

MINUTES OF THE HOUSE COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE.

The meeting was called to order by Chairperson Ward Loyd at 1:30 p.m. on February 11, 2003, in Room 526-S of the Capitol.

All members were present except:

Committee staff present:

Jill Wolters - Office of Revisor
Mitch Rice - Office of Revisor
Jerry Ann Donaldson - Legislative Research Department
Bev Renner - Committee Secretary

Conferees appearing before the committee:

Danielle Noe, Intergovernmental Relations Manager–Johnson County Office of the Administrator
Stuart Little, Government Relations Consultant–Kansas Community Corrections Association
Secretary Roger Werholtz–Kansas Department of Corrections (KDOC)
Major Danny Bardezbain–Sedgwick County Police Department Kansas Sheriff's Association
Judy Moler, General Counsel/Legislative Services Director–Kansas Association of Counties
(written testimony)

HB 2089 - Juvenile corrections advisory boards; county commissioners shall appoint at least 3 but not more than 6 additional members.

Chairperson Loyd opened the hearing on HB 2089.

Danielle Noe, Intergovernmental Relations Coordinator for Johnson County was recognized to testify in support of **HB 2089** (Attachment 1). The members are representative of the public, health professionals, social service agencies or ex-offenders of the community. The need for this bill is in response to the heightened interest in juvenile justice. Three people have been in attendance at all meetings for the last two years and participate fully in this organization but are unable to be voting members. Currently, thirteen members are represented statutorily.

Stuart Little, Kansas Community Corrections Association spoke in support of **HB 2089** (Attachment 2). He acknowledged that this bill encourages the participation of community members in the management and oversight of corrections issues.

Chairperson Loyd closed the hearing on HB 2089.

HB 2088 - Inmate assistance upon release from incarceration; certain inmates required to pay public transportation costs.

Chairperson Loyd opened the hearing on HB 2088.

Secretary Roger Werholtz, KDOC was welcomed to testify in support of **HB 2088** (Attachment 3). This bill raises the threshold of the release gratuity to equal a balance in the inmate's trust account from \$500 to \$600. It also provides a release gratuity to offenders released to a detainer but released to the community within 30 days. Thirdly, this bill would provide that a released offender with a trust account balance of greater than \$600 would pay for his own public transportation, if needed. Any increase in fiscal responsibility will be budgeted by KDOC.

Chairperson Loyd closed the hearing on HB 2088.

HB 2092 - Cost of maintenance of certain prisoners.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE at 1:30 p.m. on February 11, 2003, in Room 526-S of the Capitol.

Chairperson Loyd opened the hearing on HB 2092.

Secretary Roger Werholtz, KDOC returned to testify in support of HB 2092 (Attachment 4). He explained that the bill caps the costs charged by county jails to house offenders pending transfer to a state correctional facility. This amount, \$52.13 per day, has been determined by KDOC to equal their cost to house the offender less the cost of inmate programs. This would represent an estimated savings to the Department of Corrections of \$294,000 for FY 2003.

Major Danny Bardezbain, Sedgwick County Police Department and representing Kansas Sheriff's Association spoke as an opponent to HB 2092. Sedgwick County Detention Facility recently had an analysis done by a private company and found that their daily operating cost is \$60.24. Population control reported today that Sedgwick County has 60-65 state prisoners in custody.

Chairperson Loyd called the attention of the committee to written testimony submitted by Judy Moler on behalf of the Kansas Association of Counties in opposition to HB 2092 (Attachment 5).

Chairperson Loyd closed the hearing on HB 2092.

HB 2017 - Joint committee on corrections and juvenile justice oversight, extending sunset two years.

Chairperson Loyd called for final action on HB 2017.

Vice-Chairperson Owens made a motion to amend Line 34 and 37 to replace Judiciary Committee with House Committee on Corrections and Juvenile Justice. Ranking Minority Member Ward seconded the motion.

Representative Pauls suggested that it might be better to offer a definition change of judiciary for the purposes of this bill that would include both committees since it is unknown how long split responsibilities will be in effect. Vice-Chairperson Owens offered that the sunset is only extending two years and probably there would be no changes within that period of time.

The motion carried.

Representative Pauls made a motion to amend language to show 2 members from House Corrections and Juvenile Justice and 1 from Appropriations for the minority party. Representative Ward seconded the motion. The motion carried.

Vice-Chairperson Owens moved **HB 2017** to be passed as amended. Representative O'Malley seconded the motion. The motion carried.

HB 2090 - Scope of agency relationship for inmate work crews defined.

Chairperson Loyd asked for final action on HB 2090.

Representative Pauls made a motion to pass **HB 2090** favorably to the consent calendar. Representative Swenson seconded the motion. The motion carried.

HB 2089 - Juvenile corrections advisory boards; county commissioners shall appoint at least 3 but not more than 6 additional members.

Chairperson Loyd presented HB 2089 for final action.

