never forfeited a bond, the dependent variable has a value of 0.
7. Olson, David E., and Lauri Stout. *The Cost of Processing a Drug Offender Through the Criminal Justice System*. Presentation at the Midwest Criminal Justice Association's Annual Meeting, 1991.
8. Price, Robert. Letter to the Authority from the Circuit Court of Cook County Pretrial Services Department, April 24, 1992.
9. Two considerations figured prominently in choosing this time period. First, the criteria for releasing defendants on AMF, or jail I-bonds, were constant during this period. Second, all of the defendants could be followed from the time of pretrial release until case disposition. If the follow-up period had been too short, the most complex cases would have been systematically eliminated from the study.

Recent Authority Publications

This *Research Bulletin* is based on the Authority's recently published, *Cook County Pretrial Release Study*. The 160-page report from the study discusses the Authority's findings in greater detail and provides more complete methodology.

Dynamics of Aging in the Illinois Law Enforcement Officer Corps
February 1992

Trends and Issues 91: Education and Criminal Justice in Illinois
September 1991

Blueprint for the Future: Final Report of Trends and Issues for the 1990s, An Illinois Criminal Justice Forum
January 1991

For copies of these or other Authority publications, contact the Authority's Information Resource Center at 312-793-8550.

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Research Bulletin

Research Bulletin presents topics of interest to criminal justice professionals, researchers, and the public.

This *Research Bulletin* was edited and illustrated by Jeffrey Austin, based on a report by Christine Martin and other Authority staff.

The Authority would like to thank the Cook County Circuit Court Clerk's Office, the Chicago Police Department, the Illinois State Police, and the Cook County Department of Corrections for the data that made possible the report on which this *Research Bulletin* is based. Special thanks also to the Project Advisory Committee for their untiring efforts to provide advice and information over the course of this project.

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The Pretrial Process in Cook County

**An Analysis of Bond Decisions
Made in Felony Cases During 1982-83**

August 1987

by

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with

**James R. Coldren, Research Director
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Illinois Criminal Justice Information Authority

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Bond History of SRO Group

An analysis of the bond forfeiture history of the SRO group was also conducted, to determine if it differed from the rest of the sample. The findings presented in Figure 6 show that the SRO group consistently had more prior bond forfeiture warrants than the rest of the sample. For example, while approximately 30 percent of the remaining sample had at least one bond forfeiture warrant on their rap sheets, 52 percent of the SRO group had at least one such warrant recorded. In addition, all defendants with 10 or more previous bond forfeiture warrants belonged to the SRO group.

While most research on defendant failure-to-appear (FTA) behavior has focused on the association between nonappearance and the length of a given trial (Galvin, 1977; Thomas, 1976), a possible explanation for the difference in prior bond forfeiture warrants between the SRO group and remaining sample is that the serious group, as a whole, had more opportunity to miss court appearances, having been arrested more times than the average for the entire sample.

To test this explanation, defendants with five or more arrests in both groups were compared. The analysis revealed that only the SRO defendants had 10 or more BFWs recorded on their rap sheets, while more of the nonserious defendants had five or fewer BFWs. These differences were marginally significant statistically ($p < .07$), indicating that the high number of BFWs recorded for the serious offenders was not solely due to the fact they had been arrested more often (and thus had more total court appearances) than the remainder of the sample. However, whether these missed court appearances were due to systemic factors that more often affect the SRO defendants (for example, where they were scheduled to appear for one case while in custody for another), or due to intentional defendant behavior, is not ascertainable from information recorded on criminal history records. However, a record of many BFWs would certainly have an impact on any subsequent bond decisions made, since the judge would likely presume that some, if not all, bond forfeitures were intentional.

Analysis of Bond Decisions

Bond Types

Information on the first bond decision (bond type and amount) was available in the court files for all but 48 (9 percent) of the 519 cases in this research sample. The types of bond set in these cases were as follows:

"D" Bonds (Detainer Bonds). This was by far the most frequent bond type, applied in nearly 82 percent of the cases. "D" bonds require that the defendant post 10 percent of the total cash amount set by the judge, on the condition that the defendant appear in court on the date set.

"I" Bonds (Release on recognizance). This type of bond applied in 6 percent of the cases examined, allows for the defendant to be released on his own recognizance, without having to deposit funds. However, a monetary amount for which the defendant would be liable, should he fail to appear in court, is set by the judge.

Indigent Defense in Kansas:
A Report on State Policy and Management

by

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September 1995

The practices of judges vary substantially in ordering the repayment of costs by indigent defendants. The Legislative Post Auditor found, for example, that a defendant in Ellis County may be required to repay the full costs of defense, and if the defendant fails to repay, may be arrested, placed in a work release program, and have his or her wages garnished until full payment is made. In Sedgwick County, judges routinely order a uniform amount of repayment, well below the cost of defense, without regard to statutory requirements. In Saline County, if no payment is made within six months, cost recovery is declared uncollectible and written off the books.

