

Approved

Date: *March 13, 2001*

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson John Vratil at 9:41 a.m. on March 12, 2001 in Room 123-S of the Capitol.

All members were present except: Senator Pugh (excused)

Committee staff present:

Gordon Self, Revisor
Mike Heim, Research
Mary Blair, Secretary

Conferees appearing before the committee:

Tom Stanton, Assistant Reno County Attorney
Sally Salguero, Assistant Sedgwick County Attorney
Rick Guinn, Johnson County District Attorney
Juliene Maska, Victims Rights Coordinator, Office of Attorney General
Pat McAnany, Chief Judge, Johnson County
Sharon Katz, Executive Director, SAFEHOME

Others attending: see attached list

Minutes of the March 8th meeting were approved on a motion by Senator Schmidt, seconded by Senator Umbarger. Carried.

HB 2136—re: criminal history classification

Conferee Stanton testified in support of **HB 2136**, a bill which would change the criminal history scoring requirement of the Kansas Sentencing Guidelines Act to include DUI offenses from any other state or local government. Validating a need for this bill, he discussed a particular DUI driver/victim situation where current law was ineffective for meting out just punishment. He further discussed a house amendment and requested it be removed and the bill passed as originally presented. (attachment 1) Brief discussion followed.

HB 2137—concerning traffic; re: citations

Conferee Salguero testified in support of **HB 2137**, a bill which makes technical changes to the traffic laws governing the issuance of citations by a law enforcement officer. (attachment 2) Following brief discussion, Senator Adkins made a motion to pass the bill out favorably and recommend it be placed on the consent calendar, Senator O'Connor seconded. Carried.

SB 341—re: domestic violence

Conferee Guinn testified in support of **SB 341**, a bill which would authorize the courts to impose a fee on offenders involved in domestic violence cases. He reviewed Johnson County's domestic violence policy and discussed current statistics which show a reduction in domestic violence homicides in the last few years. He discussed provisions in the bill which prescribe the manner in which fees would be collected and distributed to fund special programs for domestic violence. He stated that the bill also provides for bond supervision which would be fee supported as well. (attachment 3)

Conferee Maska testified in support of **SB 341**. She reviewed how the federal S.T.O.P. Violence Against Women (VAWA) grant is administered by her office and discussed measures that were taken when it was learned that the grant is declining. She stated the AG's office supports this bill. (attachment 4)

Conferee McAnany testified in support of **SB 341**. He discussed Johnson County's coordinated efforts to aggressively address domestic violence by providing special domestic violence courts to handle such cases and by providing needed community services. These, he stated have been funded by VAWA grants which he affirmed are declining. He reviewed provisions in the bill and proposed amended language to Section 3 which would better facilitate the processing of funds. (attachment 5) Discussion followed.

Conferee Katz testified in support of **SB 341**. She discussed the structure and function of SAFEHOME, the only domestic violence program in Johnson County, and stated that the domestic violence fee provided for in this bill would assist her organization with the necessary funds to continue to serve the community. (attachment 6)

Written testimony supporting **SB 341** was submitted by Sandy Barnett, Kansas Coalition Against Sexual and Domestic Violence. (attachment 7)

Written testimony supporting SRS recommendation to **HB 2084** was submitted by James Germer, Kansas Advocacy and Protective Services, Inc. (attachment 8)

The meeting adjourned at 10:32 a.m. The next meeting is March 13, 2001.

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: March 12, 2001

NAME	REPRESENTING
Julienne Masler	AG office
Sharon Katz	SAFEHOME
Lee Haneber	10 th Jud Dist Court Services
PAT McARMY	10 th Judicial Dist.
Rick Gunnin	9 th Co. DA's office
Kathy Porter	Deedwood Branch
Roddy M. Heenelee	Judicial Council
Suman Bechara	KCDAA
Tom Stanton	KCDAA
Sally Salguero	KCDAA
Joe Dy	K's Commission on Div Disord, Kin
Laura Howard	SRS
John House	SRS
Marieshae Frierson	AG's office
Jill Stewart	AG's office
Nancy Lindberg	" "
Dan Hermes	KADSPA
Joe Herold	KSC
Lynn Reib	KAPS