Representative Dillmore made a motion to pass **HB 2089** favorably to the consent calendar. Vice-Chairperson Owens seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE at 1:30 p.m. on February 11, 2003, in Room 526-S of the Capitol.

The meeting was adjourned at 2:55 p.m. The next scheduled meeting is February 12, 2003.



Johnson County, Kansas

BOARD OF COUNTY COMMISSIONERS

Danielle Noe

Testimony in support of HB 2089

presented to the

House Corrections and Juvenile Justice Committee

by

Danielle Noe

Intergovernmental Relations Coordinator

February 11, 2003

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify in support of HB 2089.

As you know, HB 2089 would allow the Board of County Commissioners to appoint three additional members to the Juvenile Corrections Advisory Board (JCAB) for a total of six additional members. These additional members would be appointed by and serve at the pleasure of the Board of County Commissioners and would be representative of those categories specified in K.S.A. 75-7044(b). Such appointments would be consistent and comply with the provisions of K.S.A. 75-7044(c).

The number of members on a JCAB varies slightly depending on whether or not a single county establishes the JCAB or several counties work together. Currently, Johnson County has 13 official members on the Johnson County JCAB. We have been fortunate that other people have been a part of the process and have participated in the meetings of the JCAB. The ongoing support of the community led the Board of County Commissioners to approve by resolution the addition of three ex-officio members, who are members of the public and serve at the pleasure of the BOCC.

Johnson County believes that counties should have the latitude to expand the membership of the JCAB to enhance community participation and representation. These additional appointments would be representative of public or private social service agencies, ex-offenders; health care professions, and the general public.

Expansion of the membership of the advisory board is consistent with the flexibility provided by the legislature in K.S.A. 75-7039 and K.S.A. 75-7042 to preserve and recognize the power and

local authority of the BOCC to determine the structure and administration of the juvenile justice services as presented in the comprehensive plan.

For these reasons, the Johnson County Board of County Commissioners requests favorable consideration of HB 2089.

STUART J. LITTLE, Ph.D.
Government Relations Consultant

February 11, 2003

Testimony before House Corrections and
Juvenile Justice Committee
House Bill 2089

Dear Chairman Loyd and Members of the Corrections and Juvenile Justice Committee,

I appear before you today on behalf of the Kansas Community Corrections Association in support of HB 2089. Community Corrections programs provide cost-effective community-based supervision for adult and juvenile offenders with lower severity level offenses (although the offenders are increasingly more severe and high-risk). The courts determine whether an offender is assigned to regular probation (through the courts) or intensive supervise probation in a community corrections program.

Community Corrections organizations are governed by local community corrections advisory boards. Our budgets are approved by our county commissioners and local control is a central tenant of community punishment. We support any effort to enhance the participation of community members in the management and oversight of our organizations.

Sincerely,



Stuart J. Little


H. Corr & J.J.
2-11-03
Attachment 2

KANSAS

KANSAS DEPARTMENT OF CORRECTIONS
ROGER WERHOLTZ, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

Memorandum

DATE: February 11, 2003
TO: House Committee on Corrections and Juvenile Justice
FROM: Roger Werholtz
Secretary of Corrections 
RE: HB 2088

HB 2088 amends K.S.A. 75-5211 to limit the obligation of the State to pay for the public transportation of offenders released from prison; increase the threshold amount of funds in an offender's facility trust account relative to the provision of a release gratuity; and provide eligibility for a release gratuity to offenders released to a detainer but who are nonetheless released to the community within 30 days.

Currently, K.S.A. 75-5211 provides for public transportation at state expense for all offenders released from a correctional facility who need public transportation, irrespective of whether the offender has funds available to pay for his or her own transportation. HB 2088 would condition the State's obligation to pay for required public transportation upon the offender having \$600 or less in his or her inmate trust account.

HB 2088 also increases the threshold for the eligibility for a release gratuity relative to the amount of money held in the offender's trust account from \$500 to \$600. The current disqualification from receiving a release gratuity due to an offender's participation in a work release or private business enterprise while incarcerated, remains one of the factors that disqualifies an offender from receiving a release gratuity pursuant to HB 2088.

Finally, HB 2088 amends K.S.A. 75-5211 in regard to the payment of a release gratuity to offenders released to a detainer. Current law disqualifies all offenders released to a detainer from receiving a release gratuity. HB 2088 provides that such offenders would be given a release gratuity if they are released from the detainer to the community within 30 days and otherwise qualify for the payment.

HB 2088 was introduced at the request of the Department to address the financial needs of released offenders upon their return to the community. At the same time, HB 2088 limits the obligation of the State to pay for the public transportation required by released offenders in returning to their home.

