

Approved: February 14, 2000
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on January 31, 2000 in Room 313-S of the Capitol.

All members were present except:

Representative Andrew Howell - Excused
Representative Peggy Long - Excused

Committee staff present:

Jerry Ann Donaldson, Legislative Research Department
Mike Heim, Legislative Research Department
Jill Wolters, Office of Revisor of Statutes
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Chris Biggs, Geary County Attorney
Representative Becky Hutchins
Richard Meadows, President of Shawna Meadows Memorial Foundation, Inc.
Chief Ron Jackson, Newton Chief of Police

The committee entertained a bill request that would allow The Court of Appeals to have discretionary jurisdiction over their cases.

Representative Carmody made the motion to have the request introduced as a committee bill. Representative Gregory seconded the motion. The motion carried.

Representative Carmody requested a bill allowing Behavioral Sciences Regulatory Board to revoke a license if during a pending investigation the licensee voluntarily surrenders the license.

Representative Carmody made the motion to have the request introduced as a committee bill. Representative Gregory seconded the motion. The motion carried.

Hearing on **HB 2684 - One year time limitation on writs of habeas corpus**, was opened.

Chris Biggs, Geary County Attorney, requested the proposed bill. The bill proposes a one year time limitation following the conclusion of a direct appeal of an inmates conviction. Missouri, Mississippi & Iowa have time limitations set. Present law allows an inmate to challenge his conviction at anytime. Most of the challenges are for technical reasons. He proposed an amendment which would include in subsection (f) (a) " or the United States Supreme Court" and include (b) The limitation herein shall be extended only to prevent a manifest injustice. (Attachment 1)

Paul Morrison, District Attorney, Tenth Judicial District, did not appear before the committee but requested that his written testimony be included in the minutes. (Attachment 2)

Hearing on **HB 2684** was closed.

Hearing on **HB 2699 - DUI equipment fee for law enforcement agencies**, was opened.

Representative Becky Hutchins appeared as the sponsor of the bill. She explained that there would be an additional \$100 fine for any person found guilty of driving while under the influence of drugs or alcohol. The money would then be used to purchase law enforcement equipment which would assist in the prevention of alcohol & drug related crimes. (Attachment 3)

Richard Meadows, President of Shawna Meadows Memorial Foundation, Inc., started The Ogle County Project when his daughter & mother-in-law were killed by a drunk driver. The Project imposes a \$100 fine for those convicted of drunk driving and uses the fee to purchase modern law enforcement technology, such as, Lidar Lasers, camera control units, and front & rear radar. While this type of program may not reduce the rate of DUI's and other crimes it helps law enforcement agencies prosecute and get convictions. (Attachment 4)

CONTINUATION SHEET

Chief Ron Jackson, Newton Chief of Police, informed the committee that DUI is the most serious driving offense in Kansas. The cameras that would be bought with the funds would provide solid evidence of the physical condition the driver was in at the time of the stop. (Attachment 5)

Written testimony was provided by Mothers Against Drunk Drivers (Attachment 6) and Jackson County Sheriff's Office (Attachment 7).

Hearing on **HB 2699** was closed.

Committee minutes from January 12, 18, 19, 20, 24, & 25 were distributed.

The committee meeting adjourned at 4:45 p.m. The next meeting was scheduled for February 1, 2000.

House Judiciary
Testimony 1/31/2000
In Support of House Bill 2684
Kansas County And District Attorneys Association
Chris Biggs
Legislative Chair KCDAA / Geary County Attorney
(785) 232-5822

I would like to thank the Committee for this opportunity on behalf of the KCDAA to support this necessary legislation. HB 2684 proposes a reasonable one year time limit following direct appeal upon an inmate's opportunity to challenge a conviction by a separate lawsuit under K.S.A. 60-1507.

TIME LIMITS

Time limits are preferred in the law. They give parties and opportunity to present their case and try contested matters in a timely fashion while evidence is fresh, and witnesses available. For example, the State must file most cases within two years of the act (K.S.A. 21-3106) and must bring a jailed defendant to trial within 90 days arraignment or the defendant will be set free ---regardless of the crime (K.S.A. 22-3402). A defendant must make application for a new trial based on newly discovered evidence within two years of the conviction (K.S.A. 22-3501). Kansas has a 30 day limit on habeas actions (K.S.A. 60-1501). Yet, there is no limit on K.S.A. 60-1507 actions.

NOTION NOT NOVEL

The notion of such a time limit is not novel. Missouri has a 90 day limit (Rule 29.5) and the United States Government has a one year limit (28 USCA § 2255). Both Iowa and Mississippi have time limitations for filing a collateral attack upon a conviction. I.C.A. § 822.3 and Code 1972, § 99-39-5, Uniform Post-Conviction Collateral Relief Act (UPCCRA). Both statutes have withstood a constitutional challenge to the time limitations. The United States Supreme Court has long recognized that a state may impose time limitations upon assertion of a right. *Brown v. Allen*, 344 U.S. 443, 486 (1953).

PRESENT LAW

Under present law an inmate has the right to a direct appeal through our state appellate courts, and also by application to the United States Supreme Court. After exhausting these remedies, which may take years, and inmate may then file an action under K.S.A. 60-1507, at any time, to challenge the conviction. Common issues raised include ineffectiveness of counsel, challenges to a plea hearing, and technical challenges to the selection of the jury or the charging document.

There is simply no finality to a criminal case in Kansas. No matter how clear the evidence of guilt, a victim's family can never hear that the case is over. Even upon losing a motion under K.S.A. 60-1507, an inmate may then start the appeal process all over again as to the denial of the 60-1507.

*In Saline County a defendant successively maintained a 60-1507 and had his guilty plea thrown out ten years after his conviction — not because he claimed he was innocent, but because the judge failed to ask the magic words “how do you plead.” The defendant had otherwise been advised of his rights, signed a written agreement, and the intent of the plea was clear from the record. He shot a police officer.

*In Wyandotte County, a defendant has filed 13 actions under K.S.A. 60-1507 to challenge his 1992 conviction.

* Daniel Remeta pled to 3 counts of murder and filed a 60-1507 action 12 years later to withdraw his plea in an attempt to stay his execution in Florida.

* Sedgwick County is now dealing with a 60-1507 which, if successful, will require re-trial of a 1978 murder.

PROPOSED AMENDMENT

To clarify the bill to ensure that it accounts for an appeal to the United States Supreme Court and to provide for truly exceptional cases the following change is proposed:

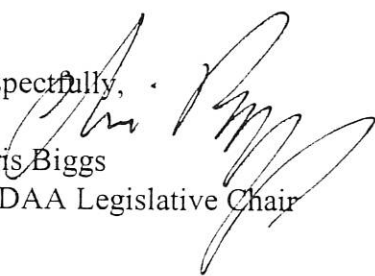
(f) Time limitations.

(a) Any action under this section must be brought within one year from the final order of the last appellate court in this state or the United States Supreme Court to exercise or deny jurisdiction on a direct appeal or from the termination of such appellate jurisdiction, or the entry of judgement of guilt by a district court, whichever is later.

(b) The limitation herein shall be extended only to prevent a manifest injustice.

The Kansas County and District Attorneys Association strongly encourages passage of this bill.

Respectfully,


Chris Biggs
KCDAAs Legislative Chair

Comments in Support of House Bill 2684

Monday - January 31, 2000

Paul J. Morrison, District Attorney - Tenth Judicial District

I'm not here today testifying before you in person because I have a commitment that cannot be rescheduled. Nonetheless, I feel very strongly about my support of this piece of legislation. During my almost 20 years as a prosecutor, I have seen K.S.A. 60-1507 continually abused by inmates within the Department of Corrections to attempt to escape responsibility for their crimes and or used simply as a tool to harass the judicial system put them in prison.

Unfortunately, currently under K.S.A. 60-1507, an inmate may raise the issue of ineffective assistance of counsel "at any time." This current law gives inmates more rights than law enforcement and the public, who must operate under a statute of limitations before any criminal actions can be filed against those who have perpetrated crimes against them. Over the years I have witnessed many, many inmates in Johnson County, Kansas who have squandered law enforcement and judicial time and resources in responding to their claims of ineffective assistance of counsel. Here are a few examples:

- Thomas P. Lamb was convicted of two counts of kidnapping and one count of murder. He committed these crimes in 1969 and 1970. His conviction was affirmed by the Kansas Supreme Court in 1972 in State v. Lamb, 209 Kan. 453, 497 P.2d 275 (1975). More than 26 years after he committed the murder and kidnappings, Lamb filed a write raising three issues: whether he was denied effective assistance of counsel; whether his trial was so unfair because of his amnesia as to violate due process; and, whether he was actually innocent of the murder and kidnapping charges involving Karen Sue Kemmerly. He was able to do this "at any time" under the language of K.S.A. 60-1507. Had a new trial been ordered for Lamb, it would have been very difficult to marshal the evidence and witnesses in an effort to re-prove his guilt beyond a reasonable doubt.
- Charles Peck was convicted in 1984 of aggravated kidnapping, robbery, aggravated battery, burglary and felony theft. He committed these crimes in 1983. His convictions were affirmed in State v. Peck, 237 Kan. 756,, 703 P.2d 781 (1985). In 1995, Peck filed a K.S.A. 60-1507 action claiming ineffective assistance of counsel, among other things. One of the arguments Peck raised on appeal was that he was denied due process because the Clerk of the District Court could not find the transcript of the closing arguments. Had the Court of Appeals ruled in his favor, Peck could have receive a new trial for the crimes he committed in 1983.

- Derrick Davis was convicted in 1982 of homicide of a 16 year old high school student during an armed robbery. Davis received two jury trials after he was granted a new trial after his first claim of ineffective assistance of counsel. In the ensuing years, Davis again used K.S.A. 60-1507 in an attempt to escape responsibility for his crime. Our office has expended substantial resources in fighting these claims, the latest having only been ruled upon approximately eight weeks ago.
- Randall Murphy was convicted of drug related charges in 1987. His conviction was affirmed in his direct appeal. In 1997, when Randall Murphy was "on parole"¹⁴ for his offenses, the district court had a hearing on the issue of whether his trial counsel's assistance was ineffective. The case was captioned Murphy v. State, Johnson County District Court case number 96C5726. The problem in these cases is that witnesses, and their memories, fade with the passage of time.

I would also note that police property rooms throughout the State are full of evidence from old homicide cases that have gone to jury trial years ago because of the remote possibility that a K.S.A. 60-1507 action may be successfully filed years later.

Currently, a direct appeal of a conviction takes about two years from the time that a notice of appeal is filed until the time that the appellate courts render a decision and the mandate from the appellate clerk's office returns to the district court. Therefore, as a practical matter under this bill, a convicted felon has at least three years in which to file a claim of ineffective assistance of trial counsel. In most instances, a criminal defendant is aware that he may want to pursue a claim against his trial counsel as soon as the adverse verdict is handed down.

The federal government has a similar limitation in its Anti-Terrorism and Effective Death Penalty Act. This act has passed constitutional muster.

1

"A prisoner who institutes a K.S.A. 60-1507 proceeding, and is released on parole from the state penitentiary while his appeal from a denial of his motion by the district court is pending, remains in 'custody' within the meaning of the statute, and the questions presented are not thereby rendered moot." Faulkner v. State, 22 Kan. App. 2d 80, 83 (1996).

BECKY HUTCHINS
REPRESENTATIVE, FIFTIETH DISTRICT
JACKSON AND SHAWNEE COUNTIES
700 WYOMING
HOLTON, KANSAS 66436
(785) 364-2612

COMMITTEE ASSIGNMENTS
VICE CHAIR: FEDERAL AND STATE AFFAIRS
MEMBER: ENVIRONMENT
TOURISM



TOPEKA

HOUSE OF
REPRESENTATIVES

ROOM 427-S
STATE CAPITOL
TOPEKA, KANSAS 66612-1504
(785) 296-7698

Testimony before the
House Judiciary Committee

Regarding

House Bill 2699

On

January 31, 2000

Chairman O'Neal and Members of the House Judiciary Committee:

Thank you for the opportunity to speak in support of House Bill 2699.

House Bill 2699 would assess any additional fine of \$100 for any person found guilty of driving while under the influence of drugs or alcohol. Moneys received by a law enforcement agency would be used to purchase law enforcement equipment that would assist in the prevention of alcohol and drug related crimes.

At a time when state, county and city law enforcement agencies are struggling to update and/or purchase equipment within existing budgets, HB 2699 would help provide additional funds to address some of those needs.

HB 2699 would enable law enforcement officials to purchase equipment to help identify those individuals who are driving under the influence of drugs or alcohol, thereby making Kansas roads safer for everyone.

Thank you.

A handwritten signature in cursive script that reads "Becky Hutchins".

Becky Hutchins
Representative Fiftieth District

THE OGLE COUNTY PROJECT

On the evening of November 26, 1994 in rural Ogle County, IL, a drunk driver killed Shawna LuAnn Meadows, my oldest child, and Alleta Priest, my wife's mother, and crippled Sandra Meadows, my wife. Less than 15 miles from our home, my family and I had become another victim of the national scourge and disgrace called drunk driving.