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: 3/12/2001

NAME	REPRESENTING
Jim Lerman	KAPS

ICT ATTORNEY

Keith E. Schroeder

DEPUTY DISTRICT ATTORNEY

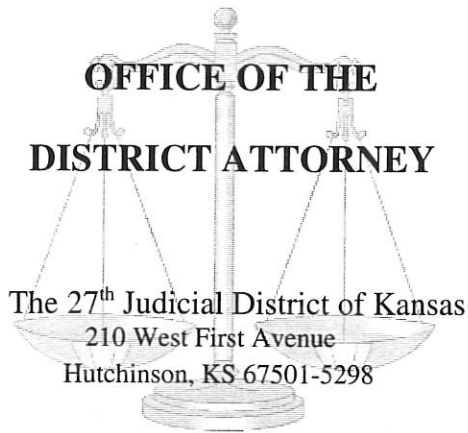
Thomas R. Stanton

ASSISTANT DISTRICT ATTORNEYS

Kevin K. Stephenson

F. Terry Bruce

Linda L. Blackburn - Juvenile



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March 12, 2001

Senate Judiciary Committee
Kansas Senate

Re: House Bill No. 2136

Dear Senators:

My name is Tom Stanton, and I am the Deputy District Attorney in Reno County. Thank you for giving me the opportunity to testify regarding House Bill 2136.

On December 11, 1994, a Honda passenger car occupied by Weltha Diana Oborg, Weltha Langerman and Howard Holdsclaw III was traveling south of Salina on Interstate 135 toward McPherson. Weltha Oborg was operating the car in a safe manner and at a safe speed.

On December 11, 1994, a Chevrolet Blazer driven by Vincent L. Brown was traveling north on Interstate 135. Unlike Weltha Oborg, however, Brown was not operating his truck in a safe manner. He was intoxicated.

Vincent Brown lost control of the Blazer. It veered across the highway and struck the car carrying the three innocent victims. Weltha Diana Oborg, Weltha Langerman and Howard Holdsclaw III were killed instantly. The Blazer came to rest on its top. Containers of alcohol beverages were scattered around the Blazer. Brown was not seriously injured. Brown's blood alcohol content was measured at .251.

Vincent Brown should not have been on the road that day. His license had been suspended for driving while under the influence of alcohol. He had no insurance on his car because of his terrible driving record. Brown had been convicted of driving under the influence of alcohol four times between January 1987 and April 1994.

On May 15, 1995, Vincent Brown pleaded guilty to three counts of Involuntary Manslaughter for the deaths of Diana Oborg, Weltha Langerman and Howard Holdsclaw. Both the defendant and the State filed motions to depart from the presumptive sentences that would be imposed in the case.

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On August 4, 1995, Vincent Brown appeared before Judge Dan Boyer for sentencing. Both parties agreed that Brown's criminal history score should be found to be category A based on the provisions of K.S.A. 21-4711(c) which require that every prior conviction for driving under the influence of alcohol be scored as a person felony if the crime of conviction is involuntary manslaughter while driving under the influence of alcohol. Judge Boyer, after hearing evidence from both the State and the defendant, denied the motions to depart and sentenced Brown to a controlling term of 204 months. The sentence represented the maximum the court could order without granting the State's motion for an upward departure. Judge Boyer would later state that he had hoped to impose a sentence that was "appeal proof." However, the fact that three of Brown's prior four D.U.I. convictions were convictions in municipal court would drastically affect that sentence.

Brown appealed the sentence, and the Kansas Court of Appeals ruled that, because the statute did not specifically include municipal convictions for driving under the influence of alcohol in the enhancement provisions of K.S.A. 21-4711(c), Brown's prior municipal convictions for D.U.I. could not be scored as person felonies. The appellate court vacated the sentence and remanded the case for re-sentencing.

Brown returned to Saline County District Court on August 25, 1997, to be re-sentenced. Brown was assigned a much less serious criminal history score of D, reducing the presumptive prison range from 122 to 136 months down to 50 to 55 months. The State prosecutor put on additional evidence on the State's motion to depart. The trial court granted the State's motion and departed on the base sentence. However, the total sentence was reduced to 178 months from the original sentence of 204 months. Had the court not granted the motion to depart, the maximum sentence Brown could have received would have been 123 months.

