

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 March 12, 2003, in Room 526-S of the Capitol.

All members were present except:

Committee staff present:

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

Conferees appearing before the committee:

Denise Everhart, Acting Commissioner–Juvenile Justice Authority (written testimony)
Dr. Stuart Little, Government Relations Consultant–Kansas Community Corrections Association
Gordon Lansford, Director–Kansas Criminal Justice Information System
Kyle Smith, Special Agent–Kansas Bureau of Investigation (KBI)
Pat Scalia, Executive Director–Kansas Board of Indigents' Defense Services

SB 11 - Creating community advisory committee to participate in annual budget planning process of juvenile justice authority.

Chairperson Loyd opened the hearing on SB 11.

Acting Commissioner Denise Everhart of the Juvenile Justice Authority submitted written testimony in support of **SB 11** (Attachment 1) and would stand for questions.

Dr. Stuart Little, Government Relations Consultant - Kansas Community Corrections Association was recognized to speak in support of **SB 11** (Attachment 2). This bill establishes a Community Advisory Board that will receive comment, inform and participate with other statewide community partners in the budget and policy process regarding the Juvenile Justice Authority. Recommendations from this board will be advisory only, but **SB 11** will guarantee this board a voice. Existing statute provides for such a board for the Department of Corrections and it has evolved into a valued ad hoc group for the Secretary of Corrections to explore ideas and changes, in addition to a review of the annual budget process.

Chairperson Loyd closed the hearing on SB 11.

SB 63 - Changing the law enforcement telecommunications committee to the criminal justice information system committee.

Chairperson Loyd opened the hearing on SB 63.

Gordon Lansford, Director - Kansas Criminal Justice Information System appeared in support of **SB 63** (Attachment 3). He gave background and evolution information regarding the present law enforcement telecommunication committee. Kansas is well-recognized for its statewide-integrated criminal justice system (600+ entities) which is consistently ranked in the top five in the United States. It is an Internet based system that provides low cost access to all criminal justice users in Kansas. This is the only statewide criminal justice system in the United States approved by the FBI to access national criminal justice data over the Internet which provides access for all authorized users to both state and national databases. The change of title authorized in **SB 63** and the added committee members from other criminal justice professions will update the governance of the system to reflect the current criminal justice community. This will streamline jurisdiction and clarify the role of each entity.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE at 1:30 p.m. on March 12, 2003, in Room 526-S of the Capitol.

Kyle Smith, Special Agent (KBI) spoke in support of **SB 63** (Attachment 4). This legislation will reduce 30 people in two committees to one committee with 11 people in an attempt to streamline government and offer better service. All affected members are in complete agreement that this will best facilitate the governance of communications within the criminal justice system of Kansas.

Chairperson Loyd closed the hearing on SB 63.

SB 64 - Clarification of Kansas Offender Registration Act.

Chairperson Loyd opened the hearing on SB 64.

Kyle Smith, Special Agent (KBI) returned to the committee in support of **SB 64** (Attachment 5). This legislation modifies the Offender Registration Act which requires persons convicted of certain felonies, principally, violent sex offenses and murder, to register with local law enforcement. The information is maintained by the KBI in a database that is available to both investigators and the public. **SB 64** strikes the term "resident" since some nonresidents (i.e., out-of-state students before they attend school) are required to register. In section 2, penalty is clarified to a level 10 nonperson felony. Penalty is not changed, just worded more specifically for greater understanding. And, thirdly, **SB 64** adds repeated language to make sure new registrants are specifically informed that students at institutions of higher learning, who have such convictions, must register.

Chairperson Loyd closed the hearing on SB 64.

SB 45 - Application fee imposed on defendant entitled to indigent defense services.

Chairperson Loyd opened the hearing on SB 45.

Pat Scalia, Executive Director-Kansas Board of Indigents' Services spoke in support of **SB 45** (Attachment 6). This legislation amends current law to require persons requesting representation by a public defender to pay an application fee of \$100. This would be up-front as a condition of bond. States that have enacted the application fee report that the attorney/client relationship is enhanced with the defendant paying something toward their defense. This would make a considerable contribution (\$200,000 per fiscal year, until full implementation by all the judicial districts after 2 years when it would be \$800,000) to the funding of the indigents' agency. The right to counsel is provided constitutionally and if the state is sued for denying that right or delaying that right because of lack of funds, the cost is not just that of the attorney but the cost of the constitutional violation, which could be substantial through the Kansas Tort Claims Act.