Two months after the crash occurred, Ogle County Sheriff Melvin C. Messer and I started *The Ogle County Project*. This project was founded as a privately funded effort to use modern law enforcement technology to help stop alcohol-related criminal violence throughout our county.

This project fully equipped the Ogle County patrol fleet with state-of-the-art in-car video cameras, radars, and lasers. Sheriff Messer and his staff have used this equipment to dramatically improve and maintain highway traffic safety throughout Ogle County.

Due to this ongoing, lifesaving success, *The Ogle County Project* has been expanded to include:

Rochelle Police Department
DeKalb County Sheriff's Police
Whiteside County Sheriff's Police
Winnebago County Sheriff's Police

Illinois State Police
Districts 1, 2, 12, and 16
Wisconsin State Patrol-District 2

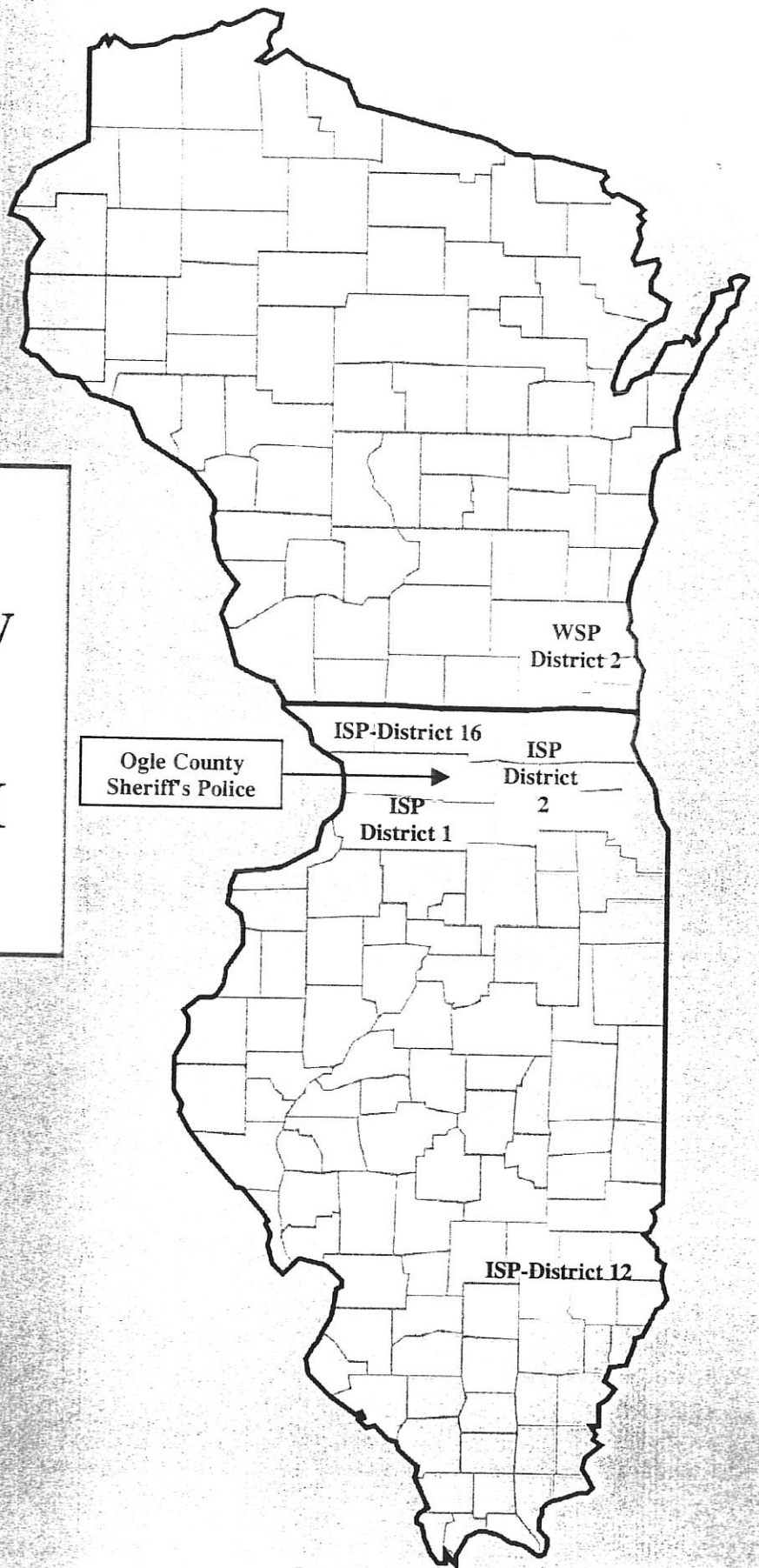
The following pages will present the representative equipment provided by *The Ogle County Project* and the results of the use of this equipment.

Sincerely,



Richard G. Meadows, President
Shawna LuAnn Meadows
Memorial Foundation, Inc.

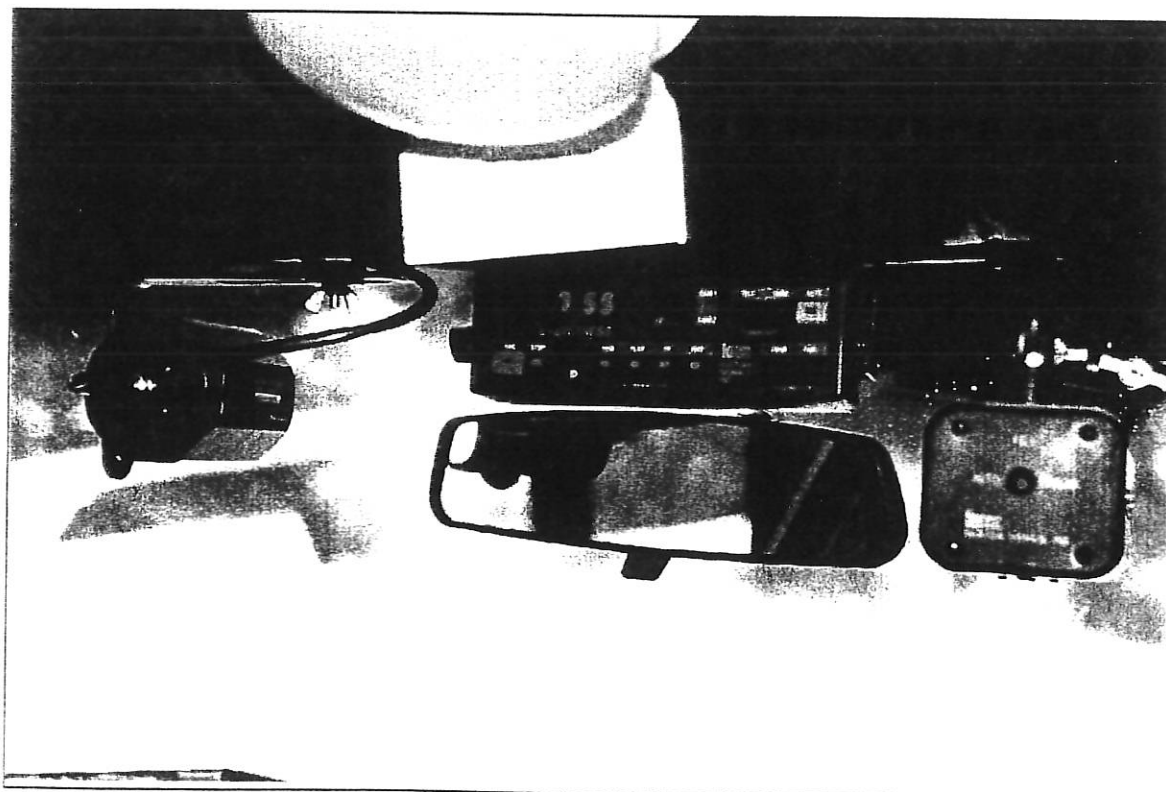
The Ogle County Project Preventing DUI Saving Lives



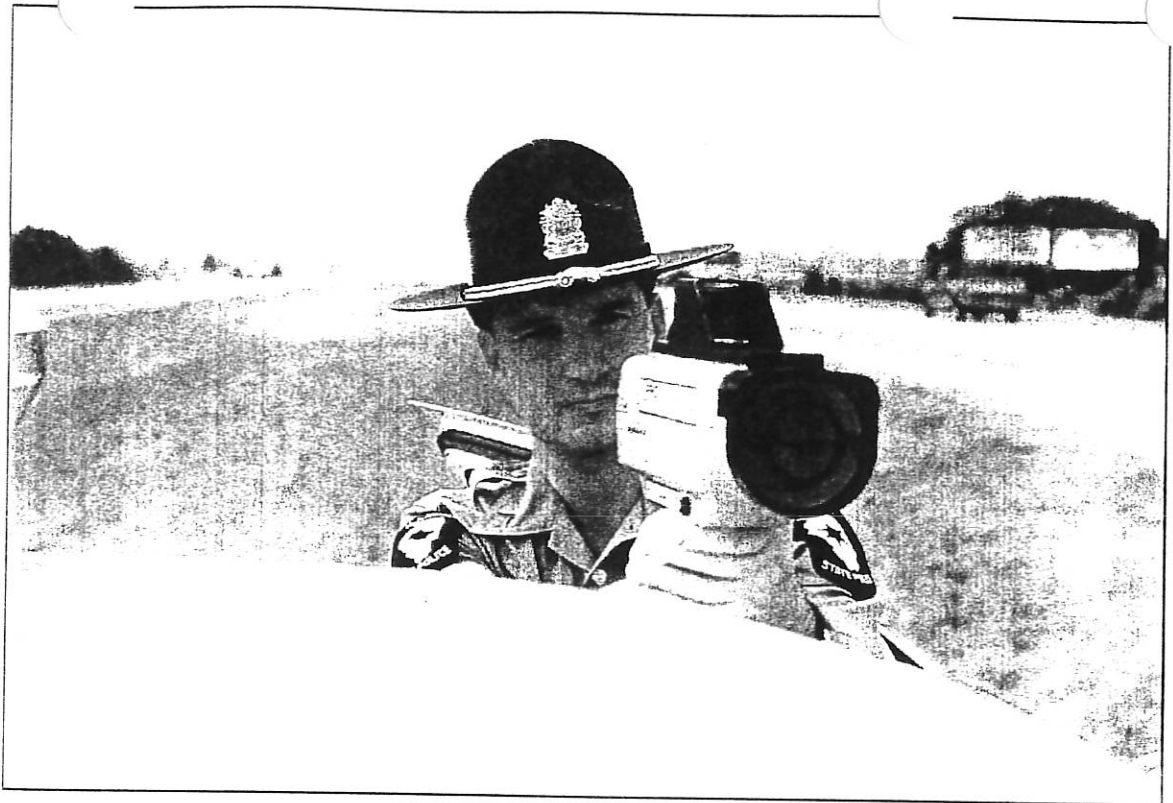
Legend
ISP = Illinois State Police
WSP = Wisconsin State Patrol



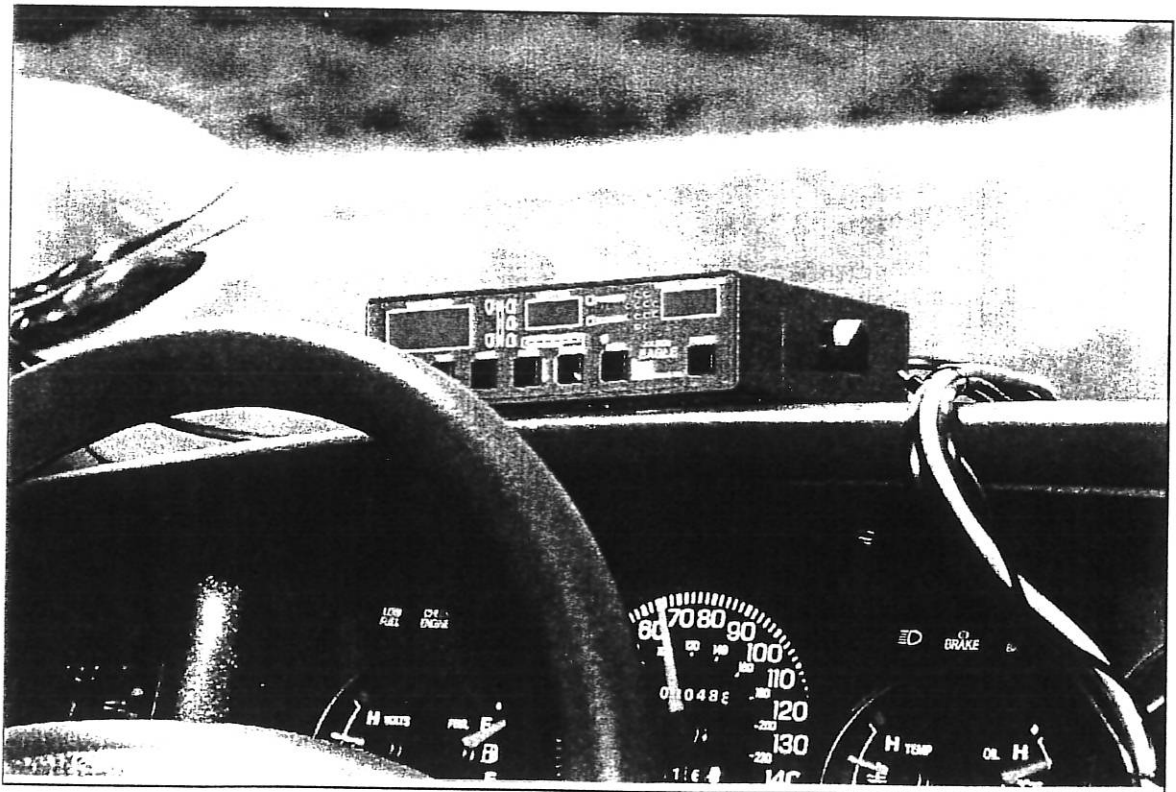
Illinois State Trooper from District One with his squad car that is equipped with a *Golden Eagle™* Radar, *Eyewitness®* Camera, and *ProLaser II* Lidar Laser.