A bill was subsequently introduced to amend the language of K.S.A. 21-4711(c) to specifically include municipal court convictions for D.U.I. However, the bill was apparently withdrawn after the Supreme Court decision in State v. Vega-Fuentes, 264 Kan. 10, 955 P.2d 1235 (1998)(filed March 3, 1998) because legislators believed that the decision in that case corrected the problem addressed by the proposed legislation. However, the Vega-Fuentes decision was an interpretation of the sentencing provisions found in K.S.A. 21-4710(d)(7) and K.S.A. 21-4711(a). The decision did not address the problem in K.S.A. 21-4711(c), and the use of municipal court convictions for D.U.I. under the enhancement provisions of K.S.A. 21-4711(c) remains unresolved.

Most of the statutes which address prior convictions as enhancements have been modified to include convictions stemming from municipal ordinances or county resolutions. The legislature should do the same with K.S.A. 21-4711(c). House Bill 2136 accomplishes that goal. The bill simply amends the language of the statute to include "a violation of a law of another state or an

ordinance of any city, or resolution of any county, which prohibits the act described in K.S.A. 8-1567 and amendments thereto” as offenses that, if resulting in conviction, diversion or juvenile adjudication, will be enhanced to person felonies if a person stands convicted of the crime of involuntary manslaughter while driving under the influence of alcohol or drugs.

It makes no moral, legal, or intellectual sense to count only prior convictions for D.U.I. pursuant to K.S.A. 8-1567 as person felonies for the purposes of enhancement under K.S.A. 21-4711(c). The purpose of the statute is to increase the penalty for killing another human being while driving under the influence of alcohol or drugs if the defendant has had one or more prior D.U.I. convictions. The court in which such a conviction occurred has no logical connection to whether the defendant’s criminal history score should be enhanced. Each D.U.I. conviction represents an occasion during which the defendant has placed the lives of innocent members of society at risk by driving a deadly weapon under the influence. Whether the arrest occurred one block inside a city, thus subjecting the defendant to municipal prosecution, or one block outside a city, thus subjecting the defendant to State prosecution, should make no difference in the application of K.S.A. 21-4711(c).

There may be a perception that convictions from a municipal court are somehow less reliable than convictions from a district court, so I want to address that issue. Many State convictions arise out of magistrate courts where the judge is not required to have a law degree. In Saline County, for example, all traffic misdemeanors committed outside of city limits that are not connected with a criminal count are tried to Judge Adrian Lapka, a magistrate judge who is not a lawyer. Judge Lapka requires that D.U.I. defendants either be represented by counsel or sign an appropriate waiver form. Many municipal court judges are practicing attorneys. All municipal judges in cities of the first class (cities with a population in excess of 15,000) are required by K.S.A. 21-4105(c)(2) be attorneys admitted to practice law in Kansas. Certainly these attorneys, many of whom defend persons charged with D.U.I. in other jurisdictions, are just as insistent that due process be observed as is Judge Lapka. There is no reason to believe that municipal convictions for D.U.I. are less reliable than State convictions.

I have spoken to Mary Ann Khoury of the DUI Victim Center of Kansas. The Center vigorously supports the passage of this legislation.

The Kansas House of Representatives Judiciary Committee amended the language of the original bill to add “occurring within a period commencing 10 years prior to the date of conviction for the current crime of conviction” to limit the application of the statute to a period of ten years prior to a conviction for involuntary manslaughter. I respectfully request that this body consider removing that language and passing the bill as originally presented. The language as presented would apply only to prior convictions that are not pursuant to K.S.A. 8-1567. The result is that prior D.U.I. convictions pursuant to K.S.A. 8-1567 would be scored as person felonies no matter

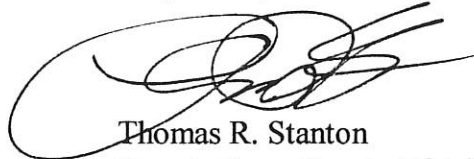
when they occurred, while convictions under any other statute, resolution or ordinance would be considered only if the conviction occurred within ten years of the involuntary manslaughter conviction. There is no legal or logical reason for this discrepancy. Additionally, because the window is based on the time of conviction for involuntary manslaughter rather than for the commission of the offense, the language allows for the possibility that a defendant could delay a conviction upon a charge of involuntary manslaughter past the ten-year window and thereby significantly reduce his or her exposure to punishment.