Chairperson Loyd closed the hearing on SB 45.

The meeting was adjourned at 2:33 p.m. The next scheduled meeting will be March 13, 2003.

HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE
GUEST LIST

DATE March 12, 2003

NAME	REPRESENTING
GORDON LANSFORD	KCIJS
Denise Everhart	JJA
Julie Robison	SLCLD
Amy Williams	SLCLD <small>Southern Leavenworth County Leadership Development</small>
Ty GARVER	"
Dayna Miller	"
KRISTI STOCKMAN	"
Melissa Ruggero	Federico Consulting
CHUCK SEXSON	KEI
Kyle Smith	KBT
Allan L. Snellor	City of Overland Park
Keith Bradshaw	Budget
Kelly Brewer	Southern LV Co. leadership class
Lisa Holton	" "
Sean Harrington	
Amy Bertrand	Judicial Branch
Stuart Little	Ks Community Corrections Assoc.



KANSAS

JUVENILE JUSTICE AUTHORITY
DENISE L. EVERHART, ACTING COMMISSIONER

KATHLEEN SEBELIUS, GOVERNOR

MEMORANDUM

To: Representative Ward Loyd, Chair
Corrections and Juvenile Justice Committee

From: Denise Everhart, Acting Commissioner
Juvenile Justice Authority



Date: March 12, 2003

Subject: Senate Bill 11

Thank you for this opportunity to present written testimony regarding SB11. The agency was briefed by the Kansas Community Corrections Association (KCCA) about this initiative prior to the Association testifying before the Joint Committee on Corrections and Juvenile Justice Oversight. The agency supported their proposal and spoke in favor of it to the Joint Committee. The Juvenile Justice Authority continues to be in support of this legislative initiative.

This bill statutorily establishes an advisory board consisting of representatives from local community prevention and graduated sanctions (intake, juvenile intensive probation, community case management) programs to the Commissioner of the Juvenile Justice Authority. This committee will be advisory in nature for the purpose of providing recommendations to the Commissioner on matters relating to:

- agency budget
- identification of new/enhanced juvenile community based programs
- identification of efficiencies, effectiveness and enhancements in the delivery of existing prevention and graduated sanctions programs.

The committee shall develop a report annually with recommendations to the Commissioner

An important initiative of the agency that has been in place since its creation has been to ensure communication, collaboration and on-going planning takes place with community agency partners. The Juvenile Justice Authority meets on a regular basis with representatives from the community agencies. There are also times when we have found it necessary and helpful to identify focus groups for specific topics on which we need community input. This bill helps to establish a formal structure and process by which this will happen. It will ensure a means to receive regular input from community agency representatives from all sectors of the state in an efficient and effective manner.

I appreciate the opportunity to share my input on this legislation.

DE:RK:bt

H. Corr & J.J.
3-12-03
Attachment 1

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

Corrections and Juvenile Justice Committee
Testimony in Support of Senate Bill 11

March 12, 2003

Thank you Chairman Loyd and Members of the Committee. I appear before you on behalf of the Kansas Community Corrections Association in support of Senate Bill 11.

The Kansas Community Corrections Association (KCCA) is a statewide group with membership who provide intensive community supervision for adult and juvenile offenders, as well as residential programs for adults. We are funded by state and local government and are governed by local advisory boards and county commissions. We are a key community partner in the juvenile justice system providing intensive supervised probation, intake and assessment, and programs. Senate Bill 11 is based on an existing statute that provides for a Community Corrections Advisory Board for the Department of Corrections (KSA 75-5291 (b)). KCCA sees great value in establishing a similar advisory board for the Juvenile Justice Authority.

Senate Bill 11 establishes a "Community Advisory Board" with very specific and valued duties articulated in section 1 (d). We see value in committing the state to establish a means to receive comment, inform, and participation from community partners in the budget and policy process in two key areas: prevention programs and graduated sanctions. Nothing the Community Advisory Board will do infringes on the ultimate authority and responsibilities of the Juvenile Justice Authority to make final funding and program decisions. The Community Advisory Board recommendations are advisory only, but with this statutory change, these valued partners are guaranteed a voice.

