

Approved: _____
Date 4-2-99/8

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Michael R. O'Neal at 3:30 p.m. on March 17, 1999 in Room 313-S of the Capitol.

All members were present except:

Representative David Adkins - Excused
Representative Andrew Howell - Excused
Representative Dale Swenson - Excused

Committee staff present:

Jerry Ann Donaldson, Legislative Research Department
Jill Wolters, Revisor of Statutes
Cindy Wulfkuhle, Committee Secretary

Conferees appearing before the committee:

Jerry Slaughter, Kansas Medical Society
Harold Riehm, Kansas Association of Osteopathic Medicine
Ken Smith, Attorney for Fire Marshall's Office
Senator Greta Goodwin
Carla Stovall, Attorney General
Leslie Kaufman, Kansas Farm Bureau
Phil Morrell, Statewide Coordinator for D.A.R.E.
Mark Lingsfelter, President of Kansas D.A.R.E. Association
John Federico, Kansas Association of Chiefs of Police
Kelli Newton, Attorney General's Office

Hearings on **SB 205 - denial of licensure for practice of healing arts for persons convicted of certain crimes**, were opened.

Jerry Slaughter, Kansas Medical Society, appeared before the committee as a proponent of the bill. He commented that current law needs to be stricter and that once a license has been issued it's hard to take it away. The bill would provide for the Board of Healing Arts to grant, renew or reinstate a license for any person convicted of a felony, but only by a 2/3rds vote. (Attachment 1)

Harold Riehm, Kansas Association of Osteopathic Medicine, appeared before the committee in support of the bill. He believes that the bill would protect the public and give the Board more flexibility and discretion. (Attachment 2)

Hearings on **SB 205** were closed.

Hearings on **SB 220 - incendiary or explosive materials**, were opened.

Ken Smith, Attorney for Fire Marshall's Office, appeared before the committee as a proponent of the bill. He stated that the intent of the bill is for clarification of the new explosive statute. (Attachment 3)

Hearings on **SB 220** were closed.

Hearings on **SB 161 - D.A.R.E. program, authority of attorney general**, were opened.

Senator Greta Goodwin appeared before the committee to explain that the proposed bill would authorize the Attorney General to appoint a statewide drug abuse education coordinator and staff. (Attachment 4)

Carla Stovall, Attorney General, appeared before the committee as a proponent of the bill. She commented on the Ohio study that suggest D.A.R.E. programs work. (Attachment 5)

Leslie Kaufman, Kansas Farm Bureau, appeared before the committee also in support of educational programs that teach children about the danger of drugs. (Attachment 6)

Phil Morrell, Statewide Coordinator for D.A.R.E., appeared before the committee as a proponent of the bill. He is responsible for all the D.A.R.E. training throughout the State. The funding for D.A.R.E. programs end in June. Some states charge tuition for those that want to take the course and many programs do not allow out-of-state officers to be trained. (Attachment 7)

Mark Lingsfelter, President of Kansas D.A.R.E. Association, appeared before the committee in support of the bill. He provided the committee with a letter from a student that shared how the D.A.R.E. program has helped him. (Attachment 8)

John Federico, Kansas Association of Chiefs of Police, appeared before the committee as a proponent of the bill. He stated that without a statewide coordinator counties would discontinue the program. (Attachment 9)

Kansas Peace Officers' Association did not appear before the committee but requested that their testimony be included in the minutes. (Attachment 10)

Hearings on **SB 161** were closed.

Hearings on **HB 2553 - civil commitment of sexually violent predators**, were opened.

Kelli Newton, Attorney General's Office, appeared before the committee on behalf of the Attorney General. She addressed each provision of the bill. (Attachment 11)

Hearings on **HB 2553** were closed.



KANSAS MEDICAL SOCIETY

March 17, 1999

To: House Judiciary Subcommittee

From: Jerry Slaughter
Executive Director

Subject: SB 205; concerning felony convictions involving licensees of the healing arts

The Kansas Medical Society appreciates the opportunity to appear today in support of SB 205, which was introduced at our request.

This bill came about as a result of a case involving a physician who several years ago obtained a license to practice in Kansas, even though he had been convicted of a serious felony crime in another state. He subsequently has been charged with another felony due to recent allegations made by patients he has apparently seen in his practice. Currently, a felony conviction is one of the reasons the board of healing arts may deny licensure, but it does not automatically bar a physician from licensure. K.S.A. 65-2836 © gives the board the ability to consider conviction of a felony when deciding whether to grant a license or not.