Front radar antenna, camera control unit, and camera lens mounted in the Illinois State Police - District 1 Squad Car.



State Trooper from Illinois State Police-District I using the *ProLaser II* Lidar Laser to monitor traffic speed on I-88.



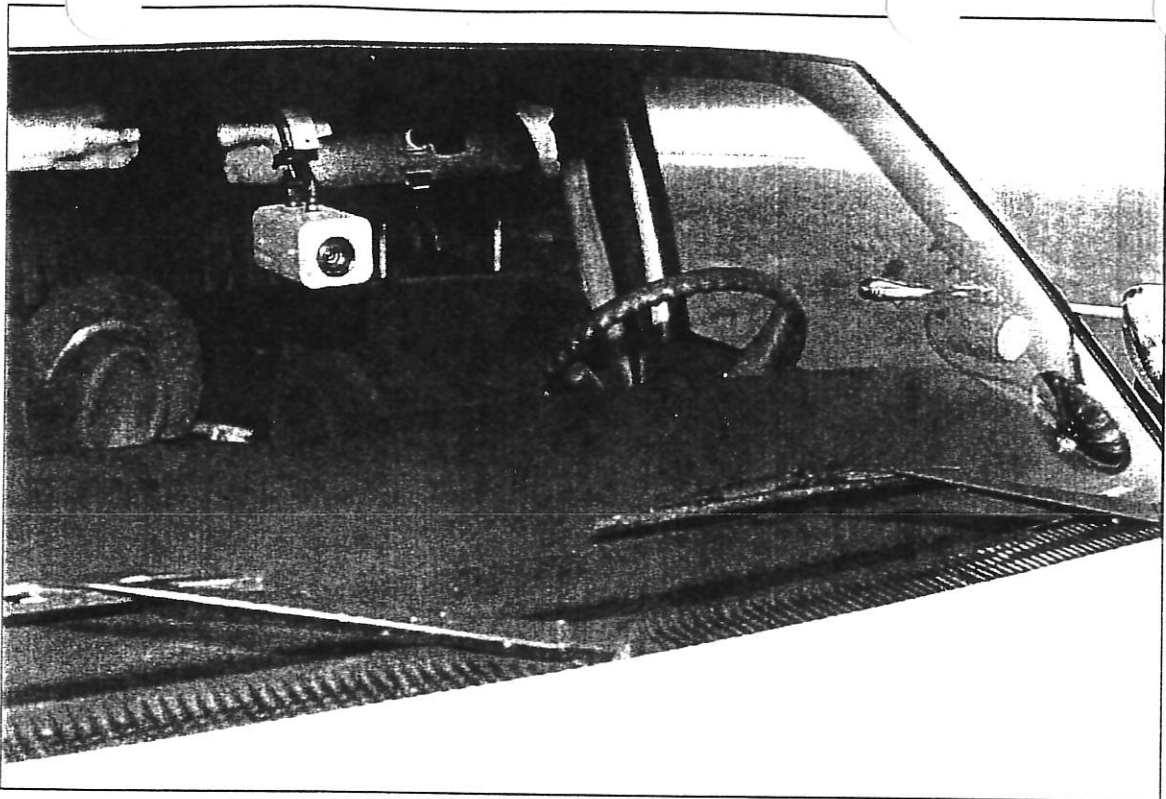
Golden Eagle™ Radar used for speed monitoring on I-88 by Illinois State Police-District I



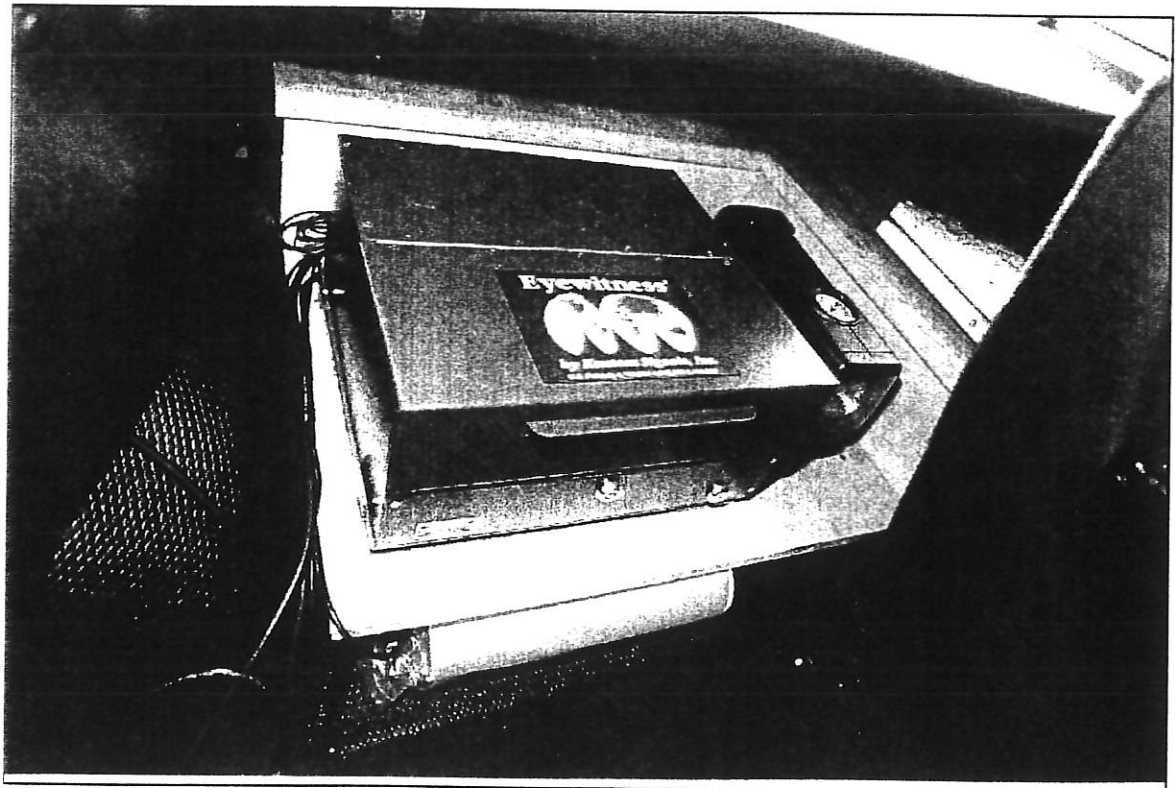
Ogle County Sheriff's Deputy with his squad truck that is equipped with a *Golden Eagle™* Radar, *Eyewitness®* Camera, and *ProLaser II* Lidar Laser.



Ogle County Squad Truck with rear antenna for the *Golden Eagle™* Radar mounted at the upper left side of the rear door glass



Front view of the Ogle County Squad Truck that shows the *Eyewitness*® Camera lens and the *Golden Eagle*™ Radar front antenna



Eyewitness® Camera recording system shown installed behind the right-rear seat of the Ogle County Squad Truck



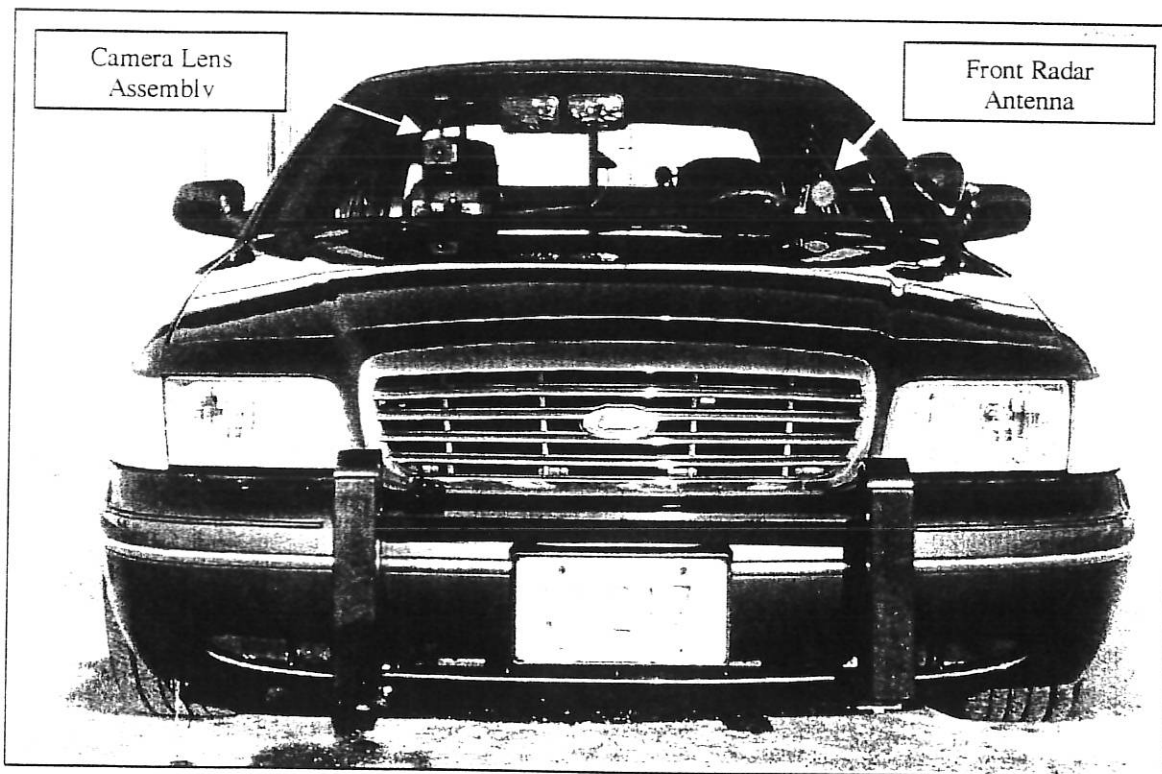
Control console of the Ogle County Squad Truck fitted with *Golden Eagle™* Radar, *Mobile Data Terminal*, *Eyewitness®* Camera monitor and controls, radio system, and *Pro Laser II* Lidar Laser (in the holster).



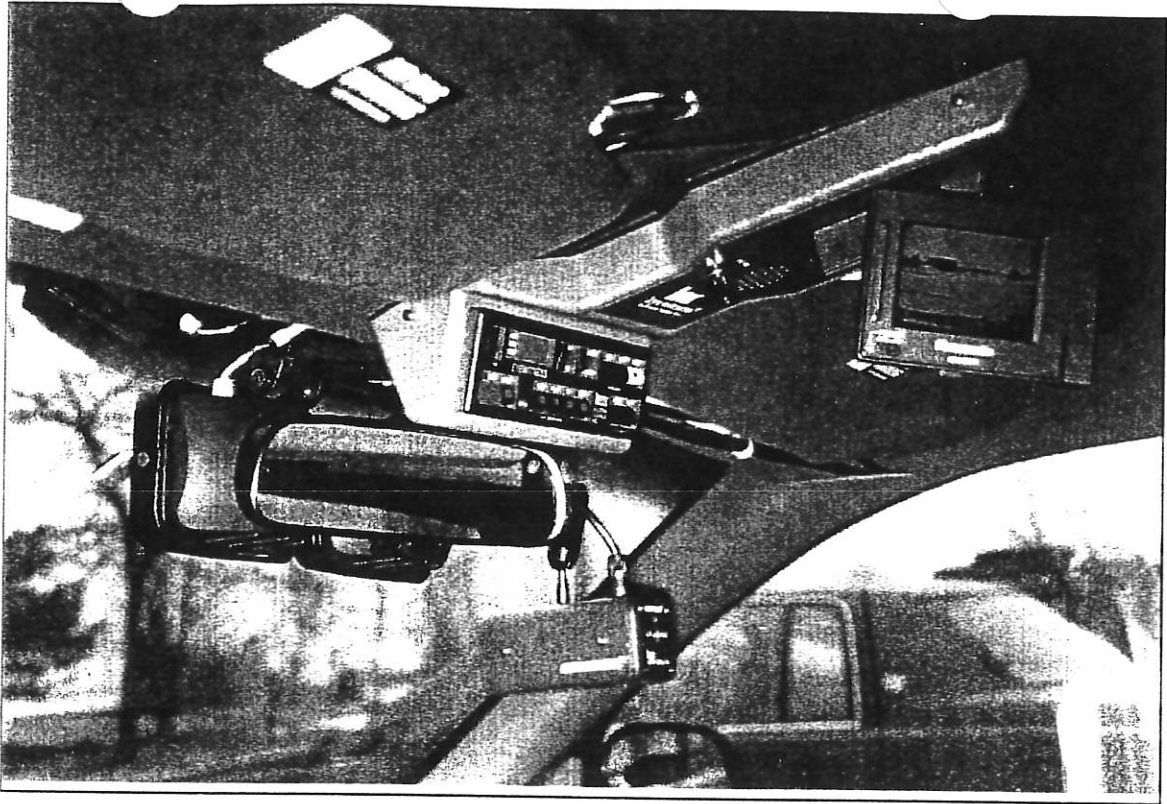
Ogle County Deputy Sheriff using the ProLaser II Lidar Laser to monitor traffic speed on I-39