The top ten counties in cost recovery for indigent defense—all smaller, rural counties—averaged nearly 50 percent cost recovery for the period, FY 1989 through FY 1995. The worst record for cost recovery is found in Wyandotte County, which recovered \$17,930 from indigent defendants out of \$4,283,980 expended for indigent defense for the period, FY 1989-FY 1995, a cost-recovery rate of less than one-half of one percent. In other words, cost recovery in the top ten counties was 100 times that of Wyandotte County.

A variance in cost recovery is also evident between those counties with a public defender office and those without such offices, as shown in table 10:

Table 10
Cost Recovery as a Percentage of Expenditures for Indigent Defense in Counties with a Public Defender Office Compared to the Balance of the State, FY 1993 through FY 1995

| Counties | Cost recovery (%) | | |
|---------------------------------|-------------------|---------|---------|
| | FY 1993 | FY 1994 | FY 1995 |
| With public defender offices | 5.2 | 3.9 | 3.4 |
| Finney | 9.6 | 6.3 | 4.0 |
| Geary | 6.1 | 4.0 | 3.6 |
| Johnson | 5.9 | 4.4 | 4.2 |
| Saline | 3.8 | 6.4 | 2.9 |
| Sedgwick | 5.8 | 3.8 | 3.8 |
| Shawnee | 1.9 | 2.2 | 1.8 |
| Without public defender offices | 13.2 | 16.4 | 15.3 |

For both FY 1994 and FY 1995, cost recovery in counties without public defender offices was over four times that for counties with such offices, and the disparity has grown from FY 1993 and FY 1995. If Wyandotte County is removed from the calculations for those counties without public defender offices, the collection rate in those jurisdictions jumps to 18.5 percent, over five times the cost-recovery rate of counties with public defender offices. While the reason for disparity in cost recovery between counties with and those without public defender offices is not clear, personnel in jurisdictions with more effective cost recovery may take the view that indigent defense is not purely a state subsidy.

PERFORMANCE AUDIT REPORT

REVIEWING DISTRICT COURTS' HANDLING OF APPEARANCE BONDS FOR PERSONS CHARGED WITH CRIMES

OBTAINING AUDIT INFORMATION

This audit was conducted by Joe Lawhon and Sharon Patnode. If you need any additional information about the audit's findings, please contact Mr. Lawhon at the Division's office.

- Second, when the court approves a judgment against a cash bond or a bond posted by a bail bondsman, the court receives the total amount of the bond, to be remitted to the State Treasurer. However, when a judgment against a court bond is approved by the court, the court sends only the 10% amount already paid in to the State Treasurer, but does not collect the outstanding 90%. (This is discussed in more detail on page 21.)

**Through Our Testwork and Data Supplied by Court Staff,
We Identified Only Two Counties—Barton and Shawnee—
That Had Defendants Post a Court Bond and
Miss a Required Court Appearance**

The district courts do not keep track of the number of defendants who miss a required court appearance. Nor do any of the three judicial districts maintain records that would allow someone to easily identify the cases in which a defendant missed a required court appearance. Court staff said the only way to tell whether a defendant missed a required court appearance was to review each case file individually. Because that task would have been extremely time-consuming, we asked district court officials if they could recall cases in which a court bond was posted and the defendant did not show up in court as required. Officials in only two counties—Barton and Shawnee— could recall any such cases.

As an alternative to checking every case file to identify defendants who had missed a required court appearance, we also reviewed each court's accounting records to identify the cases for which payments had been made to the State Treasurer for judgments made against court bonds. Kansas statutes require the courts to remit these moneys to the State Treasurer. Shawnee County was the only county that made payments to the State Treasurer for court bond judgments. Based on the above, we reviewed case files in Barton and Shawnee Counties. Our findings are presented below.

- In Barton County we found one case in which a defendant had posted a court bond and then failed to show up in court. In that 1991 case, the defendant was charged with several felony offenses. The arrest warrant was issued on the date of the missed court appearance, but the defendant remains at-large. As of April 5, 1994, the District Attorney had not filed a motion with the court seeking a judgment against the \$30,000 court bond.
- In Shawnee County we found 51 cases in which a defendant had posted a court bond and then failed to show up in court. These cases included felony and misdemeanor charges. The felony cases included aggravated robbery and aggravated sexual battery. The misdemeanor cases included driving without a valid driver's license. Seven defendants remain at-large. Since the end of this audit's fieldwork, court staff have undertaken additional efforts to identify other cases in which a defendant had posted a court bond and then failed to

show up in court. Court staff identified an additional 14 cases, and in early May remitted the posted court bond amounts to the State Treasurer. All 14 defendants remain at-large.