Frankly, this issue had not ever come up in the deliberations of the various policy making committees or boards of the KMS prior to the recent case. We have always assumed that the licensure process, and the related disclosures that are required as part of the application, would have identified and disqualified applicants who had serious felony convictions in their past. We view the current case as an anomaly; an exception to the rule. Notwithstanding, we also believe that Kansans have a right to expect that when they or their family members seek medical care from a physician, they should do so knowing the state has done everything it reasonably can to assure that the physician warrants the public trust.

While one could debate whether the current law is adequate, the fact is that the recent case has cast doubt in the public mind about the status quo. Quite clearly, at a minimum the bar should be raised for these types of cases. I would expect that the board will be extremely cautious in the future in such situations, which is probably small consolation to those who feel they have been harmed by the board's decision in the current case.

This issue is a bit more complex question than it may appear. In the first place, our research into this issue has shown us that any change will have to recognize that current licensees have certain property rights that must be respected. In other words, a license once issued cannot be taken away without due process (see Kansas Attorney General Opinion No. 97-88). A change in rules today cannot operate to the disadvantage of someone licensed yesterday under different rules.

After considering this issue at length over several months, we introduced this bill as an attempt to deal responsibly with these situations. The original bill would have disqualified applicants convicted of certain crimes from ever being licensed. Those crimes generally were some of the crimes against persons contained in articles 34 and 35 of chapter 21. The Senate Judiciary Committee, however, deleted that portion of the bill.

The Senate amendments preserve our original concept of enforcing a higher standard of review when the Board considers licensure applications. It does this by requiring that applicants who have been convicted of any felony would have to present clear and convincing evidence to the board that the applicant has been sufficiently rehabilitated to warrant the public trust and that the licensee will not pose a threat to the public. Further, a two-thirds majority of the board would have to vote to grant a license to applicants in such cases.

The net result of all this is that in the future, conviction of any felony will trigger a higher standard of review and decision threshold by the Board of Healing Arts. In such cases licensure will be more difficult, but not impossible. This will allow the board some discretion to take all the facts and circumstances into consideration prior to issuing a license. There are clearly circumstances in which too rigid a law would be unfair. It is also clear that the current law needs to be strengthened. We believe this bill, as amended by the Senate, strikes a balance between the two, and we urge its adoption. Thank you.

Kansas Association of Osteopathic Medicine

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March 17, 1999

To: Chairman O'Neal and Members, House Judiciary Committee
From: Harold E. Riehm, Executive Director, Kansas Association of Osteopathic Medicine
Subject: Testimony on SB 205

Thank you for this opportunity to appear with testimony on SB 205, as amended by the Senate.

This Bill addresses procedures of the Board of Healing Arts in licensing and relicensing physicians. These procedures became a matter of inquiry following an incident in Wichita in which the Board licensed a physician previously convicted of a felony.

We are ever mindful of the important role the Board performs in protecting the Kansas health-consuming public. Both the act and perception of that protection are of vital importance to the public and to the medical community—and to this Legislature.

While we recognize this importance, we also note that the incident was one among tens of thousands of licensing and relicensing actions taken by the board, just regarding physicians, since the Board's inception. This may suggest that no action at all is required, other than to once again impress upon the Board the importance of this public trust. This incident has certainly done that.

In Senate Committee, KAOM offered an amendment that we think changes licensing procedures of the Board by tightening the process yet maintaining a degree of flexibility in exercising collective discretion.

As amended in the Senate, the Bill now requires a 2/3-majority vote of the Board to issue or reissue a license to a person convicted of any felony. We think this will mandate special Board investigation and consideration.

Recent developments in the Stan Naramore, D.O. case suggests that our criminal justice system is not perfect. Further, were we to preclude licensing to anyone convicted of a felony, or certain felonies, it would forever negate consideration of rehabilitation of an applicant.

Given these observations, we think SB 205 in its present form provides both enhanced protection of the public yet maintains reasonable Board flexibility and discretion.

I will be pleased to respond to questions.