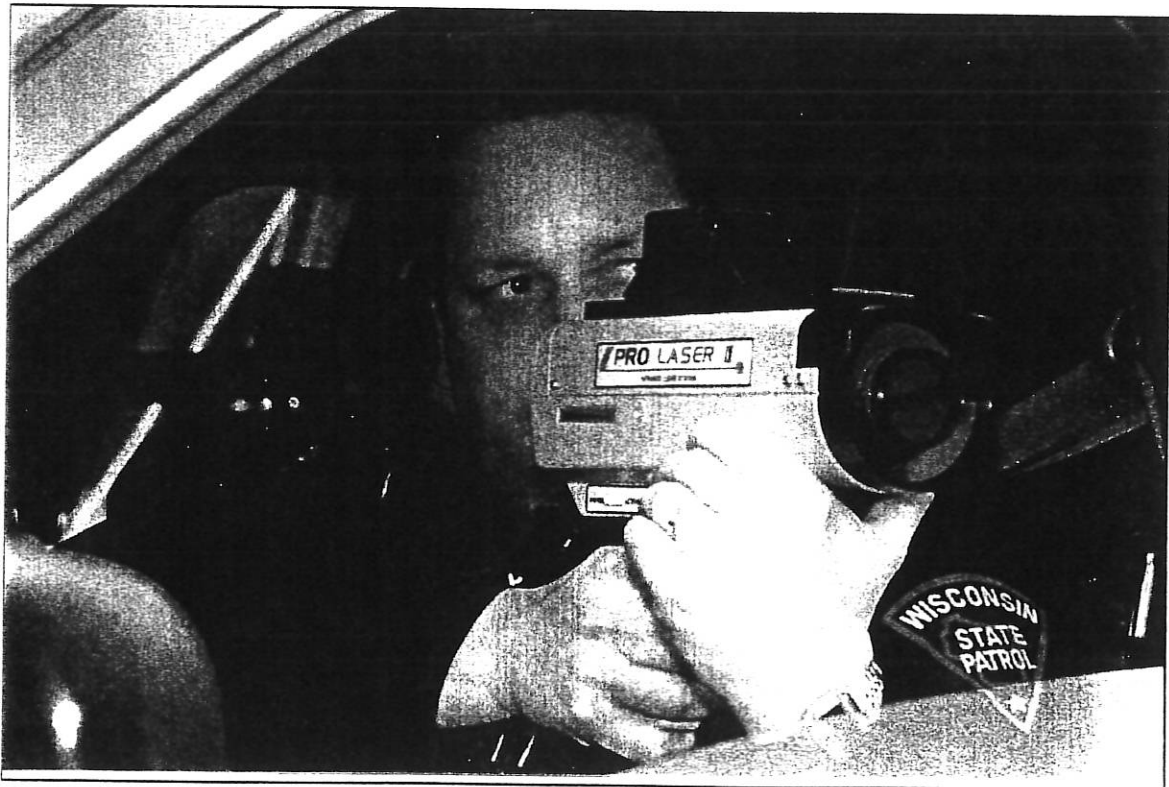
In April 1998, the foundation donated an *Eyewitness*® Camera, *Golden Eagle*™ Radar, and a *ProLaser II* Lidar Laser to Wisconsin State Patrol-District 2 (Waukesha Post). This equipment was installed in patrol vehicle 217 that is shown in this photograph.



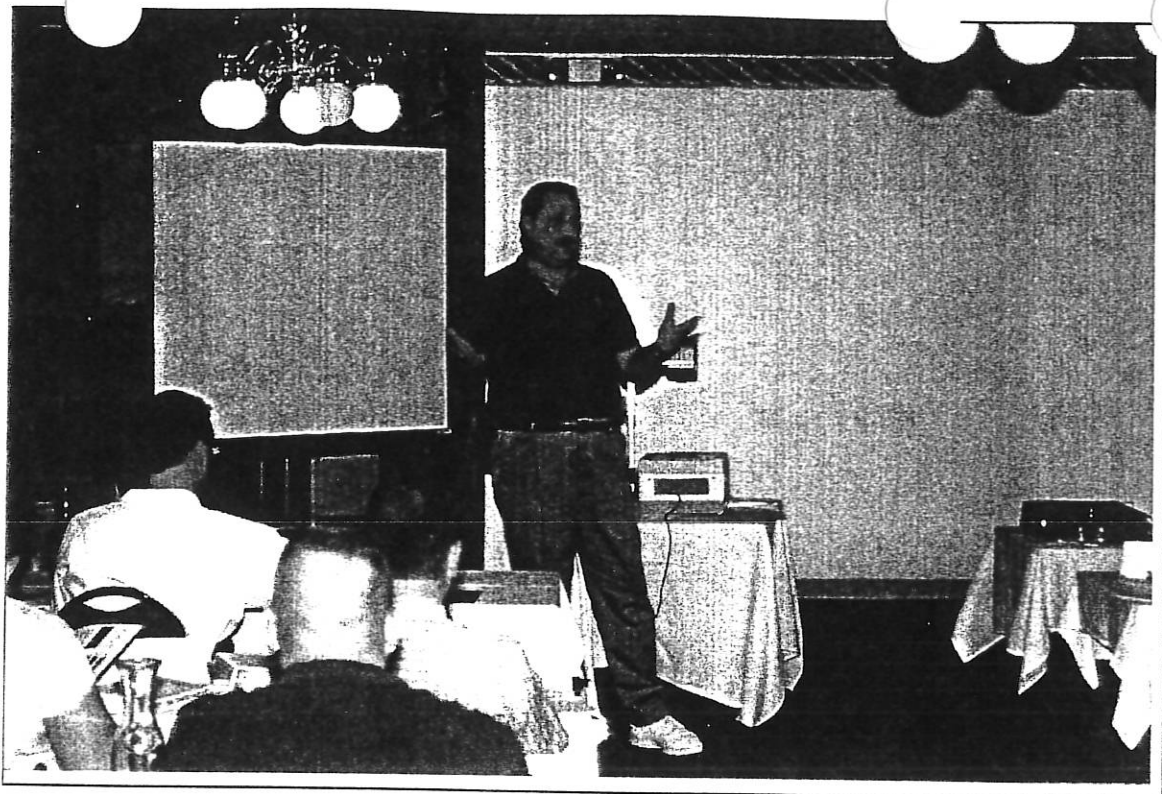
This photograph of patrol vehicle 217 displays the Camera Lens Assembly for the *Eyewitness*® In-Car Video Camera and the Front Radar Antenna for the *Golden Eagle*™ Radar. The radar is interfaced with the camera; target and patrol speeds detected by the radar are recorded by the camera.



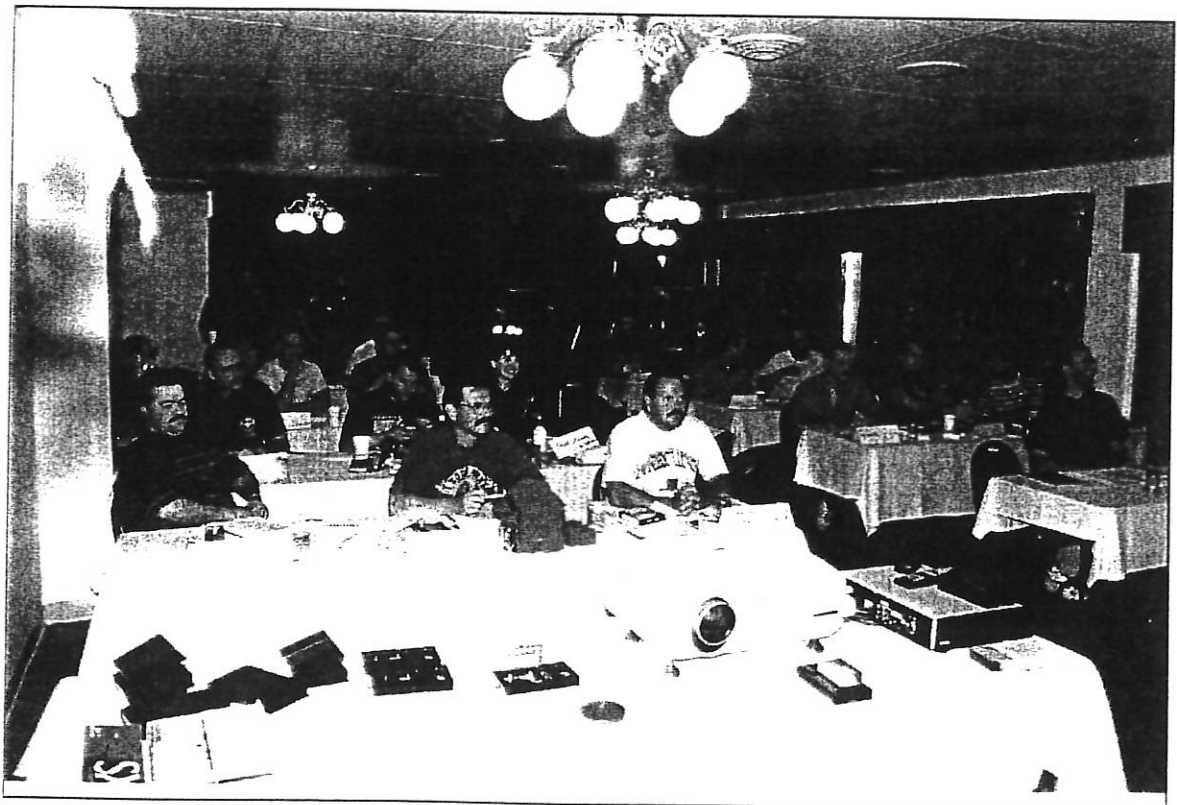
The camera assembly and overhead control console for the *Eyewitness*® Camera, which is installed in vehicle 217 for Wisconsin State Patrol, are shown in this photograph.



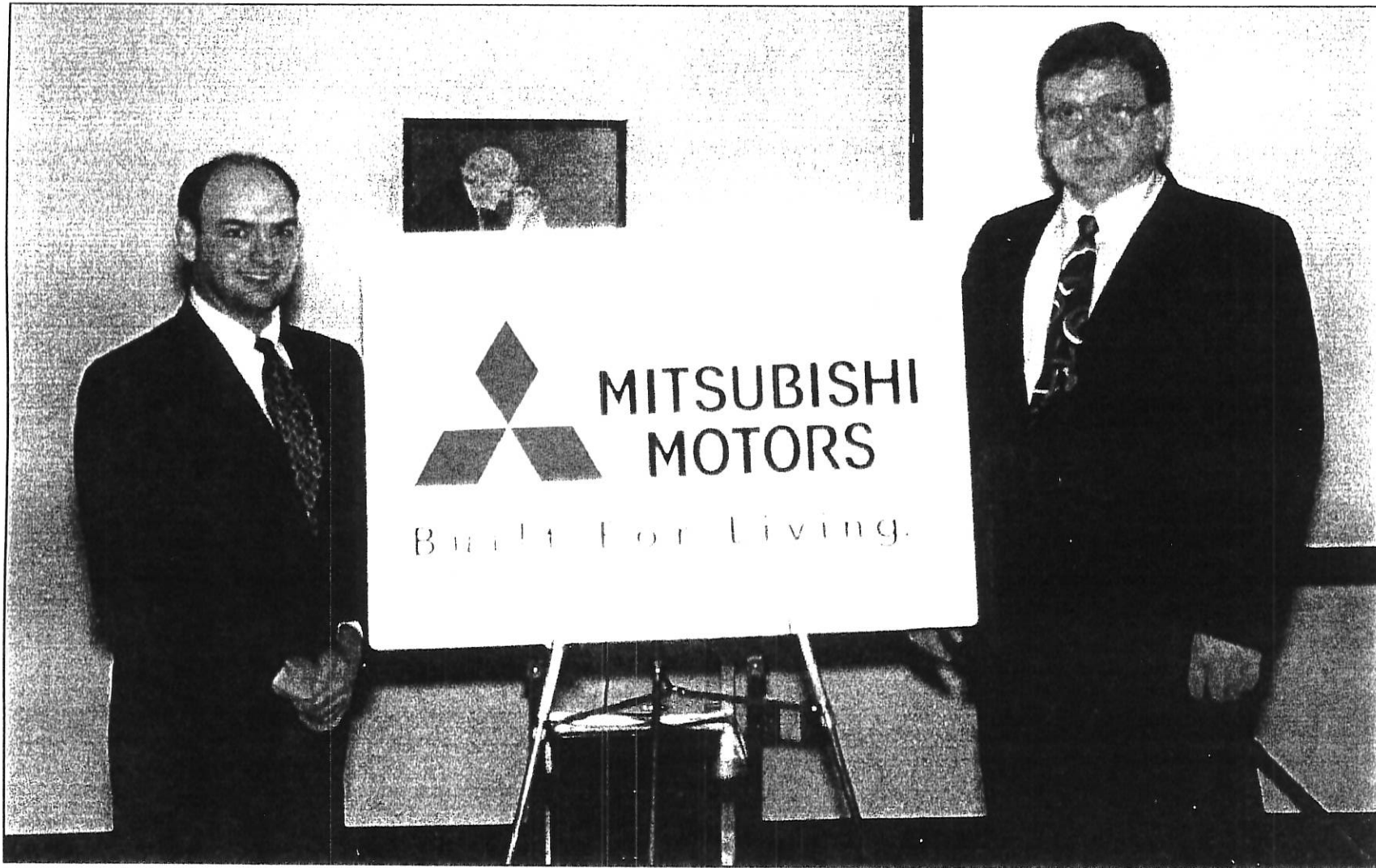
State Patrol Officer from Wisconsin State Patrol-District 2 is shown using the ProLaser II Lidar Laser to monitor traffic speed on a four-lane highway in Waukesha County, WI.