For the Department of Corrections, the Community Corrections Advisory Committee has evolved into a valued ad hoc group for the Secretary of Corrections to explore ideas and changes, in addition to a review of the annual budget process. We believe the Juvenile Community Advisory Board will serve an equally valuable purpose.

I appreciate your time, support for SB 11, and welcome your questions.

H. Corr & J.J.
3.12.03
Attachment 2



Kansas Criminal Justice Information System

Gordon Lansford
KCJIS Director

Phill Kline
Attorney General



Testimony in Support of SB 63
Before the House Corrections and Juvenile Justice Committee
Gordon E. Lansford
Director
Kansas Criminal Justice Information System (KCJIS)
March 12, 2003

Chairman Loyd and Members of the Committee,

I appear in support of SB 63, which will improve and streamline the governance structure of the Kansas Criminal Justice Information System. The proposed revisions are the culmination of a yearlong joint governance initiative of the Kansas Law Enforcement Telecommunications Committee and the Kansas Criminal Justice Coordinating Council (KCJCC). It is presented to you with the full support of both organizations.

Background:

In 1968 the Kansas Legislature created the Kansas Law Enforcement Telecommunications Committee. Its purpose was to oversee and provide communications services among state and local law enforcement agencies in the state of Kansas. When it began operations the system was a network of law enforcement Teletype machines. Over the years the network has been modernized with the advancement of computer technology.

In the early 1990's it became apparent that criminal justice, per se, was much broader than just law enforcement. In 1994, to recognize the expanded scope, the Kansas legislature created the Kansas Criminal Justice Coordinating Council (KCJCC) to provide high-level direction and oversight in the areas of criminal justice information and processes. The ultimate goal was to create an all-encompassing integrated criminal justice system for the state of Kansas, which would provide access to all potential criminal justice users. Under the leadership of KCJCC the resulting system (KCJIS) began initial operations in 1998.

Today's environment:

KCJIS currently serves over 7,000 authorized criminal justice users in approximately 175 state and local agencies. The users include court service officers, community corrections, parole officers, prosecutors, county and district courts, correctional facilities and law enforcement officers.

H. Corr & J.J.
3-12-03
Attachment 3

KCJIS is a statewide-integrated criminal justice system, which is consistently ranked in the top five in the United States. Because it is an Internet based system it provides low cost access to all criminal justice users in Kansas no matter how small or remote their agency might be. It continues to be the only statewide criminal justice system in the United States approved by the FBI to access national criminal justice data over the Internet, and therefore provides access for all authorized users to both state and national databases.

(Attached please find a detailed history of KCJIS through the end of 2002.)

The proposal:

Changing the title of K.S.A. 74-5701 to the Kansas Criminal Justice Information System Committee, and adding committee members from the other criminal justice professions effectively updates the governance of the system and reflects the current criminal justice community. The new committee will maintain standards for the operation of KCJIS as well as provide operational guidance and direction for KCJIS. It will also serve as an advisory body to the Criminal Justice Coordinating Council.

The KCJIS Strategic Plan, published in 1997, lists ten initiatives necessary to insure the success of the system. The second initiative on the list addresses the "statutory, policy, and procedural foundation required to ensure the proper collection, maintenance, and dissemination of centralized criminal justice record information." The proposed statutory revisions are consistent with the KCJIS Strategic Plan and are necessary to maintain KCJIS as an integrated justice system.

The Criminal Justice Coordinating council approved the proposed changes during their meeting of November 25, 2002. Likewise, the Law Enforcement Telecommunications committee approved the changes on December 10, 2002.

The expected result:

The law enforcement telecommunications committee was satisfactory for the environment that existed when it was created in 1968. The proposed change in the name of the committee, and the expansion of the membership of the committee reflect the expanded role of the integrated criminal justice system. This proposed change would streamline jurisdiction of the KCJIS Committee and the Criminal Justice Coordinating Council and clarify the role of each entity. It will more adequately represent the interests of all members of the criminal justice community in Kansas.

