

Approved: 4/8/98
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY.

The meeting was called to order by Chairperson Tim Carmody at 12:30 p.m. on March 25, 1998 in Room 521--S of the Capitol.

All members were present except: Representative Kline (excused)
Representative Powell (excused)
Representative Mayans (excused)
Representative Adkins (excused)
Representative Krehbeil (excused)
Representative Mays (excused)

Committee staff present: Jerry Ann Donaldson, Legislative Research Department
Mike Heim, Legislative Research Department
Jill Wolters, Revisor of Statutes
Jan Brasher, Committee Secretary

Conferees appearing before the committee: Charles Simmons, Secretary of Corrections

Others attending: See attached list

The Chair called the meeting to order at 12:30 p.m. in room 521-S.

Representative Kirk made a motion, seconded by Representative Dahl to approve the minutes for 2/9, 2/18, 2/19, 2/23, and 3/13. The motion carries.

SB 516: Assignment by the secretary of corrections to a conservation camp

Charles Simmons, Secretary of Corrections, testified in support of **SB 516**. The conferee stated that this bill makes one technical and two substantive changes to current statutes. Conferee Simmons stated that **SB 516** amends the length of a conservation camp program from 180 days to six months, authorizes the placement of an offender into a conservation camp established by the Department of Corrections, provides for the recovery of the costs and expenses incurred in the apprehension of an escapee, and increases the amount of a reward that can be offered by the Secretary of Corrections for information leading to the apprehension of an escapee. Conferee Simmons stated that this bill will establish a boot camp for female offenders who would then be entitled to be placed under supervision by a community corrections program. (Attachment 1)

The Committee members and conferee discussed the expenses incurred during the recapture of a prisoner and how those expenses would be charged to the offender. Conferee Simmons responding to questions from the Committee provided information on the operation of the boot camp facility in Labette County. The Committee members discussed with the Conferee the use of private conservation program contractors.

The Chair closed the hearing on **SB 516**.

SB 671: Civil commitment of sexually violent predators.

The Chair opened discussion on **SB 671**. The Chair stated that during discussion addressing several concerns with the bill it was the consensus of the Committee's Ranking Minority member and the Attorney General's office and the Chair to remove everything from the bill except for the postrelease provisions and to have this act known as "Stephanie's Law."

Representative Carmody made a motion, second by Representative Dahl to amend **SB 671** by removing all provisions except for the post-release supervision provisions and to let this act be known as "Stephanie's Law." The motion carries.

Representative Carmody made a motion, second by Representative Gilmore to make the amended **SB 671**, **Substitute SB 671**. The motion carries.

Representative Carmody made a motion, seconded by Representative Gilmore to recommend Substitute **SB 671** favorably. The motion carries.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON Judiciary, Room 521-S Statehouse, at 12:30 p.m. on March 25, 1998.

SB 100: Canceled state warrants; payments on, when. Reduction of fee charged when state warrants are reissued.

HB 2856: County and court records reproduced and stored using current technology such as digital storage and retrieval.

The Chair referred to a handout for House Substitute for **SB 100** which contains the provisions of **HB 2856** concerning public record storage. (Attachment 2)

Representative Carmody made a motion to amend SB 100 by substituting provisions of **HB 2856** for the provisions of **SB 100** as provided in **Substitute SB 100**. Representative Howell seconded the motion. The motion carries.

The Committee members discussed expanding the application of this bill to other governmental entities.

A motion was made by Representative Carmody, seconded by Representative Gilmore to report **Substitute SB 100** favorably for passage. The motion carries.

SB 516: Assignment by the secretary of corrections to a conservation camp

Representative Ruff made a motion, seconded by Representative Dahl to report **SB 516** favorably. The motion carries.

SB 482: Expungement of diversion agreement, arrest records and violation of city ordinances

A motion was made by Representative Shriver to amend **SB 482** by striking language referring to terms of diversion on page 5, italicized lines 9-13 and italicized lines 15 and 16. Also, strike terms of diversion agreements on page 9, lines 18 -25. The motion was seconded by Representative Kirk. The motion fails.

The Committee members discussed current law allowing for the expungement of conviction records and the reasons that arrest or diversion records should be expunged.

A motion was made by Representative Howell, second by Representative Gilmore to table **SB 482**. The motion fails.

A motion was made by Representative Haley, seconded by Representative Garner to recommend **SB 482** favorably for passage. The motion carries.

SB 96: Marital property to include professional goodwill in certain circumstances

The Committee members discussed the provisions in **SB 96**.

Representative Swenson made a motion, seconded by Representative Haley to amend **SB 96** on line 27 of by changing the year to 1998. The motion carries.

Representative Presta discussed the subcommittee testimony. The Committee members discussed how professional goodwill would be determined for different professions.

A motion was made by Representative Swenson, seconded by Representative Klein to recommend **SB 96** as amended for passage. The motion fails 7 in favor, 8 opposing.