During October 1997, the foundation sponsored a 40-hour MOBILE VIDEOTAPING FOR LAW ENFORCEMENT Class in Rochelle, IL. This class was directed and taught by Jim Kuboviak, who is the District Attorney in Brazos County, TX and a nationally recognized expert on Mobile Videotaping for Law Enforcement.



This class was attended by 23 Illinois law enforcement officers and one Illinois assistant state's attorney.



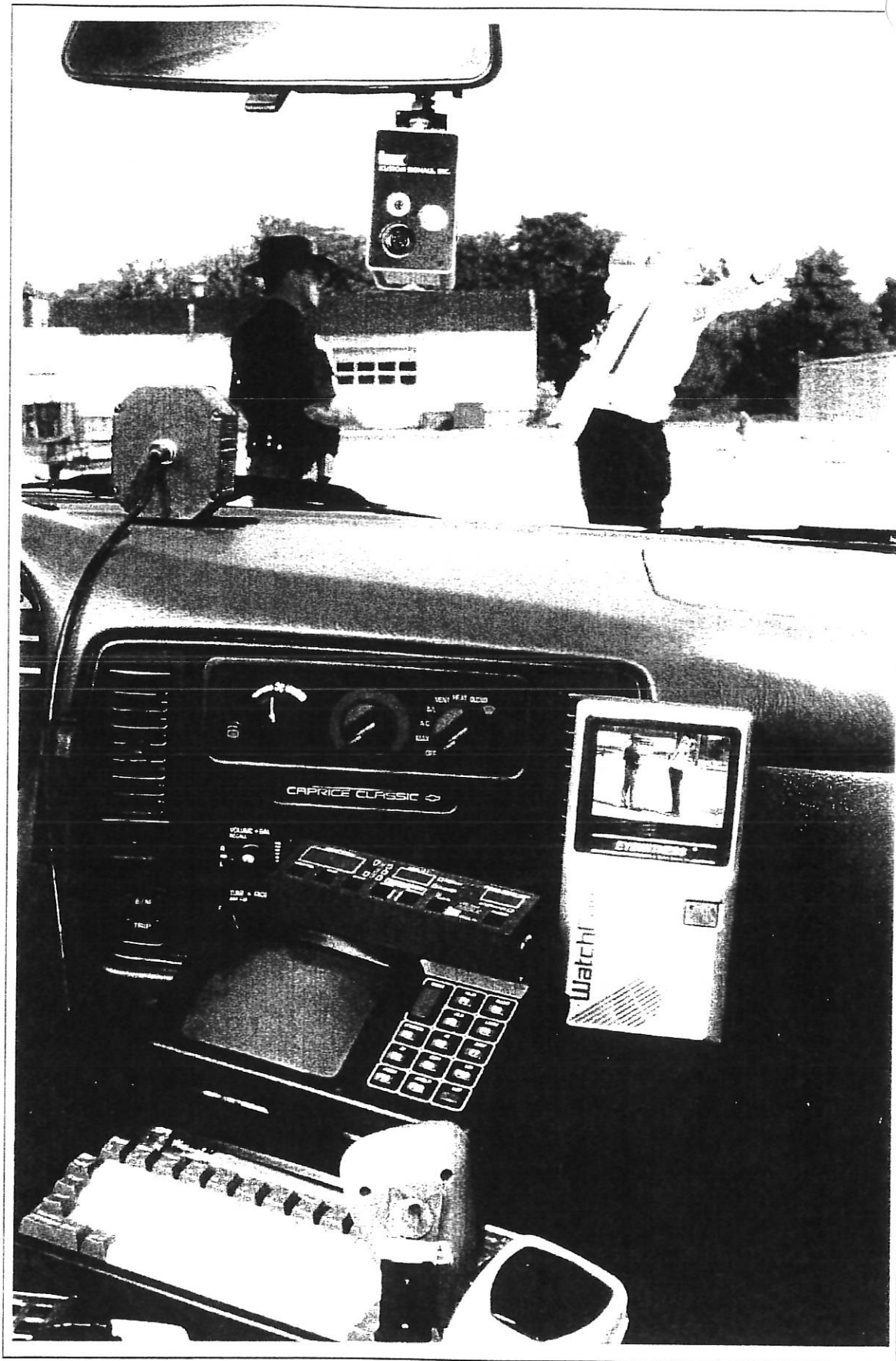
The continuing success of The Ogle County Project and the generosity of the private donors who fund this lifesaving mission have been the subject of presentations that I have made since mid-1995. This photograph was made during a presentation in Wausau, WI on November 17, 1998. Joining me in this photo was Mike Dvorak, Supervisor, Marathon County, WI, Intensive Supervision Operating While Intoxicated (OWI) Program.

PROGRESSIVE®

Progressive Insurance Company has generously donated to the lifesaving efforts of the Ogle County Project. The donated funds from this firm were used to purchase *Eyewitness*® in-car video cameras for Illinois State Police-District 16 and the Ogle County Sheriff's Police.



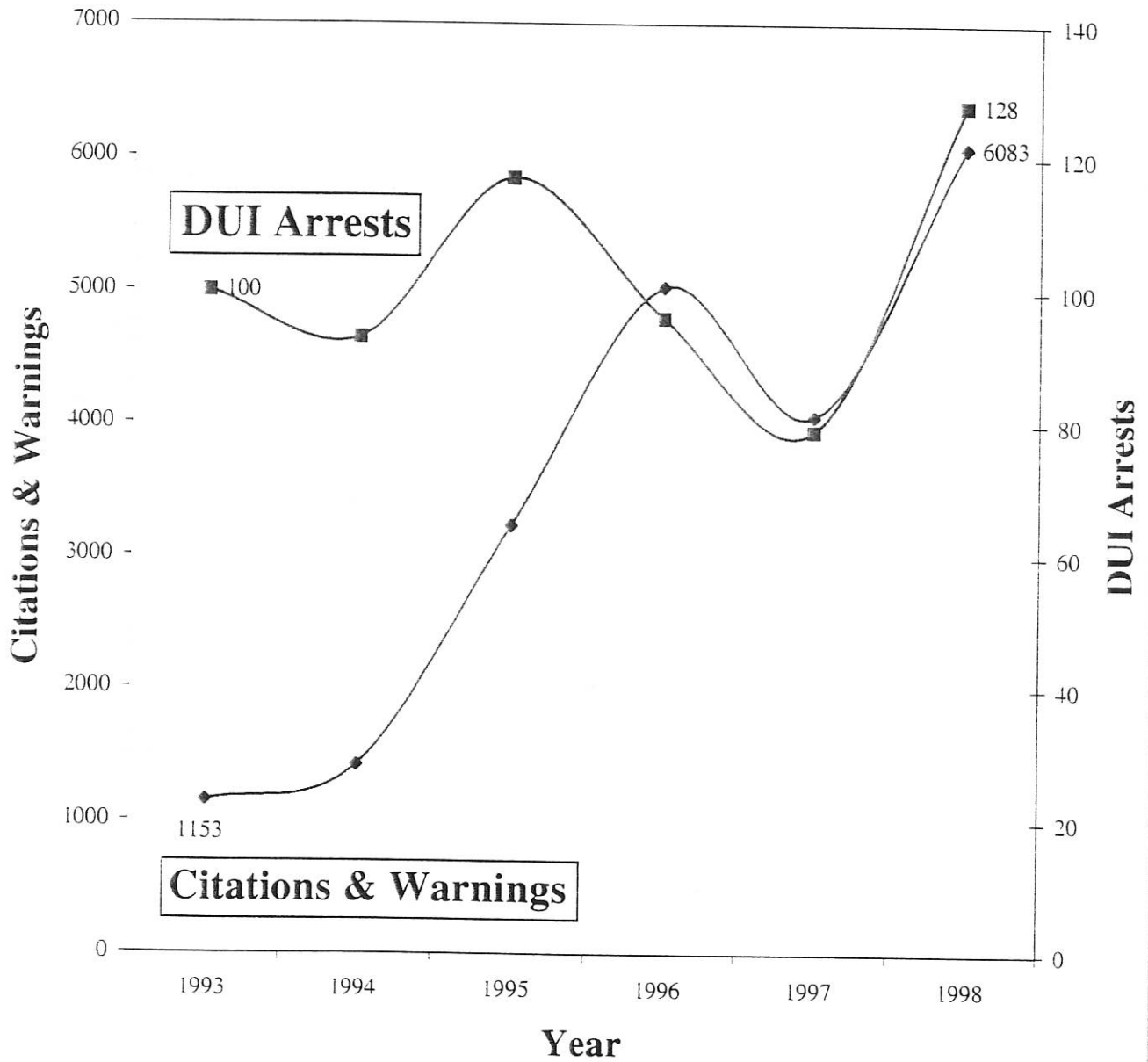
In April 1997, my family and I contributed \$254,793.00 to the foundation. These funds were used to purchase *Eyewitness*® in-car video cameras, *Golden Eagle*™ Radars, and *ProLaser II* Lidar Lasers for the Ogle County Sheriff's Police, Illinois State Police District 1, 12, and 16, and other Illinois police agencies. Shown in this picture with my wife, my youngest daughter, and I are Ogle County Sheriff Melvin C. Messer (at left side of photo) and Colonel Larry Drager, Illinois State Police.



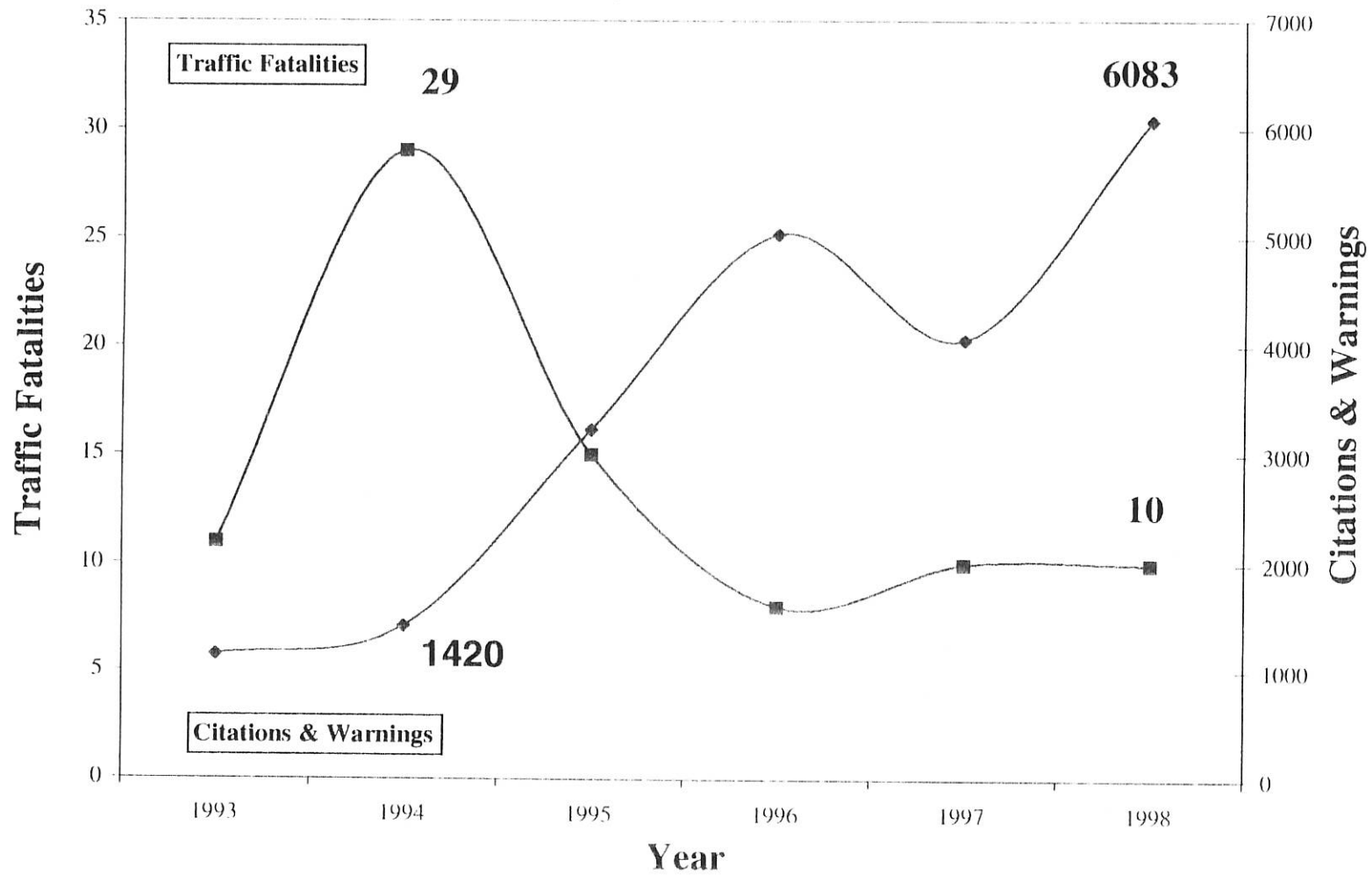
Ogle County Deputy Sheriff administering the *Standard Field Sobriety Test* as the *Eyewitness®* Camera records this activity