**For the Shawnee County Cases We Reviewed,
The Court Took Appropriate Action,
But Some Improvements Are Needed**

We reviewed the cases identified through our initial work to determine whether the courts were taking the actions necessary to bring the defendants back into the custody of law enforcement officials. Those actions involve the issuance of an arrest warrant, and the timely delivery of that warrant to the Sheriff's Office. We also looked to see whether the Shawnee County district court was collecting the full amount of the court bond.

In Shawnee County, arrest warrants were initiated the same day the defendant missed a court appearance, but in half the cases the warrants weren't delivered to the sheriff's office in a timely manner. Court staff informed us that it should take about four working days to deliver the necessary paperwork to the Sheriff's Office. For our sample of 51 criminal and traffic cases, we calculated the number of days between the date on which a defendant missed a required court appearance, and the date of the judge's order for the issuance of an arrest warrant. We also calculated the number of days it took to deliver the arrest warrant to the county Sheriff's Office. In our sample of 51 cases, a total of 65 arrest warrants were issued. (This means that the court had to have a defendant arrested more than once for failing to come before the court.)

The results of our analysis showed that Shawnee County judges were ordering the arrest of defendants who missed a required court appearance on the date of the missed court appearance. However, the number of days it took for the district court to deliver the arrest warrant to the sheriff's office varied considerably. In 49% of the cases reviewed, the Sheriff's Office received the arrest warrant within one week of the judge's order. Another 23% were delivered to the Sheriff's Office within two weeks of the judge's order. However, 28% were delivered more than two weeks after the judge's order.

To maximize its opportunities for getting the defendant back in the custody of law enforcement, the district court needs to deliver arrest warrants to the Sheriff's Office as swiftly as possible.

Although the Shawnee County district court has ordered that court bonds be paid in full, in actual practice they are rarely ever paid in full. In all of our 51 sample cases, the district court had rendered a judgment against the court bond posted by the defendant. In 1992, the court paid the State Treasurer the moneys it had in its possession for 33 of these cases. In only one of these cases did the court actually collect the full amount of the posted bond. That was for a \$500 bond. In the 32 other

certain date which order a warrant to be issued or withhold entry of minutes on request of counsel to stay the warrant. The judge's administrative assistant could be sick, on vacation or overloaded when the minutes are ready to be entered by the administrative assistant in the automated appearance docket. Clerk's personnel could be overloaded when the minutes are received. (Due to legislative budget constraints, there has been a 60 day hiring freeze in the Clerk's office as well as throughout the court system. There have been up to six vacancies in the Clerk's office at one time during the past year.) When the warrant is returned to the judge for signature, he/she may be gone on vacation, sick leave, educational seminar or judicial conference, in which case the warrant remains on the judge's desk until signed. Sometimes, the judge is overloaded with scores of warrants, journal entries and orders to be signed or fully occupied with jury trials, court trials, preliminary hearings or civil matters, all of which may cause delay in signing the warrants. (It should also be noted that hundreds of warrants remain unserved by the Sheriff for many months or even for periods in excess of a year or more after delivery to the Sheriff's office.)

Nevertheless, all judges will be reminded to give highest priority to entry of minutes ordering warrants and to the signing of warrants. The Clerk has always given the highest priority to specific warrants when notified by law enforcement. However, the supervisor in the criminal department in the Clerk's office will be instructed to monitor the process to ensure that all warrants are generated, delivered to judges for signing and when returned, immediately transported to the warrants division of the Sheriff's office.

STATEMENT: *On the other hand, bail bondsmen told us that when they post a bond for a defendant and the defendant misses a required court appearance, in many cases, they will initiate some type of search for the defendant because the bondsman doesn't want to pay the bond's full amount to the court. (page 18, last paragraph)*

RESPONSE: Nevertheless, it is not unusual for a defendant who posted a professional surety (i.e. bail bondsman) bail bond to be returned to court by a law enforcement agency.

STATEMENT: *In Shawnee County, we found 51 cases in which a defendant had posted a court bond and then failed to show up in court. (page 20, last paragraph)*

RESPONSE: Of these 51 cases only 21 remain at large at this time. Less than three percent of all court bond defendants suffered bond forfeitures and less than one percent have not been returned to court. This is an outstanding record.

RECOMMENDATION: *To ensure that all defendants are treated fairly, the Office of Judicial Administration should determine whether the practice of not collecting the outstanding balance of court bonds that have been ordered to be paid provides some defendants with certain benefits that are not available to defendants who do not post a court bond. (page 22, paragraph 2)*