**Testimony
In Support of SB220
By Ken Smith
Kansas State Fire Marshal's Office**

Senate bill 220 is intended as a "clean-up" measure to address the conflict between two different sections of the criminal code which both deal with explosives. By far, the two most common types of bomb which police and fire investigators deal with are the "pipe bomb" and the "molotov cocktail". Kansas law presently contains two separate statutory penalties for possession of these devices and criminal sentencing rules require that in such a case, defendants can only receive the lesser penalty.

KSA 21-3721 was enacted in the 1994 session and was intended to make possession of bombs or illegal explosives a level 6 person felony. Inadvertently, KSA 21-4201 (1) (9) was not deleted at that time and the language of KSA 21-4201, the precursor statute, expressly mentions pipe bombs and molotov cocktails. It also provides as the exclusive penalty, a non-person misdemeanor classification. This result is in clear conflict with KSA 21-3721.

This bill is intended to repeal KSA 21-4201 (1) (9), and to insert specific language covering pipe bombs and molotov cocktails expressly into KSA 21-3721. These steps eliminate the potential for any conflict between the two existing statutes.

GRETA H. GOODWIN
SENATOR, 32ND DISTRICT
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TOPEKA

SENATE CHAMBER
TESTIMONY
BEFORE THE HOUSE JUDICIARY COMMITTEE
SENATE BILL NO. 161
March 17, 1999

COMMITTEE ASSIGNMENTS
RANKING MINORITY MEMBER:
JUDICIARY
CORRECTIONS/JUVENILE JUSTICE

MEMBER: ASSESSMENT AND TAXATION
ENERGY AND NATURAL RESOURCES
TRANSPORTATION AND TOURISM
STATE BUILDING CONSTRUCTION
HEALTH CARE REFORM LEGISLATIVE
OVERSIGHT
KANSAS SENTENCING COMMISSION
JUDICIAL COUNCIL PROBATE
LAW ADVISORY COMMITTEE

Mr. Chairman and Members of the House Judiciary Committee:

I appreciate the opportunity to appear before you today to testify in support of SB 161 which authorizes the Kansas Attorney General to appoint a statewide drug abuse resistance education (D.A.R.E.) coordinator and staff as necessary to support the office within the limits of available appropriations.

I brought this bill forward when I was made aware by many local and statewide chiefs of police and sheriffs that the federal funding from the Byrne Grant for the statewide coordinator position would expire on June 30, 1999, and no funding had been secured to assure the training of the local law enforcement people who are teaching the D.A.R.E. program at the local level in Kansas schools. If this funding for the coordinator's position is not secured, local units of law enforcement will have to stand the expense of sending their officers out of state for their training, with already fiscally constrained departments.

Kansas currently has 429 active police and sheriffs officers in 155 jurisdictions teaching the D.A.R.E. curriculum. I want to emphasize that the funding being sought for the state coordinator's position and office staff will not be a factor of whether Kansas has a D.A.R.E. program, but the benefit of the state funding will mean that all officers will have uniformity in the training, providing of material and information they receive.

I have helped at our local level with the D.A.R.E. program and I have witnessed first hand of the positive impact this program can have on Kansas school children. I have seen the interactive environment policemen have with our youth as they teach them about the dangers of drugs and violence. The program teaches our children more than just "Say No To Drugs", it teaches about peer pressure and the stresses of growing up. I believe the bond that this program creates between the officer and the student lasts a lifetime.

I appreciate the opportunity to speak in support of SB 161 and ask for your favorable consideration of this bill. I will be glad to stand for questions.



State of Kansas

Office of the Attorney General

301 S.W. 10th Avenue, Topeka 66612-1597

CARLA J. STOVALL
ATTORNEY GENERAL

THE DARE PROGRAM
DRUG ABUSE RESISTANCE EDUCATION
Attorney General Carla J. Stovall

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DARE was created by police officers in 1983 in Los Angeles, California. Today, DARE is being taught in all fifty states. DARE has a strong presence in Kansas with 429 active police and sheriff officers in 155 jurisdictions teaching the DARE curriculum primarily to fifth grade students.

DARE consists of sixteen weeks of weekly lessons taught by a specially trained law enforcement officer. The DARE officer works cooperatively with the classroom teacher. The objective of DARE is to teach children 1) to resist peer pressure to use drugs, alcohol, and other illegal substances AND to avoid violence; 2) to develop self-esteem; and 3) to learn of the negative consequences of drugs and violence (e.g., addiction, damage to health, imprisonment).