4-15

Citations and Warnings vs. DUI Arrests
Ogle County Sheriff's Police

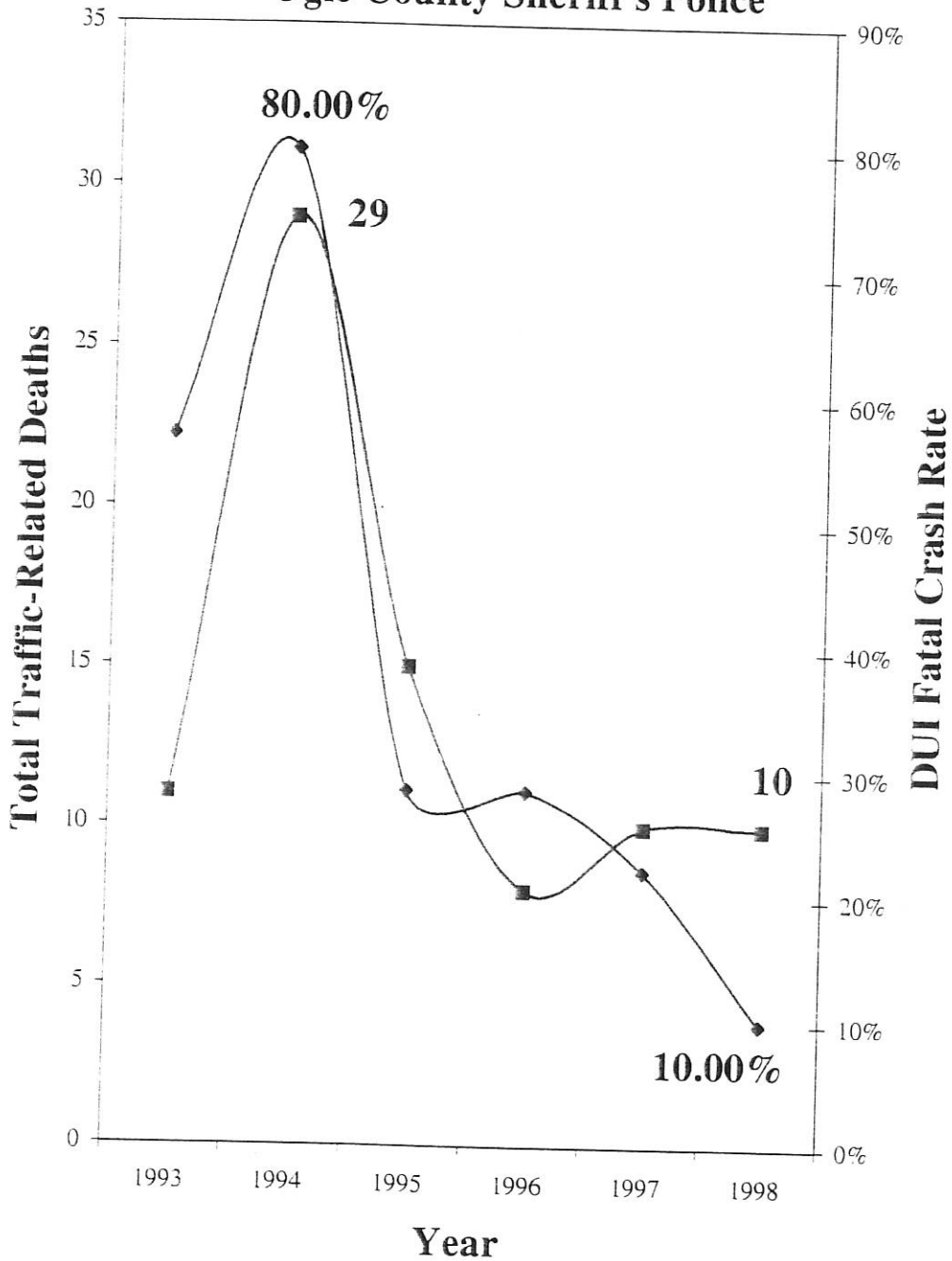


Traffic Fatalities vs. Citations and Warnings Ogle County Sheriff's Police

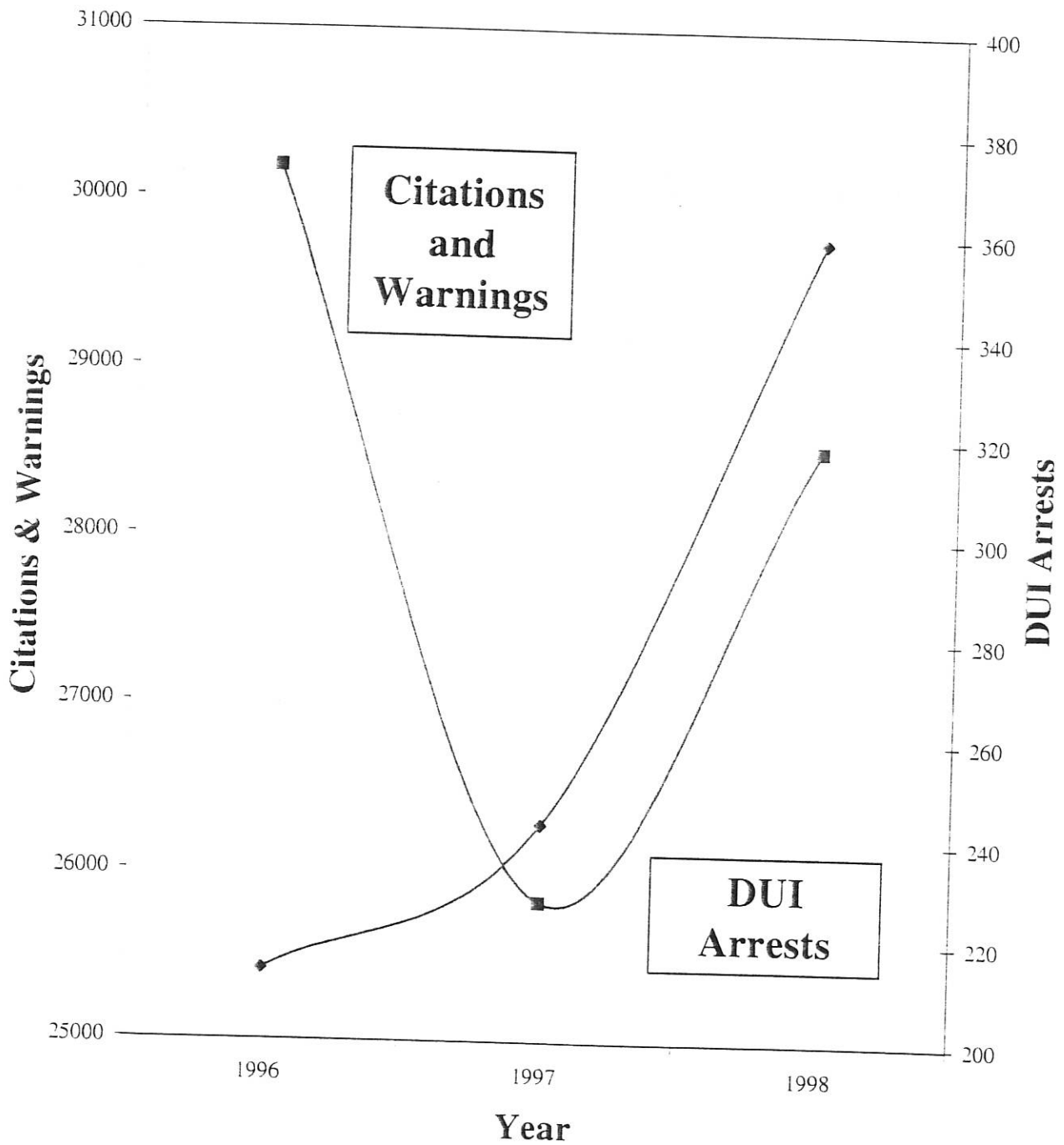


Source: Sheriff Melvin C. Messer, Ogle County, IL

DUI Fatal Crash Rate vs.
Traffic Related Deaths
Ogle County Sheriff's Police

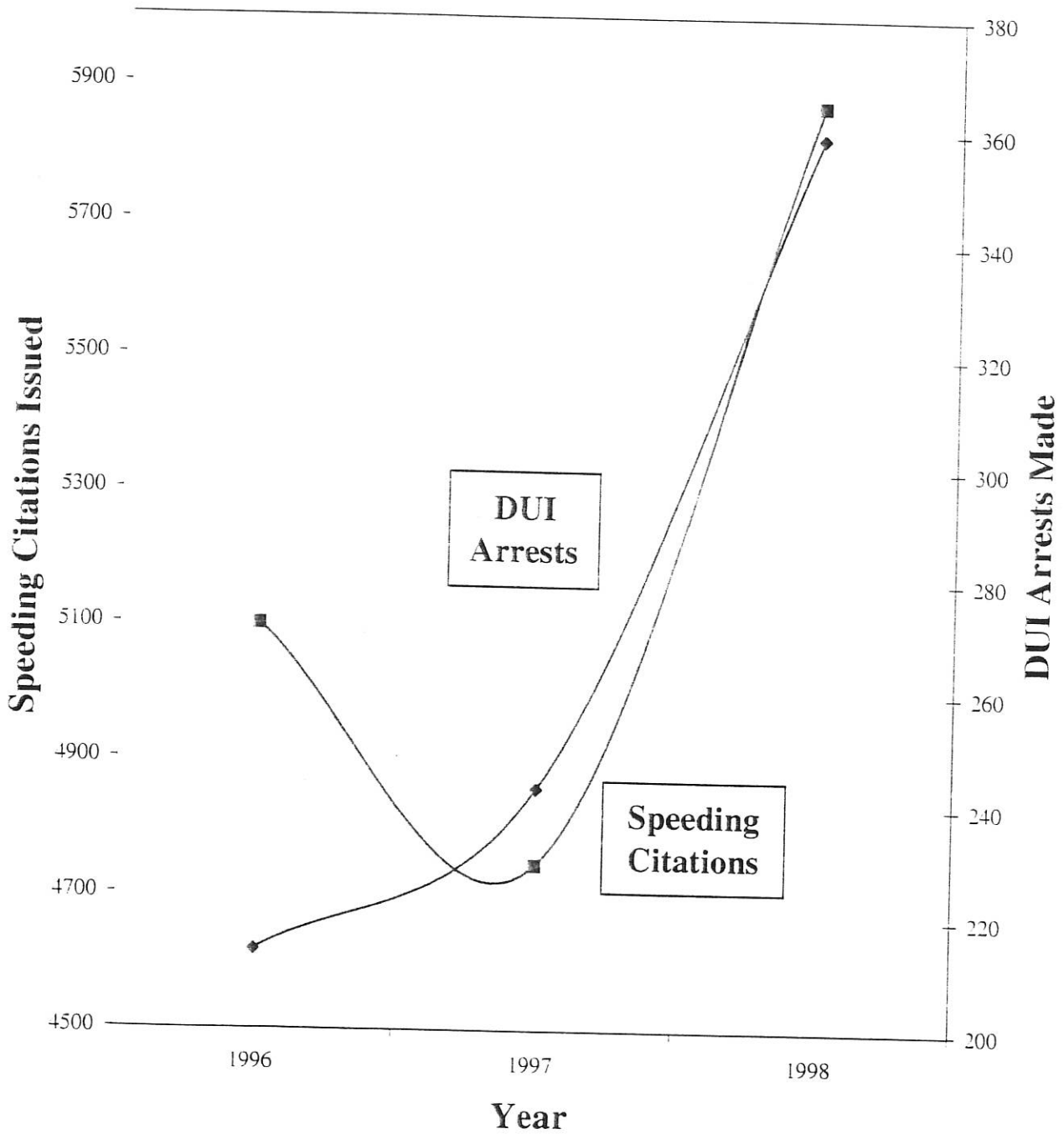


Citations & Warnings
vs.
DUI Arrests
Illinois State Police-District 16



Note: Manpower for District 16 was reduced by 34% from 1996 to 1997.