When first enacting K.S.A. 21-4711, this legislature determined that a person who kills another while driving while intoxicated should face serious consequences if he or she has been previously convicted of D.U.I. This is because that person has had opportunities for treatment, education and probation in connection with the prior conviction or convictions. The fact that the person failed to take advantage of these programs and repeated the offense resulting in the death of another person, or in Brown's case, persons, is precisely the reason the priors should be considered as person felonies. The trial court can consider the age of a prior conviction at the time of sentencing if requested to do so by the defendant in a departure motion. The passage of time should not be used to remove a prior conviction from conversion to a person felony.

As you approach milepost 81 on Interstate 135 south of Salina, you will see three white crosses in the fence. These three crosses memorialize the lives of the three human beings Vincent Brown callously destroyed. Brown's actions tore gaping wounds in the lives and emotions of the family and friends of these innocent victims. Brown should not have been driving on December 11, 1994. He should have received the full punishment he deserved based on his four previous D.U.I. convictions. Instead, he was able to take advantage of a mistake in the language of the statute that failed to include his crimes in the enhancement provisions of K.S.A. 21-4711(c). This legislature can cure the problem. Please pass House Bill 2136 in its original form.

Thank you for your time and attention.

Respectfully submitted,



Thomas R. Stanton
Deputy Reno County District Attorney

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Senate Judiciary Committee

Testimony regarding HB 2137

During the 1999 legislative session, the Kansas legislature changed the status of the offense of driving while a habitual violator (K.S.A. 8-287) from a felony to a misdemeanor effective July 1, 1999. Prior to that date, prosecutors were required to file this charge in a formal complaint or information based on a sworn affidavit setting out the probable cause to believe the offense had been committed. This practice is required in all felony cases but it is not mandatory in misdemeanor traffic cases.

Most misdemeanor traffic charges and traffic infractions prosecuted in the district courts are filed via a citation issued by law enforcement officers as authorized by K.S.A. 2000 Supp. 8-2106 and include a notice to appear in court on a specified date. This statute enumerates the specific offenses or infractions that can be charged by citation. However, it does not now list a violation of K.S.A. 8-287, thus requiring the much more lengthy and involved process of filing a formal complaint or information in order to commence a prosecution for the misdemeanor offense of driving while a habitual violator. Violations of K.S.A. 8-287 are frequently charged throughout the state. During 1999 in Sedgwick County alone, over 300 such charges were filed.

House Bill 2137 seeks to remedy this situation by listing violations of K.S.A. 8-287 as offenses that may be filed by citation, resulting in great time savings for law enforcement officers, prosecutors and the courts. It also removes violations of repealed statutes as violations for which a citation may be given and makes current the proper statutory citation for the offense of transporting an open container.

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Comments in Support of Senate Bill 341

Monday - March 12, 2001
Richard G. Guinn, First Assistant District Attorney

On behalf of Paul Morrison and the Johnson County District Attorney's Office I want to express our full fledged support of Senate Bill 341.

Our office first began our domestic violence pro-arrest policy in January of 1989. It was a massive, coordinated effort among our office and the sixteen police jurisdictions in our county. Since that time the Johnson County District Attorney's Office has prosecuted approximately 13,000 cases of domestic violence. Approximately 20% of our adult prosecution resources are put into the fight against domestic violence. As a result, we have seen a dramatic reduction in the number of domestic homicides in our county over the last several years. This was confirmed last year in a study conducted by the Center for Management Assistance. We believe very strongly in communities working together to try to break the cycle of violence that, among other things, is one of the most virulent forms of child abuse.

Unfortunately, our community, like every other, still suffers from serious violence. One thing we've learned is this: the most effective systems are able to spot very early those offenders who have the greatest propensity for violence. Those folks, when not incarcerated, need to be supervised closely while on bond. Unfortunately, we have not had the funding to be able to provide the kind of attention to these offenders that we need. Senate Bill 341 provides a mechanism to fund a meaningful bond supervision program for these offenders. I strongly believe that over time it will mean saved lives.

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State of Kansas

Office of the Attorney General

120 S.W. 10th Avenue, 2ND FLOOR, TOPEKA, KANSAS 66612-1597

CARLA J. STOVALL
ATTORNEY GENERAL

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Testimony of
Juliene Maska, Statewide Victims' Rights Coordinator
Office of Attorney General Carla J. Stovall
Before the Senate Judiciary Committee
Senate Bill 341
March 12, 2001

Chairperson Vratil and Members of the Committee:

Thank you for the opportunity to appear before you today on behalf of Attorney General Carla J. Stovall to provide information on funding of programs which SB 341 addresses. The Attorney General is responsible for 10 different state and federal grant programs. Governor Bill Graves gave the responsibility of administering the S.T.O.P. Violence Against Women (VAWA) grant to the Attorney General in 1995. I direct the crime victims' rights division in the Attorney General's office and assist the Attorney General in the administration of the grant programs.