A frequently posed question: Is DARE successful? The state of Ohio undertook a significant empirical study of DARE in 1994 which found:

- 9 out of 10 teachers and principals believe DARE has made a positive difference in students' attitudes about drugs.
- More than half of teachers and principals believe DARE has made a difference in the students' use of illegal substances.
- More than 4 out of 5 teachers and principals believe DARE has made a difference in students' ability to resist peer pressure.
- Teachers and principals felt strongly that students' attitudes about police were more positive as the result of DARE.
- 95% of teachers and principals said they would recommend DARE to other schools.

This study indicates that DARE is successful and a worthy investment for our children. However, as with many areas, there are empirical studies which find DARE to be successful and some which find to the contrary. The important thing is to define "successful." It is unrealistic for researchers to assign DARE a goal it has not taken upon itself. DARE never set out to guarantee that no child who completes the curriculum would ever smoke a cigarette or drink a beer. Such a guarantee would be absolutely unrealistic in this day and age.

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DARE achieves its goals and is successful when it provides students accurate and understandable information about the consequences of using drugs or engaging in violence and teaches students ways to avoid both. Helping students recognize their own self-worth is a valuable lesson which serves students far beyond the drug/violence issue. Additionally, other life skills are taught in the DARE curriculum.

From a community safety and law enforcement perspective, one of the major benefits of DARE is for children to have the opportunity to develop a positive relationship with a police officer. Many at-risk children, without DARE, would only have a negative perception of "cops" as "out to get them." Those perceptions are handed down from parents and adults who do not favorably view law enforcement. It is critical that children understand that they can trust law enforcement officers, can report crime (which they witness or which was committed against them) to law enforcement, and that they should respect the men and women in uniform. DARE accomplishes those goals as the officers teach a seemingly unrelated curriculum.

In Kansas, training for DARE officers is provided by the statewide DARE coordinator. He is supported by one secretary. Both are housed at the Topeka Police Department. The coordinator offers training for new DARE officers, as well as ongoing education for officers who have been teaching DARE. The statewide training program has been funded by the Criminal Justice Coordinating Council by Edward Byrne federal grant funds for the last four years. On June 30, 1999 statewide DARE will no longer be eligible for continued financial assistance through the Byrne funds. If funding is not obtained for the statewide training function, local police and sheriff departments with DARE programs will have to send their officers out of state for training. The expense will be difficult for already fiscally constrained departments to absorb. To continue funding at the rate which is adequate would require approximately \$165,000 annually.

One of the most poignant examples of DARE's value arose in Spearville, Kansas in the summer of 1997. Amber, a 12 year old who had completed DARE the previous spring, was walking to day care along with her three younger sisters. The driver of a car pulled up next to the girls and asked Amber for directions. As she approached the car to assist the man, he exposed himself to her and asked her to come along with him. Amber gathered her sisters and ran to safety. She was able to recite the events to law enforcement - and included an accurate and detailed description of the man, his car - and his license tag number! Amber and her parents credit her semester of DARE with her ability to quickly react to a potentially dangerous situation and ensure she and her sisters were not injured. [Law enforcement officers arrested the suspect, who had a conviction for a similar offense, was on bond for a similar offense at the time of the incident with Amber, and, while on bond for Amber's incident, was arrested for another identical incident.]

How do you place a value on a program which has a result like this? Let's keep DARE in Kansas and keep the training of our officers in Kansas!



PUBLIC POLICY STATEMENT

HOUSE ON THE JUDICIARY

**RE: SB 161 – Continuing the D.A.R.E. program within the
Attorney General's office.**

**March 17, 1999
Topeka, Kansas**

**Prepared by:
Leslie J. Kaufman, Assistant Director
Public Affairs Division
Kansas Farm Bureau**

Chairman O'Neal and members of the House Judiciary Committee, we appreciate the opportunity to appear today and share Farm Bureau's support for SB 161. I am Leslie Kaufman and I serve as the Assistant Director of Public Affairs for Kansas Farm Bureau.