Thank you in advance for your support and consideration.

KCJIS: Making Science Fiction Real

A study in turning adversity into opportunity

By Neil Woerman

November 27, 2002 (revised)

Note: See also attached summary lists of KCJIS accomplishments & tasks pending.

In 1992 representatives of Kansas' criminal justice agencies began to meet to develop a Kansas criminal history record improvement plan. At the time, stacks of documents at the KBI were growing daily representing offenses and arrests to be entered into the state's incident based reporting system. Preparation of annual compilations of the offense and arrest statistical data was getting further and further behind. It was recognized that the state's records of criminal offenses were incomplete, particularly with arrests reported but no disposition to the case appearing. Approximately 30 percent of adult records lacked dispositions, and juvenile records were worse, with only 32 percent of juvenile records containing accurate dispositions at all. Each year another requirement for licensing or employment record checks was becoming law, and this increase in workload was exacerbating the problem. In 1992 Sentencing Guidelines were adopted by the Kansas Legislature which made timely access to complete and accurate criminal history a prerequisite to criminal sentencing. In 1993 the federal Brady Handgun Violence Protection Act was enacted, which it was believed would place still further demands on the state to improve its criminal history records. While the public perception of law enforcement information systems envisioned instantaneous nationwide computer searches based on a single fingerprint or just fragments of information, in Kansas, as in most other states, such technology was science fiction.

The Kansas criminal justice information system was based much more on the World War II era teletype model than on modern computer technology. While law enforcement dispatchers' inquiries were relayed to the KBI, Division of Motor Vehicles or federal authorities by an automated computer switch, that switch was obsolete both in its hardware and software, and it was clear it would not be made Y2K compliant. The dedicated telephone lines linking terminals in each of Kansas' 105 counties with the switch located in Topeka were slow and used a computer mainframe protocol called SNA, rather than the emerging Internet Protocol (IP). This communication system was not well-suited for transmission of fingerprints or mug shots. Responses to Kansas records requests were not automatically answered by computer, but instead KBI staff working 24x7 shifts would read the teletype requests and manually search several different computer and paper files before typing responses to the requests.

Money was being set aside through the federal Byrne law enforcement grant program which required that 5% of funds available each year be spent on improvement of criminal justice information systems nationwide. Kansas agency representatives were frustrated by their inability to locate in tight state agency budgets even the necessary match funding to release the federal Byrne dollars for performance of a needs study. There was no umbrella organization which brought together state law enforcement interests to coordinate such a study or the projects which might result. Those meeting to devise a criminal history record improvement plan believed the first step had to be establishment of a governing body to coordinate and oversee the planning, development and implementation of a multi-agency criminal justice information system.

Creation of the Criminal Justice Coordinating Council

Finally, in 1994, through the persistent efforts of then Secretary of Corrections Gary Stotts, legislation was adopted to create the Criminal Justice Coordinating Council (See K.S.A. 2001 Supp. 74-9501). The Council was formed to study criminal justice issues and to oversee development and management of a criminal justice database. To assist in coordination of federal money available to Kansas for criminal justice, the Council was to oversee reporting of all criminal justice federal funding. Council membership included the Governor or designee, the Chief Justice of the Supreme Court or designee, the Attorney General or designee, the Secretary of Corrections, the Secretary of Social and Rehabilitation Services and the Director of the Kansas Bureau of Investigation. After creation of the Juvenile Justice Authority, in 1996 the Commissioner of Juvenile Justice was added to the Council's membership. The Sentencing Commission staff was made staff to the Council.

The Council adopted a document entitled Criminal Justice Information System Criminal History Record Improvement Plan, in April, 1995. While itself identifying many of the problems and proposed solutions, the plan called for a request for proposals to be issued for creation of a detailed Kansas Criminal Justice Information System Needs Analysis/Implementation Plan. This led to the state's contractual relationship with Steve Davis of ECG (later MTG) Management Consultants, Seattle, Washington, who became the architect for the Kansas Criminal Justice Information System (KCJIS). In 1997 the Council approved a strategic plan which included 25 tactical projects which were to comprise the KCJIS plan. The projected budget was \$10.1 million. This budget for the KCJIS core system was increased to just over \$12 million in 1999, when a strong security system was added to the plan, along with other enhancements. The core budget remains at \$12 million today.