In December 2000, after the recent reauthorization of the Violence Against Women Act by Congress, I received information which stated that the S.T.O.P. VAWA formula grant program for states will be decreasing. At that time I notified subgrantees, which receive the funds, that the fund will be declining and to begin exploring ways to fund their grant projects with other funding sources. A similar memo went out in February 2001, which iterated the same message.

This formula grant requires our office to allocate the funds in the following manner for this year: 25 percent to law enforcement agencies, 25 percent to prosecution, five percent to the courts, 30 percent to nonprofit, non-governmental victim services and 15 percent for discretionary purposes. In previous years the formula was 25 percent equally in the above categories with no separation of the courts being earmarked. The highest amount awarded to Kansas with S.T.O.P. VAWA grant funds was in 1999 at \$1,558,000 and for 2001 it will be \$1,368,000. Attached are summaries of the organizations which currently receive these funds.

The Attorney General supports the passage of SB 341 which would assess fees to convicted offenders of crimes related to domestic violence. In particular this bill encourages the coordinated community justice response to domestic violence, one in which we know works in addressing domestic violence and holding offenders accountable. We urge your favorable support for this bill.

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**THE FEDERAL S.T.O.P. VIOLENCE AGAINST WOMEN (VAWA)
GRANT AWARDS FOR FISCAL YEAR 2001**

LAW ENFORCEMENT:

<u>Grant Number</u>	<u>County/Agency</u>	<u>Award Amount</u>
01-VAWA-03	Geary/Crisis Center Geary Co. Domestic Violence Task Force (part of total award)	\$107,242

The VAWA funds support a Police Response Advocacy Program which allows civilian domestic violence advocates to accompany law enforcement when they respond to domestic violence calls in the county. The advocates then offer advocacy services to these victims. VAWA funds also support a Domestic Violence Task Force Coordinator who works with Geary County Police Investigators and tracks domestic violence cases and their outcomes. The Coordinator prepares reports on the cases and discusses them with county prosecutors, court service personnel, probation officers, and other task force members to ensure these cases are handled appropriately.

01-VAWA-04	Riley/Crisis Center Riley Co. Domestic Violence Task Force (part of total award)	\$120,323
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The VAWA funds support a Police Response Advocacy Program which allows civilian domestic violence advocates to accompany law enforcement when they respond to domestic violence calls in the county. The advocates then offer advocacy services to these victims. VAWA funds also support a Domestic Violence Task Force Coordinator who works with Riley County Police Investigators and tracks domestic violence cases and their outcomes. The Coordinator prepares reports on the cases and discusses them with county prosecutors, court service personnel, probation officers, and other task force members to ensure these cases are handled appropriately.

01-VAWA-08	Statewide/Kansas Bureau of Investigation	\$30,590
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VAWA funds will be used to ensure that domestic violence and rape information submitted by local law enforcement agencies is available for the National Incident Based Reporting System and state crime reports. The data can then be analyzed to determine the characteristics and extent of domestic violence and rape on a state and national level.

01-VAWA-13	Seward/Liberal Area rape Crisis/Domestic Violence Services (part of total award)	\$26,144
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This agency assists victims of domestic violence and sexual assault in Seward County and surrounding areas by offering shelter services, support counseling, advocacy, translation, and transportation. The agency also offers outreach services for victims who live in rural areas and will pilot a Police Response Advocacy program.

01-VAWA-14 Miami/Louisburg Police Department \$40,904

A Victim Advocate offers assistance, including support, counseling, information and referral, to victims of domestic violence in Louisburg and other Miami county municipalities.

01-VAWA-21 Shawnee/Topeka Police Department \$80,951

This program will create a database/tracking system to follow victims of domestic violence and sexual assault. This data will improve outcomes and services to victims by identifying and fixing system gaps.

01-VAWA-23 Sedgwick/Via Christi Regional Medical Center \$70,415

VAWA funds will enhance the communication and follow-up that victims of sexual assault receive by Via Christi Regional Medical Center. Victims will be notified of laboratory results and upcoming medical examinations. The agency will also improve communication between the medical personnel involved in the case and law enforcement, social services and other relevant agencies.