Farm Bureau members are strongly committed to furthering educational programs that inform Kansans, especially children, about the dangers associated with drug and alcohol use. Our support for these programs, including the D.A.R.E. program, was reaffirmed this past November when our voting delegate body, comprised of agriculture producers from all 105 Kansas county Farm Bureaus, adopted policy for 1999. As such, we respectfully request the House Committee on the Judiciary recommend SB 161 favorable for passage.

We strongly support education, enforcement and rehabilitation actions that will reduce alcohol and drug abuse in Kansas and across the U.S. The D.A.R.E. program can play a vital part in the educational campaign against alcohol and drug abuse. Farm Bureau realizes financing these types of programs is often an issue. We support

funding provided by the state and federal government from revenues obtained through taxes on alcohol and related industries.

County Farm Bureaus across the state provide numerous health and safety programs each year. Kansas Farm Bureau is also a sponsor of the Wheat State Crime Prevention Award. These activities are part of our organization's efforts to improve the quality of life in our great state. Likewise, we support the D.A.R.E. program in its efforts to help the youth of Kansas maintain a healthy lifestyle by staying away from drugs and alcohol.

We thank you for your thoughtful consideration of SB 161 and we would ask again for your support of the measure.

SENATE BILL # 161
KANSAS D.A.R.E. COORDINATOR
&
D.A.R.E. TRAINING CENTER

as presented by Sgt. Phil Morrell, Topeka Police Dept.

The Kansas D.A.R.E. Coordinator & Training Center Byrne Grant will expire as of June 30, 1999. When the grant funding stops so will state coordination of the D.A.R.E. Program and training. The state D.A.R.E. Coordinator is an integral part of maintaining the program statewide. The following is a list of benefits the State D.A.R.E. Coordinator provides:

- ◇ Coordinates all the training of new D.A.R.E. Officers and selection and training of state training staff.
- ◇ Coordinates all training for current D.A.R.E. Officers on D.A.R.E. Specialty curriculum such as Jr. High and Parent Component training.
- ◇ Coordinates the training of D.A.R.E. Officers when there are revisions made in the curriculum. This happens approx. every two years with one of the four(4) curricula.
- ◇ Oversees the appropriateness and content of any D.A.R.E. In-Service in Kansas.
- ◇ All training is free, making it less expensive and more accessible for Kansas Police Agencies to implement or maintain their D.A.R.E. Program.
- ◇ The Coordinator acts as a Liaison between the National D.A.R.E. office and the S.W. Regional Training Center to the D.A.R.E. Officers of Kansas.

In addition, some of the accomplishments of the Kansas D.A.R.E. Coordinators office over the past nine(9) years include:

- ◇ Over 500 officers have been trained in the D.A.R.E. Elementary and Jr. High/Middle School Curriculum.
- ◇ Approximately 400 officers currently teach D.A.R.E. Statewide.
- ◇ Kansas' D.A.R.E. Training Center is nationally accredited and recognized for its excellence.

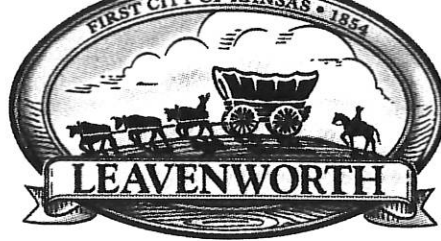
- ◇ Approximately 150,000 of Kansas' school kids receive the D.A.R.E. Program.
- ◇ 40% of Kansas Law Enforcement Agencies teach D.A.R.E.
- ◇ 60% of Kansas counties have a D.A.R.E. Officer(**Note: These counties have 91% of the states population**).

We are asking for your support to have the State of Kansas assume financial responsibility for the Kansas D.A.R.E. Coordination and its support staff. This means approximately \$180,000.00 for the first year and would include funding for two (2) full time employee positions. We ask for your consideration to place these positions under the auspices of the Kansas Attorney Generals Office. Attorney General Stovall has been a strong supporter of the D.A.R.E. Program and of this recommendation.

Without the Kansas D.A.R.E. Coordinators Office & Training Center law enforcement agencies that wish to create or continue their D.A.R.E. Program will have to find training out of state. This will be more expensive for the agency. Some police agencies have policies that will not allow their officers to go out of state for training. In the end we believe that by making the availability of training more difficult and more expensive there will be fewer law enforcement agencies beginning the program. In addition, agencies that currently have a program in place will eventually find it difficult to afford the cost of maintaining their program. The children of Kansas will then be without the benefit of learning the life skills taught by D.A.R.E..