The KCJIS Plan

Included in the plan was the replacement of the state's criminal justice information infrastructure from top to bottom, from the terminals in each county and the communication lines which support them to the state message switch in Topeka and many of the state computers with which it communicates. The plan called for replacing the state's Automated Fingerprint Identification System (AFIS) with updated hardware and software and connecting 10 live scan systems scattered throughout the state. At the KBI's central records repository the plan called for replacement of all hardware and software and the establishment of a new computerized criminal history (CCH) database using modern technology rather than the legacy systems then in use. Existing records would need to be entered and converted into the new system, with the majority of records existing in paper form only. New local case management applications would be built for many law enforcement agencies, prosecutors and court service officers to capture criminal history data as events occurred rather than later entering the data into the state repository and statistical database from paper months or years later. Grant assistance would be provided to large agencies in interfacing their records management systems with the new KBI databases. New interfaces would be built between the repository and Department of Corrections. The central repository and AFIS system would be integrated. A backup site would be established at the Highway Patrol Communication Center in Salina to which

communication could be switched in case of disaster in Topeka. As an immediate proof of concept and to satisfy the most immediate need, the Kansas Browser Access Record System (KBARS) would be built which would give court service officers completing pre-sentence reports, immediate access to a growing database of electronic criminal history records. While the plan would establish a dedicated, high-availability network for dispatch centers to access criminal history data, it also allowed local law enforcement agencies that never before could afford direct access to the state's law enforcement network to do so with a PC browser and an Internet connection. The system would integrate with federal criminal justice information systems and with other states and meet emerging standards for sharing criminal justice information. The system would form a criminal justice hub with which any number of additional state systems could be integrated in the future, including Juvenile Justice, the Judicial Branch and additional systems within the Department of Corrections. When completed the KCJIS plan would provide Kansas with an integrated information system approach, with each justice agency still being able to focus on its unique information system needs, while participating in an overall architecture that would allow information to be shared and accessed across multiple platforms. The plan was designed to focus on the Internet. The plan, when implemented, would conform the state's criminal justice information infrastructure with what had been no more than a science fiction public perception of its capabilities.

While KCJIS is often referred to as a project, it is better considered a vision or a process, which is comprised of at least 25 individual projects all linked with one another. While each of these projects either has been or will be completed, KCJIS itself will remain ongoing and will constantly change as systems within the law enforcement community evolve and technology allows for further innovation.

While the Criminal Justice Coordinating Council formed the cornerstone of KCJIS governance, the KCJIS implementation plan called for a governance structure that was inclusive of all KCJIS users. A KCJIS Advisory Board of some 20 members, equally divided between state and local agencies was formed to assist the high level Coordinating Council in managing KCJIS. This board continues to meet on a monthly basis. A number of task forces and subcommittees were formed to report to the Advisory Board, including one on AFIS, Standards and Technology, Incident Based Reporting, Juvenile Justice, and Local Applications. This cooperation among agencies at all levels erased much of the concern that KCJIS implementation would be plagued by infighting and turf protection. Instead it proved to be a model of cooperation.

KCJIS Budget to Rely on Federal Funds

The budget for KCJIS was designed to strategically apply most state funding as match for federal dollars such that federal grant programs supervised by the Coordinating Council would finance as much of KCJIS as possible. The Kansas Highway Patrol supplemented state general fund money by providing \$225,000 in state and federal forfeiture proceeds for KCJIS.

The initial principal contractors for KCJIS were Paradigm4, Inc., for the criminal justice communication switch, the new CCH database and related components; Printrak International, Inc.,

for AFIS; Business Software and Equipment, Inc., for local case management applications and gateways; FishNet, Inc., for the security system; and Datamaxx, Inc., for end user communication software principally used by dispatch centers. Contracts were entered into with each of these parties in 1997 and 1998. In addition, the state Division of Information Systems and Communications began in 1998 to replace the state's law enforcement communication network, successfully completing its transition a higher speed IP network by the middle of 1999.