01-VAWA-25 Sedgwick/Wichita Area Sexual Assault
Center-SANE/SART Project \$59,212

This grant project will be jointly funded by the VAWA and VOCA grant programs with VAWA funds dedicated toward providing services to adult victims of sexual violence. The goal of the project is to develop a community-based, coordinated response to child and adult victims of sexual violence through the use of Sexual Assault Nurse Examiners (SANE) and a Sexual Assault Response Team (SART) in several communities. The SANE/SART programs will offer services including crisis intervention, forensic evidence collection and preservation, court testimony, medical care for injuries, follow-up counseling, community referrals for victims, and public education aimed at recognition and prevention of sexual violence. A Project Coordinator will be funded to provide training and technical assistance to local communities that are developing SART programs as well as new communities that want to have a SANE/SART program.

PROSECUTION/COURTS:

01-VAWA-03 Geary/Crisis Center Geary Co. Domestic
Violence Task Force (part of total award) \$12,480

The VAWA funds support a Police Response Advocacy Program which allows civilian domestic violence advocates to accompany law enforcement when they respond to domestic violence calls in the county. The advocates then offer advocacy services to these victims. VAWA funds also support a Domestic Violence Task Force Coordinator who works with Geary County Police Investigators and tracks domestic violence cases and their outcomes. The Coordinator prepares reports on the cases and discusses them with county prosecutors, court service personnel, probation officers, and other task force members to ensure these cases are handled appropriately.

01-VAWA-04 Riley/Crisis Center Riley Co. Domestic Violence Task Force (part of total award) \$29,404

The VAWA funds support a Police Response Advocacy Program which allows civilian domestic violence advocates to accompany law enforcement when they respond to domestic violence calls in the county. The advocates then offer advocacy services to these victims. VAWA funds also support a Domestic Violence Task Force Coordinator who works with Riley County Police Investigators and tracks domestic violence cases and their outcomes. The Coordinator prepares reports on the cases and discusses them with county prosecutors, court service personnel, probation officers, and other task force members to ensure these cases are handled appropriately.

01-VAWA-07 Johnson/District Attorney's Office \$83,226

The Domestic Violence Investigator, Domestic Violence Warrant Prosecutor, Domestic Violence Trial assistant, and the Domestic Violence Advocate assist the Johnson County District Attorney's Office with its domestic violence caseload. This program will develop and expand the Prosecutor Unit targeting Domestic Violence.

01-VAWA-11 Leavenworth/Leavenworth County Attorney \$64,966

This program will provide a domestic violence docket to provide consistent handling of domestic violence cases. The domestic violence docket will allow victims contact with a shelter advocate which will help the victim obtain information regarding protection from abuse orders, crime victims' compensation, and other information.

01-VAWA-12 Wyandotte/Municipal Court of the Unified Government of Wyandotte County \$93,192

A Municipal Court Domestic Violence Prosecutor revises domestic violence policies, reviews police reports, and prepares and prosecutes domestic violence cases in Municipal Court as well as those on appeal to the District Court. The Prosecutor also works with the police department in training officers on what is needed to successfully prosecute a domestic violence case.

01-VAWA-18 Saline/Saline County Attorney \$29,740

A Court Advocate offers assistance and immediate contact with domestic violence victims who are involved in court proceedings. The Advocate explains what the victim can expect while involved in the criminal justice system and will ensure that the victim's concerns and questions are made known to the prosecution and resolved in the appropriate manner.

01-VAWA-19 Sedgwick/Sedgwick County District Attorney \$32,561

A Case Coordinator will provide immediate, regular and sustained contact with victims of domestic violence, sexual assault and stalking who are involved in court proceedings. The Coordinator will maintain an updated file on the status of the victim's case and keep the victim informed of all court



DISTRICT COURT OF KANSAS
TENTH JUDICIAL DISTRICT
JOHNSON COUNTY COURTHOUSE
OLATHE, KANSAS
66061

CHAMBERS OF:
PATRICK D. McANANY
CHIEF JUDGE

(913) 715-3880
patrick.meanany@jocoks.com

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March 12, 2001

Dear Committee Members:

Re: Senate Bill 341

As Chief Judge of the 10th Judicial District-Johnson County, I am here today to testify on behalf of SB341.