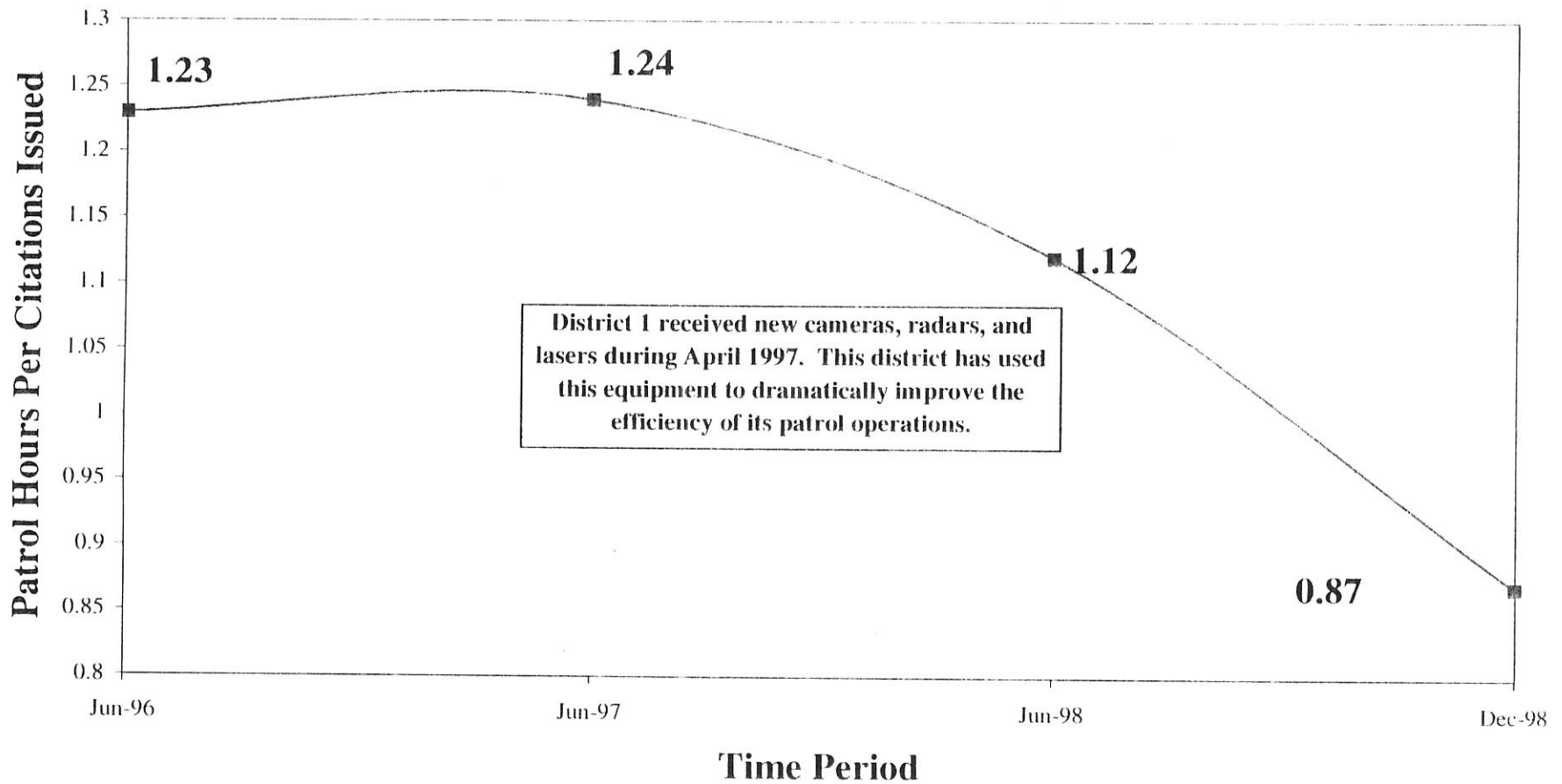
Speeding Citations
vs. DUI Arrests
Illinois State Police - District 16



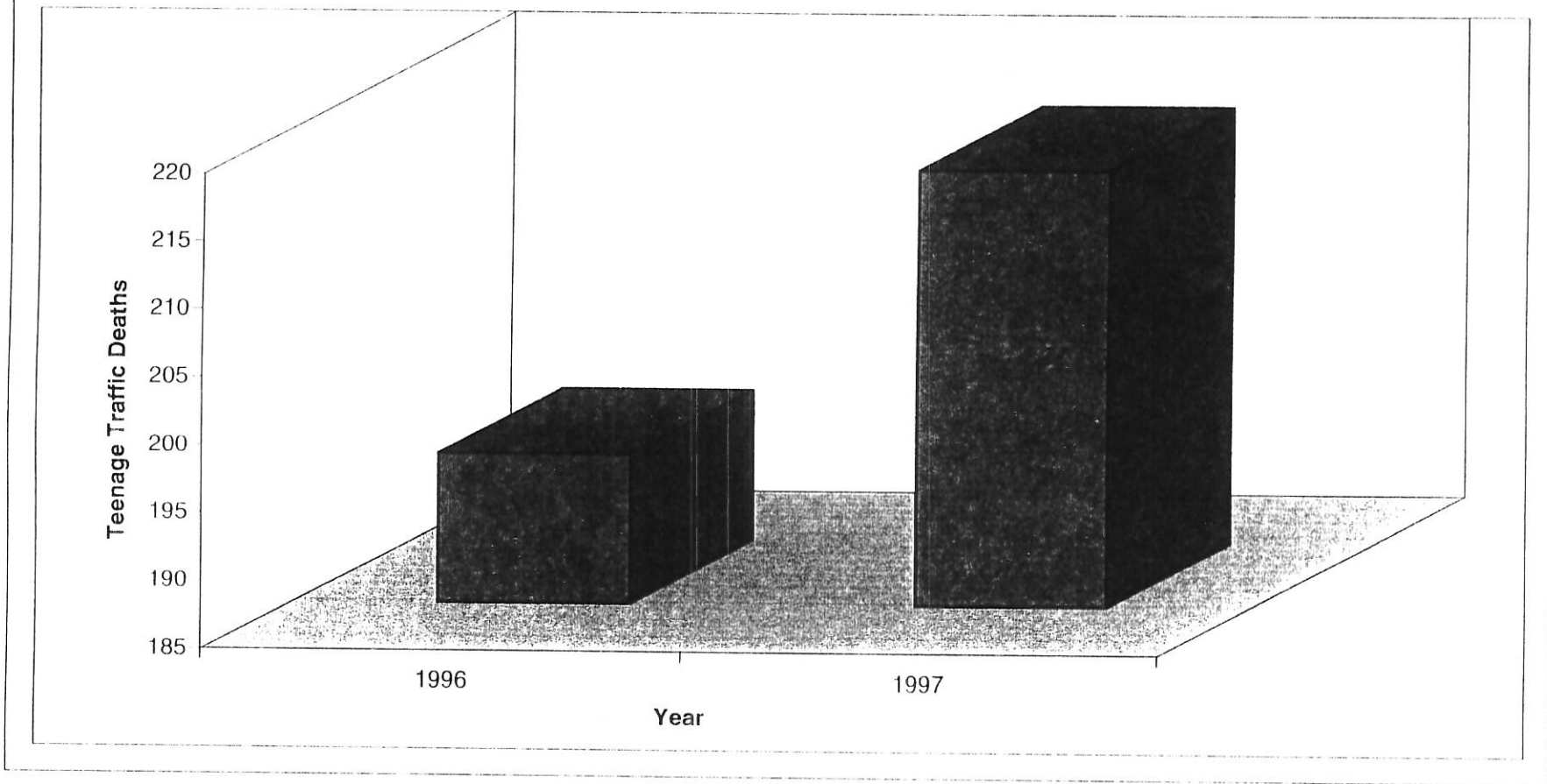
Note: 22% of all DUI arrests were made following a traffic stop for speeding.

4-21

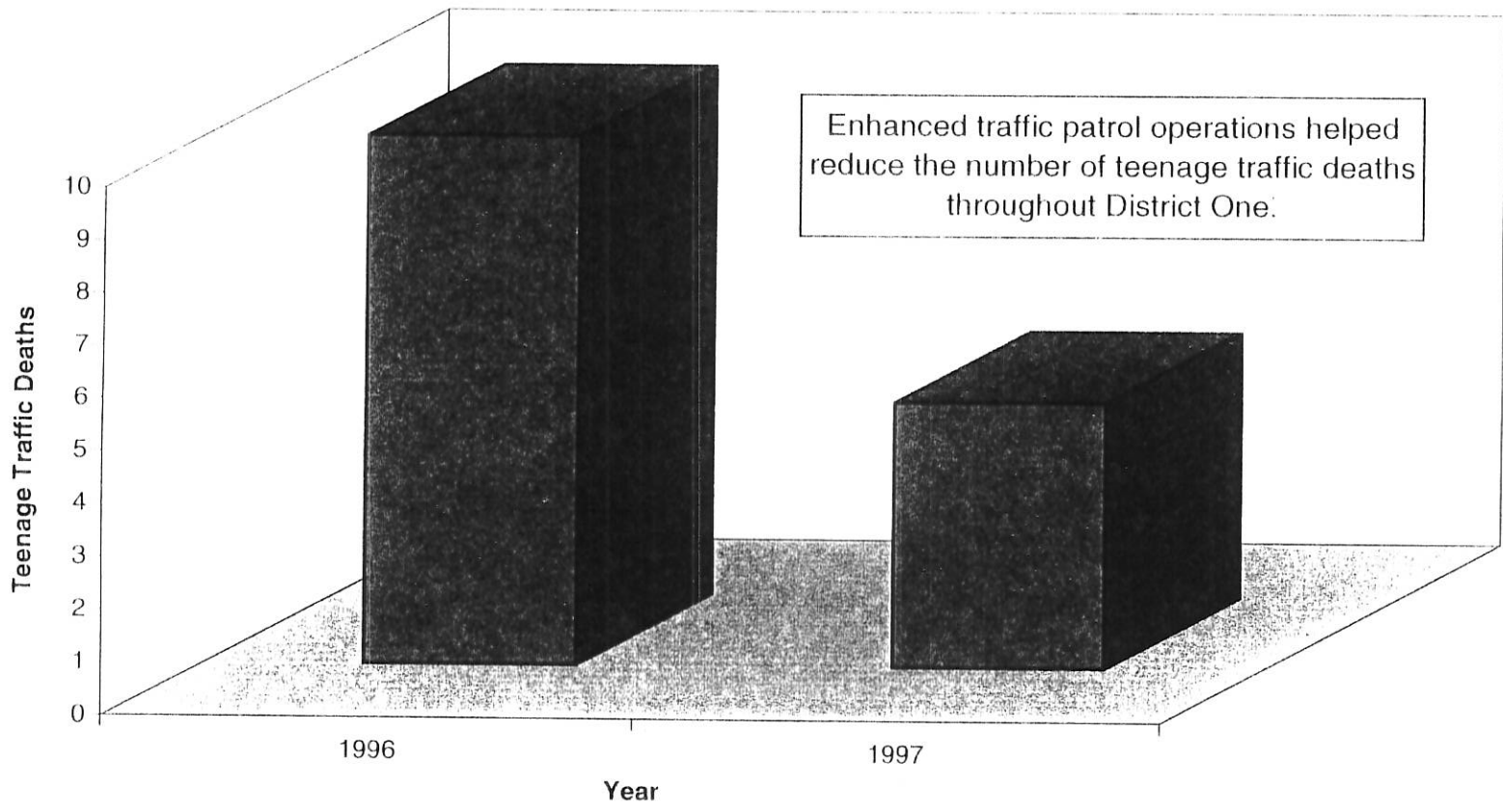
Patrol Hours
Per Traffic Citation Issued
Illinois State Police-District 1