A full-time KCJIS project manager was first hired in January 1998 to manage the several KCJIS contracts then in place. A long-time state employee, who had worked for the KBI, Division of Purchases and Division of Information Systems and Communications (DISC) was hired. He had a familiarity with KCJIS as a Department of Administration appointee to the negotiation committees which had approved several of the KCJIS contracts.

Initial KCJIS Features Delivered

Initial work by each vendor went well. In 1998 the KBARS system was up and running providing automated responses to court service officers' requests for criminal history information in pre-sentence investigations. This system further helped the KBI to prioritize the order in which older records would be automated. When requests were received for records of individuals which were not yet automated, KBI staff would be alerted and those records would be automated immediately, a message would be sent to the requester explaining the delay and as soon as the record was automated, the record would be sent. By concentrating on automating these requests, in addition to automating records on new arrests being submitted, and then moving backward through time to automate older cases, the automation process became a predictive one, automating first those records which were most likely to be needed. The automation process involved filling in many of the gaps in criminal history, seeking dispositions on many cases where none existed in KBI files.

Also installed in 1998 was the new AFIS system, which was compliant with federal Integrated Automated Fingerprint Identification System (IAFIS) standards designed to allow transparent transfer of fingerprint searches and data among compliant states and the federal government. Remote AFIS sites were installed in higher volume counties, allowing digital prints taken at arrest and booking to be run against the state fingerprint database to verify identification and then be filed electronically with the central repository.

The replacement of the SNA communication lines in all 105 counties with faster circuits supporting the IP protocol began in 1998, along with the replacement of hardware and software used by dispatchers throughout the state. This process, along with replacement of the hardware and software comprising the state law enforcement message switch was completed by July, 1999, so that the entire network could be switched by October to a law enforcement communication infrastructure new from top to bottom. This was on-time for participation in a new federal law enforcement communication initiative called NCIC 2000, and Y2K compliance could be certified before January 1, 2000.

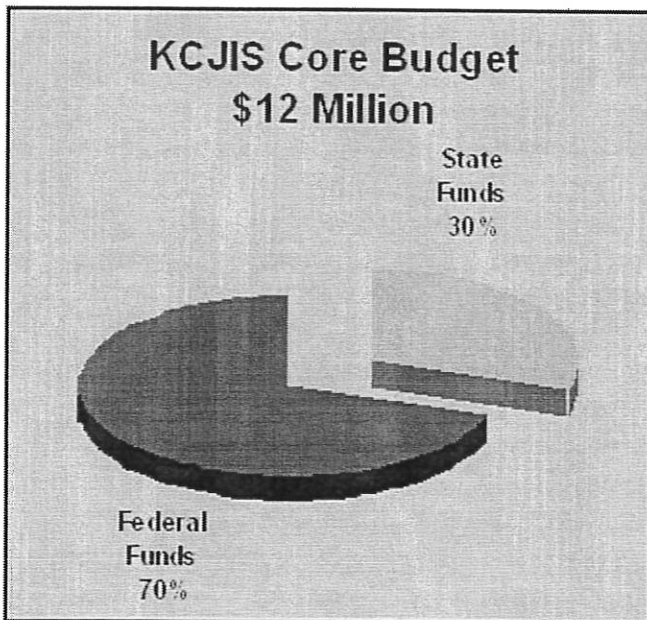
KCJIS's new IP communication protocol was designed to support more than proprietary hardware and software running in dispatch centers. It was designed to allow PCs using a common Internet browser to communicate over public communication lines using public Internet service providers. This would allow the smallest of Kansas' law enforcement agencies access, where they could not afford a dedicated line. It would allow detectives in larger departments to have direct access, where previously they had to rely on a dispatcher. To accomplish this, robust security needed to be added to the system. This was accomplished in 1999 as well, but being outside of the original design of the system, addition of this new security system accounted for more than half of a \$2 million budget increase for KCJIS which was declared in March, 1999.

KCJIS Scrutinized; Implementation Languishes

It was now four years after the Criminal Justice Coordinating Council had approved its Criminal History Record Improvement Plan. The Division of Budget became nervous about KCJIS funding. It began to see ongoing costs for operation, maintenance and upgrade of KCJIS systems rolled into agency budgets, yet KCJIS was still being rolled out itself. In some budgets agencies requested money so they could participate in KCJIS because their aging agency computer facilities were below KCJIS minimum standards. KCJIS had been funded in large part through the Criminal Justice Coordinating Council and the Sentencing Commission's budget as grants and through a state general fund match pool also appropriated to the Sentencing Commission. Still other parts of KCJIS funding was through the KBI and Highway Patrol. No one was maintaining a complete picture of KCJIS costs.