The Chair adjourned the meeting at 1:40 p.m.

The next meeting is scheduled for No meetings sheduled at this time., 1998.

HOUSE JUDICIARY COMMITTEE GUEST LIST

DATE: 3-25-98

NAME	REPRESENTING
KEITH R LANDS	CHRISTIAN SCIENCE CONG ON PUBLICATION FOR KS
C. Lee Simmons	Dept. of Corrections
Walter Dandell	Whitney Dawson, P.A.
Larry Korman	League of KS Municipalities
Keele Newton	AG
Nancy Lindberg	AG
Kathy Porter	OVA
J. Lynn Hearrell	Federal Council
Amy Howell	Self

STATE OF KANSAS



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(913) 296-3317

Bill Graves
Governor

Charles E. Simmons
Secretary

MEMORANDUM

DATE: March 24, 1998
TO: House Judiciary Committee
FROM: Charles E. Simmons
Secretary of Corrections
RE: SB 516

SB 516 amends the length of a conservation camp program from 180 days to six months, authorizes the placement of an offender into a conservation camp established by the Department of Corrections, provides for the recovery of the costs and expenses incurred in the apprehension of an escapee, and increases the amount of a reward that can be offered by the Secretary of Corrections for information leading to the apprehension of an escapee.

Length of a Conservation Camp Program

SB 516 provides a technical change in the length of conservation camp programs, converting the current 180 day period to six months. Passage of this bill will have a positive impact on the Department of Corrections because it will facilitate sentence calculations for conservation camp placements by KDOC. The use of days, as provided under current law, complicates sentence computation for these offenders. Months are simpler to use because they are fewer in number and it is not necessary to take into account the variation in the number of days among months. Because monthly increments are simpler, sentence computation can be performed more quickly, can be more easily explained to offenders, and can be more readily reviewed and checked.

Utilization of Department Conservation Camps as a Sentencing Disposition

Current law provides two statutory provisions relative to the establishment of conservation camps. K.S.A. 75-52,132 authorizes an agreement between the Department and the Board of County Commissioners for Labette County, and K.S.A. 75-52,127 authorizes the Department of Corrections

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to establish conservation camps. SB 516 amends K.S.A. 75-52,127 and K.S.A. 1997 Supp. 21-4603 and 21-4603d to include conservation camps established by the Department as a non imprisonment sentencing option. The only conservation camp currently identified by statute as a non imprisonment option is the Labette Correctional Conservation Camp (LCCC).

The proposed amendment of K.S.A. 75-52,127 would allow camps established by the Department to be operated in the most cost efficient manner possible by permitting offenders sentenced to the camp, even though on probation, to be transferred to other Department facilities, for certain services, and for offenders sentenced to the custody of the Department pursuant to an imprisonment disposition to be housed at a conservation camp. This would allow the Department to utilize various services located at a correctional facility for offenders sentenced to the conservation camp. Rather than having to rely on local hospitals for the provision of infirmary care, or local jails for enhanced security detention, conservation camp participants could be transferred to a correctional facility for medical care or detention until the offender is able to be returned to the custody of the sheriff of the county in which they were convicted. Additionally, if the number of offenders eligible for the sentence reduction provided by K.S.A 21-4603 and 21-4603d is insufficient to fill the conservation camp, the Department could place other offenders there whose custody level is consistent with the security provided by the camp. The Department's agreement with the Board of County Commissioners for Labette County permits such placements at the Labette Correctional Conservation Camp.

Currently, the only conservation camp in operation in Kansas is the Labette Correctional Conservation Camp. This camp was established pursuant to K.S.A. 75-52,132, which authorizes agreements between the Department of Corrections and the Board of Commissioners for Labette County. LCCC houses only male offenders. Successful completion of the camp program by an offender entitles the offender to be placed under supervision by a community corrections program. Thus, female offenders who would otherwise be eligible for this sentencing option are excluded due to their gender. SB 516 would permit a conservation camp established by the Department to provide the non imprisonment sentencing option to female offenders.

SB 516 would not, without additional legislative appropriations, create a boot camp operated by the Department, nor would it prohibit the Department from establishing such a boot camp through a private vendor.

SB 516 also provides that placement at a conservation camp established by the Department as a non imprisonment sentencing disposition would not entail the loss of the civil rights of an offender. This is consistent with the current law regarding placements at LCCC.

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Escapees

SB 516 amends the provisions of K.S.A. 21-4603d and 75-5222 pertaining to offenders who escape from custody. Amendment of K.S.A. 75-5222 would increase the amount of a reward that could be offered by the Secretary of Corrections for the apprehension of an escapee from \$500 to \$5,000. The Secretary's authority to offer a reward is rarely used, and is considered only if the escapee presents serious public safety concerns and the investigation conducted by the Department and other law enforcement agencies has proven unsuccessful. In recent years, the Secretary has only offered a reward on two occasions and it was necessary to pay the reward only on one occasion. The \$500 limit provided by current law was established in 1973 and is no longer sufficient to encourage persons to come forward with information if they perceive there might be some personal risk in doing so. SB 516 would provide the secretary flexibility to provide greater reward incentives in those situations that warrant it.