The 10th Judicial District has been aggressively involved in the effort to address domestic violence in our community since 1989. At that time, the decision was made to hear all domestic violence cases at the district court level. In 1995, the court further responded with the creation of a specialized domestic violence court. Domestic violence cases comprise one-fourth of all criminal case filings in Johnson County each year, with year 2000 numbers reaching an all time high of 1640 cases. In an effort to have a co-ordinated community response to domestic violence, the court has partnered with the District Attorney's office and SAFEHOME, our local shelter, to implement needed services.

Currently, many of these services are funded through S.T.O.P. Violence Against Women Act (VAWA) grants. This last year, the Court saw its VAWA award significantly reduced and we have been warned to expect further reduction in the next grant process. VAWA funding currently supports a full time administrative assistant and a bond supervision program for the 10th Judicial District.

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SB 341 provides the many judicial districts in the state who have targeted domestic violence with a method to supplement funding for domestic violence related programs. In addition, SB 341 allows the court to order bond supervision through a Court Services Officer and to assess the costs of this bond supervision against the offender.

It is common for most offenders to be released pending further hearings, and that this time is crucially dangerous for the victim. We feel bond supervision by a CSO adds an extra layer of protection for the victim and allows us the opportunity to direct the perpetrator into needed intervention programs. All of the language in SB 341 is written as "may" and does not require any judicial district to implement these procedures.

One area of concern regarding SB 341 is Section 3 which provides for the collection and disbursement of the funds obtained through the domestic violence fee. The current language creates a more complex voucher system than what had originally been proposed. Attached is language that, as Chief Judge and the person with administrative responsibility over the fund, I would recommend for your consideration.

I urge your support of SB 341. In Johnson County, a recent study has concluded that our homicide rate has been cut in half directly as a result of our domestic violence programs. In addition, our recidivism rate for domestic violence offenders on probation has also been cut in half. We feel strongly that our programs are working and that we must have a way to insure financial support for these programs.

A handwritten signature in black ink, appearing to read "T. Z. ...".

New Sec. 3. **(a) If a judicial district creates a local fund under this act**, the court may impose a fee as provided in this section against any defendant for crimes involving a family or household member as defined in K.S.A. 21-3412, and amendments thereto. ~~All moneys received by the clerk of the district court pursuant to this act shall be remitted to the state treasurer, and the state treasurer shall deposit such moneys in the state treasury in the domestic violence special program fee fund to the credit of a separate account established for each judicial district from which such moneys were remitted.~~ The chief judge of each judicial district where such fee is imposed shall set the amount of such fee by rules adopted in such judicial district.

(b) Such fees shall be deposited into the local fund and disbursed pursuant to recommendations of the chief judge under this act. All moneys collected by this section shall be paid into the county general fund and used to fund domestic violence special programs as established by the judicial district and as authorized by this act.

(c) Expenditures made in each judicial district shall be determined by the chief judge and shall be paid to domestic violence programs administered by the court and to local programs within the judicial district that enhance a coordinated community justice response to the issue of domestic violence. All expenditures from such account shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chief judge in each such judicial district or by a person or persons designated by the chief judge. On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the domestic violence special program fee fund interest earnings based on:

(a) The average daily balance of moneys in the domestic violence special program fee fund; and

(b) the net earnings rate for the pooled money investment portfolio for the preceding month. Such interest earnings shall be allocated to each individual account in proportion to the average daily balance of that account for the preceding month.



Testimony in favor of Senate Bill 341
Sharon I. Katz
Executive Director, SAFEHOME
Johnson County, Kansas

Thank you for allowing me to speak to you today as a proponent of Senate Bill 341. I am the Executive Director of SAFEHOME, the only domestic violence program in Johnson County, Kansas. I have been in this position for almost nine years. I am also a resident of Overland Park, Kansas and have been for twenty-five years. I also am serving as the President of COMVAC, the Johnson County Community Violence Action Council, a coordinated community response team.