In March, 1999, the Director of Budget asked the Attorney General to determine the costs of the KCJIS to date and what remained to be spent of the original \$10.1 million budget. This study concluded that to that date just over \$7 million had been spent on what was carefully labeled the KCJIS "core" budget. Of this, \$5 million had been federal money and \$2 million, or less than 30 percent, was state money. The term "core" was crafted when describing KCJIS, to attempt to find a way to distinguish the central costs of the initiative from virtually every computer and record related expenditure made by state and local law enforcement agencies, which arguably supported or benefitted the KCJIS vision.

The study also suggested it was appropriate to increase the KCJIS core budget to just over \$12 million, approximately \$1 million of the increase attributable to the KCJIS security system which had not been envisioned in the original plan, and the remaining \$900,000 related to a variety of other enhancements. Remaining expenditures were estimated to be 68 percent federal and 32 percent state. After remaining state funds and federal grant funds were structured to maximize federal funding, a request was made for an additional \$160,500 in state funding. The additional funding was received.



Later in 1999, KCJIS began to languish. There were further successes, including the piloting of a case management system for small to mid-size local law enforcement agencies that would support online submission of offense and arrest data. More remote AFIS sites became connected to the KBI for automated fingerprint checks at booking and automated submission of fingerprints to the central repository. Perhaps the greatest success was that in December, 1999, Kansas became the first state in the country to receive approval from the FBI Advisory Policy Board to access national law enforcement databases over the Internet, testimony to the solid, multi-layer security architecture the state employed.

Despite this progress, many aspects of KCJIS remained at a standstill waiting on the vendor Paradigm4 to deliver the new CCH database or even a detailed description of it to allow other parts of the plan to proceed. Paradigm4, a New Jersey venture capital company, had successfully installed the new state law enforcement switch and components supporting it, but did not seem to have the ability to deliver the CCH database. In the meantime, the KBI continued to interface the state's new communication infrastructure with its old legacy database. While many of the early KCJIS goals had been met, and indeed the state would not have had a law enforcement network it could have depended on January 1, 2000, without meeting those goals, many of the value-added features of a fully integrated KCJIS necessarily would have to wait for implementation of the new database.

Funding Lost; KCJIS Evaluated

State budgets were tight in 2000. A state general fund rescission bill was proposed by the Governor and adopted by the Legislature in January. Before the Sentencing Commission staff recognized the bill's impact, state general fund money for the KCJIS core was rescinded and even forfeiture proceeds remaining committed to KCJIS were appropriated to another purpose. Paradigm4 continued to postpone scheduled deliveries. Questions also were raised about KCJIS's timeliness by the Kansas Information Technology Office (KITO) and the Information Technology Executive Council (ITEC). The KCJIS project manager's position, which had been a temporary position with the occupant on loan from DISC, was terminated three months prior to expiration of the position's remaining federal funding and the occupant returned to his classified DISC position. A team consisting of Chuck Sexson and Ron Rohrer, KBI; Don Heiman and John Oliver, DISC/KITO; and Neil Woerman, Attorney General's Office, was asked by the Coordinating Council to monitor and manage KCJIS during an interim while KCJIS was re-evaluated. Consultants, including Steve Davis

of MTG who had been the architect for the original KCJIS plan, were hired to evaluate KCJIS. The consultants all questioned Paradigm4's ability to complete is remaining work.

Again, the Director of Budget asked the Attorney General to study the KCJIS budget. The Attorney General reported KCJIS core costs of \$9.1 million as of March 28, 2000, with \$6.5 million in federal expenditures and \$2.6 million, or 29 percent, in state expenditures. It was estimated the KCJIS core still could be completed for the \$12 million budget, but that the plan would need to be restructured. The required state funding to meet the budget was again appropriated. Apart from the KCJIS core budget, the Legislature appropriated state funding to hire a new KCJIS director, a position which was filled in January, 2001, with the selection of Gordon Lansford, a computer industry system engineer, salesman and manager who was retired from IBM.