Ultimately this bill and the continuation of D.A.R.E. Training in Kansas is about the children of Kansas. Kids learning to resist drugs and violence in their communities, large and small. Kids learning more respect for law enforcement officers. Kids learning the skills to make themselves more responsible citizens for the future of Kansas. Much is said about the benefits of "Community Policing". The future of any community is its children and any effort we make on their behalf is not a "cost" but rather an investment. D.A.R.E. wants to continue giving children these skills and that future.

March 17, 1999



Chairman Michael O'Neal and House Judiciary Committee Members
Kansas State Legislature

REFERENCE: Kansas State D.A.R.E. Coordinators Position

My name is Officer Mark Lingenfelter, I have been a police officer with the Leavenworth Police Department for 14 years. In August of 1993 I became a DARE Officer and attended the DARE Officer's Training in Topeka, Kansas. The State Coordinator assisted our department with the information needed and required for the training of a new DARE Officer. I spent two weeks receiving training to instruct the Core DARE classes. The staff was exceptionally qualified and professional in providing this very intense training. They spent long days, evenings, and nights to insure that each officer would leave being a qualified DARE instructor.

I returned to my department and began instructing DARE. Whenever I had a question or needed assistance the State Coordinator was just a phone call away to assist. In 1994 the core program was updated, the State Coordinator provided mandatory training to DARE Officers across Kansas. These training's were presented at different locations across Kansas to make it convenient and affordable for officers to attend.

In September of 1995 I attended the DARE Middle School Training, this was one week long and certified me to instruct Middle School DARE. This program was revised two years ago and the information needed to continue instructing Middle School was distributed by the State Coordinator. DARE continues to update their programs (to stay current) and as they do it is essential that the training be provided to officers so that the integrity of DARE is maintained.

For the past two years I have served on the board for the Kansas DARE Officers Association and I am currently the President. Our association consists of over 300 DARE Officers and

Leavenworth Police Department
100 N. 5th Street • Leavenworth, Kansas 66048-1970 • (913) 651-2260 House Judiciary
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educators from throughout Kansas. The main goal of the Kansas DARE Officers Association is to provide additional training for DARE Officers and educators of the State of Kansas. As President it is my responsibility to plan and organize a training conference. The State Coordinators Office assists the Kansas DARE Officers Association in offering a quality conference each year. The State Coordinator approves all instructors and training to ensure that effective training is offered.

As part of the D.A.R.E. lesson each student must write an essay over the DA.R.E. program and take a stand not to use drugs. I would like to share a paragraph from a 5th grade student:

“I’d also like to thank Officer Lingenfelter for being part of the D.A.R.E. program. He and hundreds of other D.A.R.E. officers are walking that extra mile to do what’s right. Someday what they have done will show up in communities around the nation. Thank you Officer Lingenfelter!”

The State Coordinators position is one of the most important reasons why DARE is such a successful program in Kansas. The continuance of the coordinators position is essential for the extended success of D.A.R.E. in Kansas. ***“Keep the Children First”*** was a motto passed on to me at my first D.A.R.E. training in August of 1993, and it’s my belief that if we all remember this the D.A.R.E. program will continue to be successful. If we fail to maintain the State Coordinators position the children of Kansas will be profoundly affected. If we aren’t dedicated and determined to give our very best to our future leaders, how can we expect them to do any better?

We appreciate the overwhelming support that the senate gave this bill and hope that the House will respond with the same support. Thank you for your time and support in this endeavor.

Sincerely,


Officer Mark Lingenfelter

Travis 12/2/98

D.A.R.E.

D.A.R.E. has taught me a lot this last seventeen week. D.A.R.E. told me that gangs, drugs, fighting, and other harmful actions are just not worth it. Life is to short, and to think you could screw it up in not even one day. D.A.R.E. also taught me that I have the right to speak up, to stand up for what I think. Now I know how harmful drugs can be. I don't see how people could do that to themselves.

In the Future I would like to go to college, then play professional soccer. I now know what I must do, I must stay drug-free, and trouble-free. I plan on living up to my dreams, and if I fail I must keep trying. If you keep trying someday, somehow, you'll get your wish.