SB 516 would also permit a district court to order an offender convicted of escape or aggravated escape to repay the costs and expenses incurred by a law enforcement agency in the apprehension of the offender. The Kansas Court of Appeals in State v. Jones, 11 Kan.App.2d 428 (1986) held that it was not the intent of the Legislature, relative to the court's authority to impose restitution requirements, to include the cost of the apprehension of escapees. SB 516 would legislatively overrule that decision.

The recent escape of an inmate from the Lansing Correctional Facility illustrates the benefits of SB 516. This inmate had approximately \$6,000 in his inmate account. During the course of apprehending him, law enforcement officers discovered a newer model car belonging to him in storage. While current law permits recovery of any rewards paid, SB 516 would permit the use of those assets to repay a portion of the costs incurred by law enforcement agencies in the inmate's apprehension. The inmate was at large for two and one half months. His apprehension involved an extensive investigation involving law enforcement officers from the Department, Federal Bureau of Investigation, Kansas Bureau of Investigation, Kansas City, Kansas, Kansas City, Missouri, Lee Summit, Missouri, and Clay and Jackson Counties in Missouri as well as investigators in Oklahoma and Arkansas. Under current law none of these costs and expenses can be recovered.

Used judiciously, the Department believes that rewards are a useful tool in the apprehension of fugitives. Furthermore, it is believed that offenders who escape from custody should be fiscally responsible for the costs incurred in their apprehension.

The Department urges favorable consideration of SB 516.

CES/TGM/nd

HOUSE Substitute for SENATE BILL NO. 100

By Committee on Judiciary

AN ACT concerning public records; relating to county and court records; amending K.S.A. 19-250, 19-252 and 20-159 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 19-250 is hereby amended to read as follows: 19-250. The board of county commissioners of any county in the state may, by resolution, provide for and authorize any officer of the county to photograph, microphotograph or otherwise reproduce or to have photographed, microphotographed or otherwise reproduced ~~on-film~~ any of the records, papers or documents which are by law placed in the custody and control of such officer, except court records, and to acquire necessary facilities and equipment, and to acquire, maintain and use all such appropriate containers and, files and other methods as shall be necessary to accommodate and preserve the photographs, microphotographs ~~or,~~ films ~~so-obtained~~ or as otherwise reproduced. Such photographing, microphotographing ~~or,~~ filming or otherwise reproducing may be so authorized for the reproducing of lists and records in the usual day by day official activities of any such officer, where to do so will greatly promote efficiency in the office, or as a method of preserving old or worn records, papers or documents. The photographic film and prints or reproductions therefrom shall comply with federal standard No. 125a, dated April 24, 1958, or the latest revision thereof, issued pursuant to the federal property and administrative services act of 1949, and any amendments thereto, and the device used to reproduce such records ~~on--such--film~~ for any type of storage shall be one which accurately reproduces the original thereof in all details. The county may use reproduction methods which include the digital storage and retrieval of official county records.

Sec. 2. K.S.A. 19-252 is hereby amended to read as follows:

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19-252. Such Photographs, microphotographs or ~~photographic-film or-prints-or~~ reproductions therefrom shall be deemed to be an original record for all purposes, and may be used as evidence in all courts or administrative agencies. A transcript, exemplification or certified copy thereof ~~shall~~, for all purposes recited herein, shall be deemed to be a transcript, exemplification, or certified copy of the original.

Sec. 3. K.S.A. 20-159 is hereby amended to read as follows:
 20-159. The supreme court may provide for and authorize any administrative judge of a judicial district, to photograph, microphotograph or otherwise reproduce or to have photographed, microphotographed or otherwise reproduced ~~on--film~~ any of the court records, papers or documents which are by law placed in the courts of that judicial district and to acquire necessary facilities and equipment and to acquire, maintain and use all such appropriate containers and, files and other methods as shall be necessary to accommodate and preserve the photographs, microphotographs ~~or,~~ films ~~so---obtained~~ or as otherwise reproduced. The photographing, microphotographing ~~or,~~ filming or otherwise reproducing may be so authorized for the reproducing of court records, where to do so will promote efficiency in the office, or as a method of preserving old or worn records, papers or documents. The photographic films and prints or reproductions therefrom, shall comply with federal standard no. 125a, dated April 24, 1958, or the latest revision thereof, issued pursuant to the federal property and administrative services act of 1949, and any amendments thereto. The device used to reproduce such records on ~~such-film~~ for any type of storage shall be one which accurately reproduces the original thereof in all details. The court may use reproduction methods which include the digital storage and retrieval of official court records.

Sec. 4. K.S.A. 19-250, 19-252 and 20-159 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.