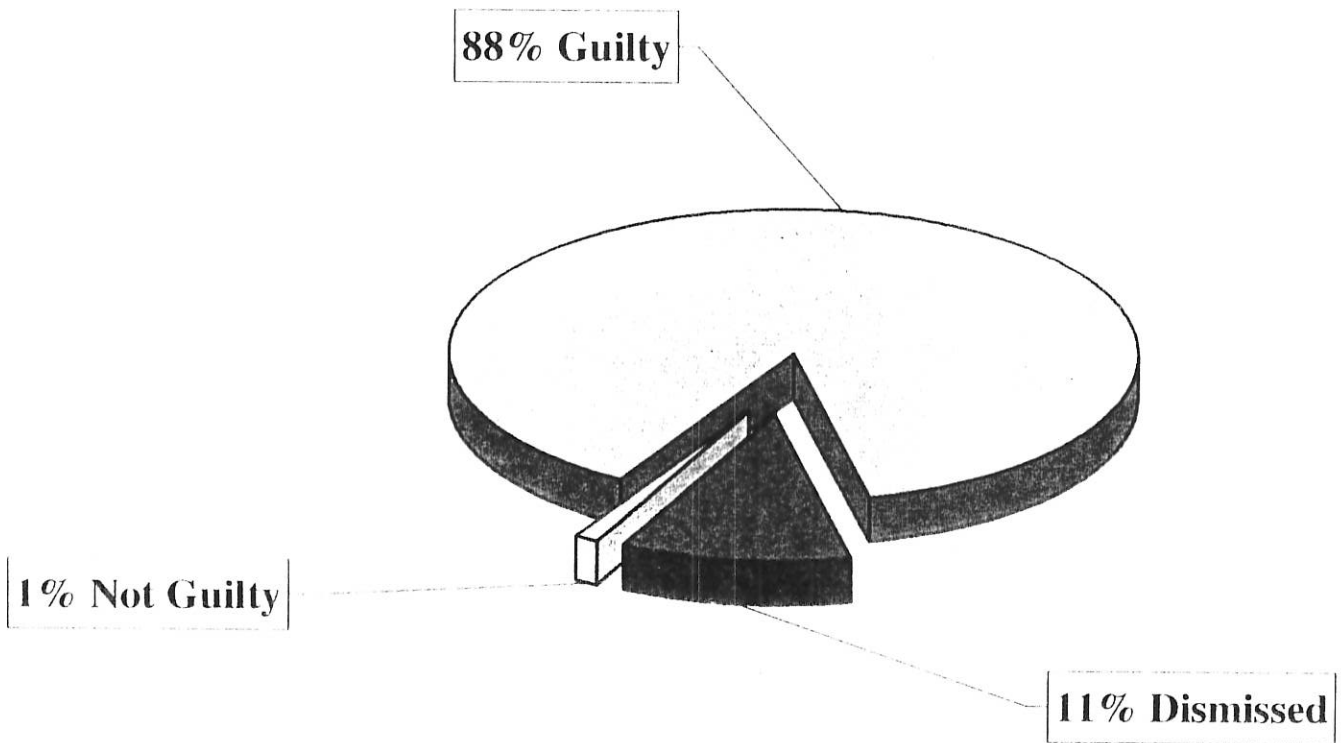
10.71% Increase in Statewide Teenage
Traffic Fatalities From 1996 - 1997
Illinois State Police



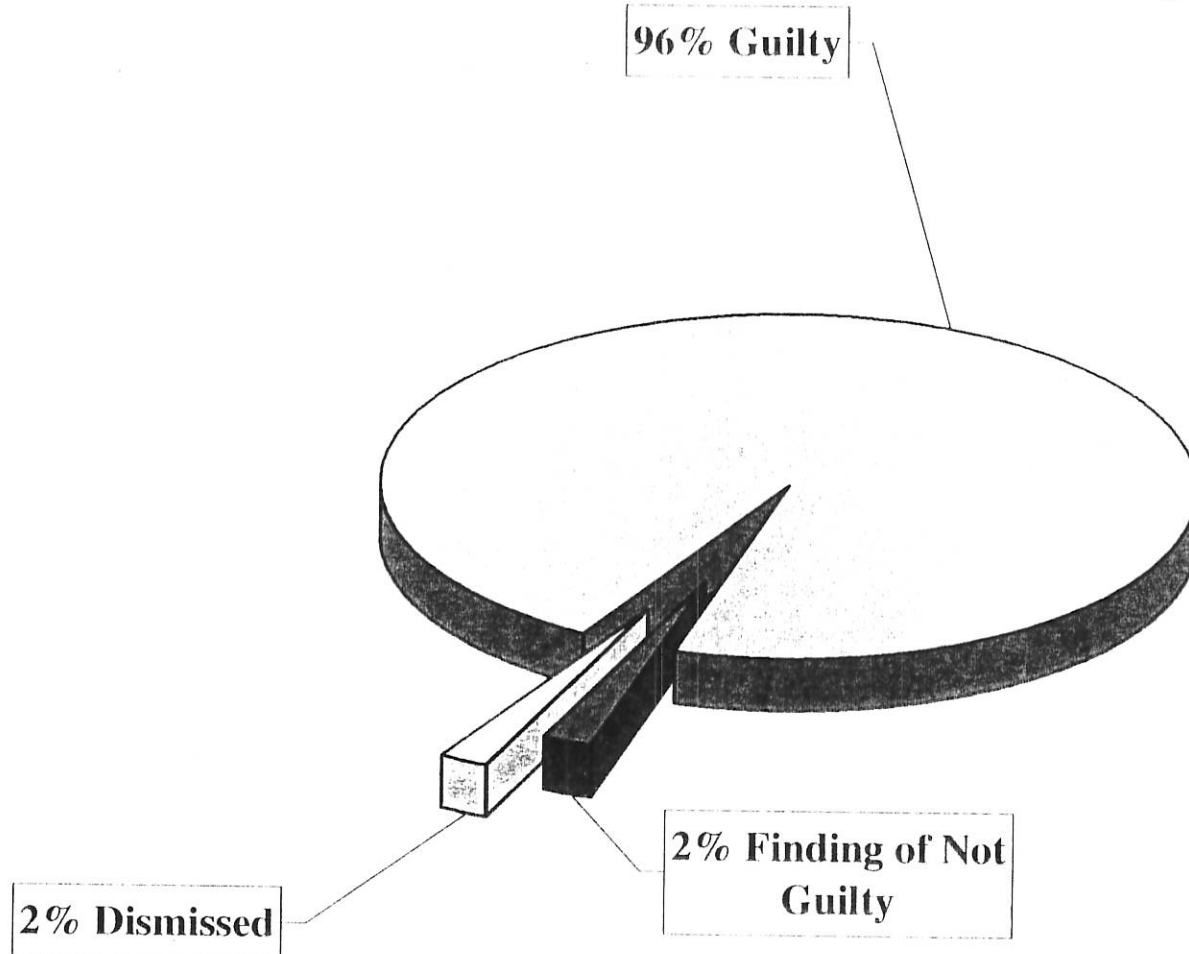
50% Reduction in Teenage Traffic Fatalities
Reported From 1996 - 1997
Illinois State Police - District One



Disposition of 139 DUIs
That Were Filed in 1996 and Adjudicated by May 7, 1998
Office of the Ogle County, IL State's Attorney



Disposition of 44 DUIs
That Were Filed in 1997 and Adjudicated by May 7, 1998
Office of the Ogle County, IL State's Attorney



HB 2699

AN ACT CONCERNING D.U.I - PROVIDING FOR AN ASSESSMENT TO PURCHASE LAW ENFORCEMENT EQUIPMENT.

MR. CHAIRMAN AND MEMBERS OF THE HOUSE JUDICIARY COMMITTEE:

MY NAME IS RON JACKSON. I AM THE POLICE CHIEF IN NEWTON KANSAS.

I APPRECIATE THIS OPPORTUNITY TO SPEAK BEFORE YOU IN REGARDS TO HB 2699.

I AM HERE TO SPEAK IN FAVOR OF HB 2699.

DRIVING UNDER THE INFLUENCE IS ONE OF THE MOST SERIOUS TRAFFIC OFFENSES IN THE STATE OF KANSAS.

ALCOHOL RELATED ACCIDENTS IN KANSAS FROM 1990 - 1997 RESULTED IN 26,765 ACCIDENTS. THERE WERE 715 FATALITIES AND 21,905 INJURIES,

I KNOW THAT PASSAGE OF THIS BILL WILL NOT STOP ALCOHOL RELATED ACCIDENTS. I USE THESE FIGURES TO EMPHASIZE THE MAGNITUDE OF THE PROBLEM.

LAW ENFORCEMENT IN 1998 ARRESTED OVER 20,000 IMPAIRED DRIVERS. (1999 FIGURES ARE NOT YET AVAILABLE.)

THE AVERAGE TIME SPENT PROCESSING EACH ARREST IS 2 HOURS PER OFFICER.

THE PASSAGE OF THIS BILL WILL BENEFIT LAW ENFORCEMENT STATE WIDE.

MORE IMPORTANTLY, THE SMALLER AGENCIES ACROSS KANSAS WILL BENEFIT THE MOST. SMALLER DEPARTMENTS WHOSE BUDGETS ARE LIMITED WILL NOW BE ABLE TO BUY EQUIPMENT TO AID THEM IN DETECTING IMPAIRED DRIVERS, IE: INTOXILYZERS, IN-CAR CAMERAS, RADARS AND OTHER BREATH TESTING EQUIPMENT.

DRIVING UNDER THE INFLUENCE WILL CONTINUE TO BE THE MOST SERIOUS
DRIVING OFFENSE IN KANSAS. LAW ENFORCEMENT NEEDS ALL AVAILABLE
TOOLS TO COMBAT THIS PROBLEM AND MAKE OUR STREETS AND HIGHWAYS
SAFE.

THANK YOU FOR YOUR CONSIDERATION.



Mothers Against Drunk Driving

3601 SW 29th Street • Topeka, KS 66614 • (785) 271-7525 • Fax (785) 271-0797 • 1 (800) 228-6233

KANSAS STATE OFFICE

January 28, 2000

Representative Michael O'Neal, Chairman
House Judiciary Committee
State Capital Room 170 W
Topeka, Kansas 66612

Dear Representative O'Neal and Committee Members:

MADD supports the testing of and development, evaluation and implementation of new technology to assist police in the enforcement of DUI laws. Examples of such new technology include passive alcohol sensors, videotaping of DUI offenders and in-vehicle computer terminals for license/criminal records checks.

Technology that can contribute to effective enforcement and DUI deterrence includes portable preliminary breath testers (PBTs) and passive alcohol sensors (PAS) to identify when a driver has been drinking. MADD has also supported the use of videocameras mounted in patrol vehicles so that the officer can document on tape the erratic driving tendencies of the suspected impaired drivers as well as his impaired response to field sobriety tests.

Kansas MADD frequently receives calls from law enforcement agencies seeking funding for the purchase of PBTs and videocameras. Kansas MADD recognizes the importance of these devices. However, MADD does not have funds available for such purchases.

Kansas MADD supports House Bill 2699 in that it would provide an additional deterrent to DUI and provide revenue for enhanced DUI enforcement.

Kansas MADD asks your support for House Bill 2699.

Sincerely,

Dee Meyer
State Chairperson
Kansas MADD

House Judiciary
1-31-2000
Attachment 6

Jackson County Sheriff's Office

210 U.S. 75 Highway
P. O. Box 271
Holton, Kansas 66436-0271
Tel. (785) 364-2251 Fax (785) 364-4820

Daina D. Durham
Sheriff
Steve Frederick
Undersheriff

January 27, 2000

Reference: House Bill No. 2699

The Jackson County Sheriff's Office supports House Bill No. 2699. While this bill is not the answer to all of law enforcement's equipment needs, it will afford struggling agencies an avenue to purchase and upgrade much needed equipment without increasing the burden on the community. People who commit crimes should do more to repay the community for the burden they create. I have included some arrest statistics for Jackson County for the years 1996 through 1999 for the crime of DUI. This indicates an approximate increase in arrests of about 300%.

YEAR	ADULT	JUVENILE	TOTAL
1996	57	3	60
1997	129	3	132
1998	206	6	212
1999	165	10	175

As technology becomes available, courts require more and better documentation of arrests and investigations. There seems to be a mindset that if it is available, we should be using it. As well, law enforcement agencies face the periodical replacement of expensive equipment as it wears out or becomes obsolete. Most agencies struggle to keep up with these demands. Currently, the only real source of funding available for this type of equipment is through available grants or by increasing the burden on the community.

The Jackson County Sheriff's Office currently employs 10 patrolmen. Of those ten patrolmen, five do not have radar equipment in their patrol units and of those ten none have in-car video cameras or mobile video equipment. The Sheriff's Office recently priced five new radar units and ten in-car cameras. The total cost to equip each patrolman with this basic equipment, if we keep the old units would be approximately \$50,000.00.

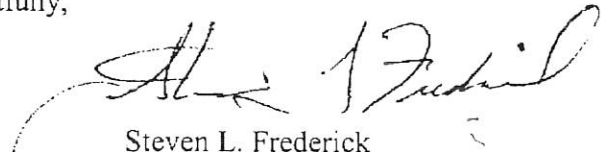
House Judiciary
1-31-2000
Attachment 7

Obviously, radar equipment is needed to enforce speed regulations but it is also a valuable tool in locating and developing probable cause for DUI traffic stops. In-car cameras are used to document the officer's actions. They are also used to document the investigation of DUI traffic stops and the tapes are retained as evidence for trial purposes. The old saying "a picture is worth a thousand words" holds true but a video is even better. Many times departments and individual officers are able to use these videos to defend themselves against lawsuits and false claims.

Preliminary breath testers or PBT's and the Intoxilyzer 5000 are also basic, necessary, equipment for the investigation of driving under the influence cases. Our patrol units do have PBT's, however we have not been able to replace our Intoxilyzer since it went out of service about 4 years ago. The cost of a new intoxilyzer is approximately \$7,000.00. Our machine was purchased in the late 1960's and just could not be repaired any more.

These are just some of the needs that my department will be dealing with in the future. Every department has it's own needs and struggles but over my ten years of service one thing has become clear to me. Every department struggles to keep quality up-to-date equipment at the disposal of its officers. If House bill 2699 is passed, it will be a needed asset to the law enforcement community across the state.

Respectfully,



Steven L. Frederick
Undersheriff
Jackson County, Kansas

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