Officer Lingenfelter really cares about our futures. He really stresses how important your life is. What he said really meant something. That we only get one, one life. So take care of it, of your body, of yourself. Think before you do something. If you don't, I bet someday you'll regret it.

Officer Lingenfelter also made it very clear that it's okay to have fun. It's fine to join clubs. A club is a group of people that share the same interests. Wether it's chess or golf.

I'd also like to thank Officer Lingenfelter for being part of the DA.R.E. program. He and hundreds of other D.A.R.E. officers are walking that extra mile to do what's right. Someday what they have done will show up in communities around the nation. Thank you Officer Lingenfelter!!

Travis Connell
December 2,1998
Mrs. Scanlon's 5th Grade Class



John Federico

In Support of Senate Bill 161

On Behalf of the Kansas Association of Chiefs of Police

March 17, 1999

Chairman O'Neil and Members of House Judiciary Committee.

I present this testimony on behalf of the Kansas Association of Chiefs of Police (KACP) and Chief Tom Hayselden, Shawnee, Kansas who serves as the Legislative Chairman of the KACP.

The police chiefs of Kansas unanimously support Senate Bill No. 161.

In his 33 years of law enforcement, Chief Hayselden has seen several school programs directed toward drug awareness. These programs were only as strong as the parent leadership or the P.T.A. leadership and in most cases the program would fade out of the system.

DARE started in Kansas in the Fall of 1989 and today, this program is at the same level of excellence due to the support and training of DARE officers and the strong support of the communities they serve.

The KACP fears that without a statewide coordinator and continued training, communities who cannot afford to train DARE officers in other state schools will discontinue the program.

I thank you for your time and support of SB 161.

BOARD OF GOVERNORS

GOVERNORS AT LARGE

FRANK DENNING
Roeland Park Police Department
Roeland Park, Kansas 66205
BILL SECK
Federal Bureau of Investigation
Wichita, Kansas 67201
LARRY THOMAS
Kansas Bureau of Investigation
Topeka, Kansas 66612
DAVE BURGER
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GOVERNORS

DISTRICT 1

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Lawrence, Kansas 66044
JAMES "BUD" BURKE
AT&SFRR Police
Kansas City, Kansas 66101
TIM CRONIN
Ottawa Police Department
Ottawa, Kansas 66067

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JOSH KYLE
Riley County Police Department
Manhattan, Kansas 66502
NATE SPARKS
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Junction City, Kansas 66441

DISTRICT 3

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RON BLAD
Republic County Sheriff's Office
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Clay Center, Kansas 67432

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Ks. Dept. of Wildlife and Parks
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DAVID RUPP
Garden City Police Department
Garden City, Kansas 67846

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St. John, Kansas 67530

DISTRICT 7

CRAIG KING
Cowley County Sheriff's Office
Winfield, Kansas 67156
TOM PRUNIER
Derby Police Department
Derby, Kansas 67037
SCOTT MAYFIELD
Kansas Highway Patrol
Wichita, Kansas 67226

DISTRICT 8

LOWELL PARKER
Greenwood County Sheriff
Eureka, Kansas 67045
CHARLES D. WARD
KS Dept. of Wildlife and Parks
Chanute, Kansas 66720
HOWARD KAHLER
Iola Police Department
Iola, Kansas 66749

Kansas Peace Officers' Association

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MEMORANDUM

TO: Representative Mike O'Neal
House Judiciary Committee

FROM: William W. Sneed
Kansas Peace Officers Association

DATE: March 15, 1999

RE: SB 161

Mr. Chairman, members of the committee, my name is Bill Sneed and I appear today on behalf of the Kansas Peace Officers Association (KPOA). KPOA, the largest professional law enforcement organization in Kansas, with approximately 3,500 members statewide. We appreciate this opportunity to express our strong support of Senate Bill 161.

SB 161 addresses the loss of federal funding for the statewide D.A.R.E. program. This bill would allow the Attorney General's office to continue this vital program. D.A.R.E. has proven a very successful educational tool and community outreach effort in Kansas schools. We urge your support of this bill so that the program may continue.

We appreciate this opportunity to express our support for SB 161. Please do not hesitate to contact me if you have questions or need further information.