For the last six years SAFEHOME has been honored to work directly with the Johnson County District Court in the Domestic Violence Court Program. We have a full time staff member who works on site in the District Attorney's office, working daily with victims from arrests made the night before. Victims receive notices to appear and our staff member, working as a team with D.A. Victim's Assistance staff, to provide an information and education session along with advocacy and referrals to services, such as our shelter or our outreach counseling. This is a very important program, giving support to victims immediately after the violent incident. Very soon after we joined the court in this partnership, we received Violence Against Women's Act Funding for the District Court Advocate. This position continues to do more and more each year, now taking on the support and advocacy at Protection From Abuse dockets and organizing the counties' issuance of Emergency Protection Orders. Last year over 1600 Domestic Violence cases went through the District Court, and we met with 962 victims.

At the same time that we are increasing our numbers of clients seen and handling more referrals from the court program, we are being warned that VAWA dollars will be less and less available for our funding needs. We believe that the services that we offer in the district court and the entire domestic violence court program are providing invaluable safety and support for victims. We cannot continue it however if funding is cut. The small domestic violence fee that Senate Bill 341 would make it possible to charge the defendant, could provide needed funds for the court program that we have developed as well as enhance the community planning that our county is working on in COMVAC to respond to, prevent, and reduce domestic violence. For example, we might be able to fund a small childcare program to provide victims with emergency childcare while they attend first appearance, a program our Children's Committee has been planning. Presently children, already exposed to violence in their homes, are then exposed to the emotional ordeal of mothers testifying and fathers on a video screen in orange jump suits.

Please help us and other counties involved in the task of a coordinated community response to prevent and reduce domestic violence with a new source of funding for our programs.

Thank you for your consideration,

Sharon I. Katz

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UNITED AGAINST VIOLENCE

KANSAS COALITION AGAINST SEXUAL AND DOMESTIC VIOLENCE

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785-232-9784 • FAX 785-266-1874 • coalition@kcsdv.org

**Senate Judiciary Committee
March 12, 2001**

Mr. Chairman and Members of Committee:

The Kansas Coalition Against Sexual and Domestic Violence (KCSDV) supports SB 341.

For almost the past decade, advocates against domestic violence have worked with systems to evaluate how their policies, protocols, and daily practices can enhance safety of victims and hold perpetrators more accountable for their criminal behavior. Often this is done through collaborative efforts on the part of advocates, courts, law enforcement, prosecutors, health care providers, child welfare workers, schools, mental health practitioners, batterers intervention specialists, probation/parole, and others. A massive, but effective undertaking by all.

One of the most exemplary programs in Kansas, probably in the nation, exists in Johnson County -- The Community Violence Action Council (COMVAC). COMVAC has built a system-wide response that helps victims access criminal and civil court remedies, shelter or other advocacy services, and referrals to other programs that can assist with needs arising from their individual circumstances. COMVAC has systemized the way batterers are held accountable by standardizing batterers intervention practices that require reporting and monitoring. This is only one example of the kind of programs in Kansas that have arisen as a result of funds from the Violence Against Women Act. But, these programs could be in jeopardy because the funds that make them happen are decreasing.

The Violence Against Women Act, originally passed by Congress in 1994 and reauthorized in 2000, provides funds to Kansas for the Services, Training, Officers, and Prosecutors (S.T.O.P) grant program. Attorney General Carla Stovall's Victims' Rights Office, administrator of these funds, has already voiced their concern about the decreasing level of these funds.

This bill was crafted to generate funds to replace the decline in the STOP fund by assessing a special program fee on convicted perpetrators of domestic violence. Although collected by the State Treasurer, the funds are returned to each judicial district and allocated by the chief judge to programs of the court and communities within that judicial district.

Senate Bill 341 places the burden of helping pay for court and community expenses created by batterers on the batterer, which is one strategy to hold them accountable.

Although SB 341 will generate sufficient funds for only a few judicial districts to maintain or offset losses of other funds, it may be enough to prevent programs like the one in Johnson County from folding if funds decline further.

KCSDV urges the Senate Judiciary Committee to pass Senate Bill 341.

Thank you

Sandy Barnett
Executive Director

Sandy Barnett
3-12-01
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March 7, 2001

To: Senate Judiciary Committee

From: James L. Germer, Executive Director

Kansas Advocacy and Protective Services, Inc.

Re: Kansas Department of Social and Rehabilitation Services

Alternative Recommendations to H.B. 2084

Kansas Advocacy and Protective Services, Inc. (KAPS) staff have reviewed the proposed changes to H.B. 2084 as set forth by the Kansas Department of Social and Rehabilitation Services. KAPS is supportive of the SRS recommendations.

James L. Germer, J.D.

Executive Director

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