The State has long recognized the need to provide offenders released from incarceration with a cash payment to assist them in reestablishing themselves in the community. Prior to 1984, the Department was authorized to provide up to \$250, dependant on need, to released offenders. In 1984 the Legislature provided that a release gratuity of \$100 was to be given to all released offenders except those released to a detainer or who were employed through a work release or private business enterprise. In 1993, the Legislature conditioned the payment of a release gratuity upon the balance of funds in the inmates trust account, establishing a threshold of \$500 for eligibility of a release gratuity. The Legislature in 1993, also provided for a limitation on cash payments to those offenders who are returned to prison due to a violation of their supervision conditions. The Department provides a release gratuity of \$40 for the subsequent release of an offender who has less than \$100 in his or her inmate account, with a limit of \$220 to be given to an offender over course of the service of the sentence. HB 2088 would not change these restrictions on the payment of a release gratuity for subsequent releases.

In regard to the provision of HB 2088 pertaining to releases to a detainer, the bill addresses the long recognized need for a release gratuity to aid offenders in their return to the community and extends that aid to those offenders who though initially released to a detainer are nonetheless in the community within 30 days. Those offenders are confronted with the same financial needs facing other released offenders, albeit after a delay of no longer than 30 days.

HB 2088 also raises the threshold for eligibility for a release gratuity due to the balance in the inmate's trust account from \$500 to \$600. Since the adoption of the \$500 threshold ten years ago, the expenses incurred by offenders upon their return to the community as well as their obligation to pay for rehabilitation programs and supervision fees have increased. The Department, based upon its experience and confirmed by the LSI-R risk assessment instrument used to evaluate offenders in the community, believes that the ability of an offender to meet his or her financial obligations is an important aspect of the successful reintegration of an offender into the community. To this end the Department of Corrections has adopted a policy requiring that 10% of all funds received by an inmate be saved for his or her use upon release. HB 2088 in conjunction with the mandatory savings required for offenders is a balanced approach in meeting the financial obligations confronting offenders upon their release from prison.

The Department urges favorable consideration of HB 2088.

KANSAS


KANSAS DEPARTMENT OF CORRECTIONS
ROGER WERHOLTZ, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

Memorandum

DATE: February 11, 2003

TO: House Committee on Corrections and Juvenile Justice

FROM: Roger Werholtz
Secretary of Corrections 

RE: HB 2092

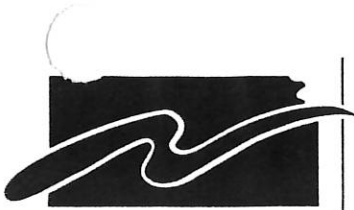
HB 2092 amends K.S.A. 19-1930 to limit the per diem costs charged by county jails for the housing of offenders charged with violations of their community supervision conditions pending transfer to a state correctional facility. HB 2092 codifies the proviso contained in the appropriations bill, L.2002 ch. 204 § 113 (a).

Current law, K.S.A. 19-1930(b), as well as HB 2092, requires county jails to receive offenders arrested due to charges that they have violated a condition of their release while supervised by the Department of Corrections. K.S.A. 19-1930(b) further provides that the cost to be paid by the Department of Corrections for maintaining such prisoners is to be equal to that provided by the county for the maintenance of county prisoners. However, the 2002 Legislature, in enacting an appropriation for the Department of Corrections, limited the cost to be paid by the Department by inclusion of a proviso that limited the per capita daily charge. The maximum per capita daily rate chargeable to the Department of Corrections is the cost incurred by the Department on a per capita daily basis, excluding inmate programs. The Department's per capita daily rate, excluding the cost of inmate programs, for the first quarter of FY 2003 was \$51.68 and is \$50.88 for the second quarter of FY 2003. The change in the per capita daily rate was due to the reductions in the Department's allotments implemented in November 2002. The Governor's budget recommendations for the Department for FY 2004 would result in a per capita reimbursement rate of \$52.13 per day.

During the first half of FY 2003, the Department incurred county jail reimbursement obligations of \$800,000. Had the reimbursement cap not been in effect, the Department estimates that obligation would have been \$947,000. Annualizing the six-month savings of \$147,000 results in an estimated total savings of \$294,000 for FY 2003. If HB 2093 is

not passed, a proviso would need to be included in the appropriations bill each year to achieve similar savings on an annual basis.

The Department urges favorable consideration of HB 2092



KANSAS
ASSOCIATION OF
COUNTIES

WRITTEN TESTIMONY

Before the House Corrections and Juvenile Justice Committee

HB 2092

February 11, 2003

By Judy A. Moler, General Counsel/Legislative Services Director

Thank you Chairman Loyd and Members of the Committee for allowing the Kansas Association of Counties to provide written testimony on HB 2092.

The Kansas Association of Counties opposes this bill as passage of the bill would allow the state to reimburse less than it is actually costing the county to house the prisoner for the state in some instances. As this committee is aware, local governments are already reeling from the loss of demand transfers. We ask the legislature not to add insult to injury by the passage of this bill.

The Kansas Association of Counties opposes the passage of HB 2092.

The Kansas Association of Counties, an instrumentality of member counties under K.S.A. 19-2690, provides legislative representation, educational and technical services and a wide range of informational services to its member counties. Inquiries concerning this testimony should be directed to Randy Allen or Judy Moler by calling (785) 272-2585.

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H. Corr & J.J.
2-11-03
Attachment 5