Very truly yours,

William W. Sneed

WWS/pk

House Judiciary

3-17-99

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In Unity There Is Strength



State of Kansas

Office of the Attorney General

301 S.W. 10th Avenue, Topeka 66612-1597

CARLA J. STOVALL
ATTORNEY GENERAL

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**HOUSE COMMITTEE ON JUDICIARY
ATTORNEY GENERAL CARLA J. STOVALL'S
TESTIMONY IN SUPPORT OF
HOUSE BILL NO. 2553
March 17, 1999**

Dear Chairman O'Neal and Members of the Committee:

I am pleased to be here today to testify in favor of House Bill 2553. As you know, this legislature's passing of the Sexually Violent Predator Act ("Act") in 1994 and the United States Supreme Court's landmark decision in 1997 upholding the Act have placed Kansas in a leadership role for similar legislation around the country. Currently, 13 states have enacted sexually violent predator acts and several other states have sexually violent predator bills pending in their legislatures. In fact, most of the states with pending legislation are using the Kansas Act as their model in drafting their bills.

The United States Supreme Court established the constitutional parameters for this law, and the Act clearly falls within those parameters. However, House Bill 2553 proposes amendments to the Act that I believe will make it even more effective and enforceable, and yet not jeopardize the constitutional soundness of the Act.

I will now address each of the amendments in the order they appear in the bill and then I will be happy to stand for any questions.

- (1) On pages 1 and 2 of the bill, there is some language offered to clean up the Preamble and clarify the legislative intent of the Act. I believe this amended language more clearly identifies why separate involuntary commitment proceedings for sexually violent predators are necessary.
- (2) Page 2 of the bill reflects the proposed deletion of "predatory", replacing it with "likely to engage in acts of sexual violence." I believe having "predatory" defined in the Act suggests a more limited application of the statute than the rest of the Act permits, and I don't believe deleting that definition will substantively

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affect what has to be proven by the state for a person to be declared a sexually violent predator.

- (3) The crimes of incest and aggravated incest are added to the list of sexually violent offenses on page 3 of the bill. Sex offenders who are being released from custody who were convicted of committing these acts should be reviewed under the Act, and adding these crimes to the list of sexually violent offenses will allow us to do that.
- (4) Sections 3 and 4 of the bill reflect the elimination of the specific time line requirements, which include 90 days notification of a potential predator's release from custody, 30 days for the multi disciplinary team to meet and assess the potential predator for a risk of dangerousness and 75 days for the Attorney General to file a petition. This is offered as an amendment to prevent potential predators from slipping through the cracks of this Act due to clerical errors in the calculation of release dates or miscommunications between the agencies working together to enforce this Act.
- (5) At the bottom of page 4, section 3 of the bill, is an amendment eliminating the prosecutor's review committee. The legislature granted the Attorney General exclusive jurisdiction for filing cases under the Act in 1995, which has enabled my office to develop expertise in these cases and a centralized pool of information as well. By eliminating the prosecutor's review committee, we can internalize the filing decisions within my office and promote more consistency in the filing decisions we make.

For example, Washington state has internalized its filing procedures and uses standardized filing criteria created and developed by the Washington attorney general's office to more successfully streamline which sexually violent predator petitions should be filed. This would be an effective tool for my office in making uniform filing decisions as well.

- (6) Page 6 of the bill contains an amendment suggested by the Department of Social and Rehabilitation Services, which would essentially clarify that any predator who is removed from the custody of the secretary of the department of social and rehabilitation services pursuant to any parole revocation proceeding or any arrest or conviction shall be returned to the custody of the secretary of the department of social and rehabilitation services upon the predator's release from those criminal or revocation proceedings.

- (7) Sections 6 and 7 offer some technical amendments to the transitional and conditional release provisions, which were added last year.
- (8) New section 8 provides that no person confined under the Act shall be eligible for bail, bond or house arrest during these proceedings.

Kansas has distinguished itself as the nation's forerunner in the involuntary commitment of sexually violent predators. As the leader in this area, the rest of the country is looking to Kansas for guidance in the constant evolution of these laws. I believe these amendments to the Act will keep Kansas progressive in this area and not compromise in any way the constitutional parameters set forth by the United States Supreme Court, and I urge your favorable consideration of these amendments.

I am happy to answer any questions you may have and would be pleased to do so at this time.

Thank you.