Paradigm4 Files for Bankruptcy, Ceases Operations

Negotiations continued with Paradigm4, but it was not until February, 2001, that an amended contract was signed wherein Paradigm4 agreed to complete certain work and forgo other work, principally completion of the CCH database. The following month, Paradigm4 ceased operations and subsequently filed for bankruptcy.

With assistance from MTG's Davis, KCJIS Director Lansford and the interim management team proposed a "completion plan" to the Coordinating Council which included revising the KCJIS architecture from that planned by Paradigm4 to rely even more heavily on the Internet and web based programming. The plan included maintenance and additional development service from a former Paradigm4 employee who formed a new company named Balance Wheel Technologies located in Topeka. A new contract was established with a Utah Company named MEGG Associates which had developed a CCH database application which it was believed could be modified to fit Kansas' needs. Another contract was established with Analysts International, a Minnesota company, to develop a web portal and master search engine for KCJIS which would facilitate exploring multiple criminal justice databases across multiple platforms with a single search, similar to one it had recently established for Nebraska. Leawood-based BSE would continue to provide maintenance and development services for the local case management applications, including provision of the Kansas Disposition Report (KDR) gateway to automatically update records with dispositions upon electronic submission of the KDRs from the courts and prosecutors. Finally, under the completion plan, KBI staff, supplemented in part by an additional federal National Criminal History Improvement Project (NCHIP) grant, would assume many other tasks required to complete and maintain the KCJIS core.

BSE Closes Doors

With work toward implementation of the completion plan well underway, in October, 2001, still one more of the KCJIS vendors closed its doors. BSE of Leawood announced it was ceasing operations. With the KDR gateway nearly complete, the KBI and Balance Wheel Technologies assumed still greater responsibilities to shore up the completion plan in the wake of BSE's business

decision. The primary injury to the state coming out of BSE closing its doors was that, outside of the core budget, the KBI had paid BSE a discounted price in July for a year of maintenance and help desk support for local case management applications good through June 30, 2002. When BSE ceased operations over \$100,000 of this maintenance and support was yet to be provided. This issue is now the subject of litigation. BSE has not declared bankruptcy.

Completion Plan Scores Successes

Today, the completion plan is being accomplished. The KCJIS web portal and master search engine is in place and in use. The new CCH database is in place and in use through the web portal and through the state's message switch. It includes both adult and juvenile files. The KBI's legacy computer system has been disconnected from the state's criminal justice information network. A decade-old goal of the state of Kansas being designated by the U.S. Justice Department as fully compliant with its Interstate Identification Index (III) was accomplished November 3, 2002. Interfaces between the CCH and AFIS, IAFIS, and a public access system are now under development, having been delayed until the CCH itself was completed. Core expenditures have been approximately \$11.4 million to date, with approximately \$600,000 left to spend under the core budget. The KCJIS core will come in within budget.

Additional projects which are on-going, such as the new Juvenile Justice Information System and the Full Court case management system being implemented by the Judicial Branch, will be integrated with the KCJIS core in the future as separate projects. Systems being developed by the Department of Corrections to track inmates, probationers, parolees and persons in community corrections, as well as provide additional case management tools to parole and court services officers now provide daily transfers of replicated data to KCJIS, but plans are for these transfers to include data on more individuals as the systems are expanded. Each of these has its own separate project budget. When these applications are fully integrated with the core system, KCJIS will provide a single Internet portal through which current criminal justice information can be accessed no matter what agency owns and stores that data.

KCJIS Turns Adversity into Opportunity

Although KCJIS has endured a great deal of adversity and suffered many hardships, it has never lost the support of the law enforcement community it supports. Progress has been constant, with new features continuing to roll out by remaining vendors and the state even while other vendors were leaving their tasks uncompleted. KCJIS took advantage of adversity, turning it into opportunity to make its systems better. Members of the KCJIS interim management team all acknowledge that when its principal vendor, Paradigm4 ceased operations, it turned out to be a positive development. It allowed for a change of architecture to occur to take greater advantage of web-based technology, to truly provide Kansas with cutting-edge architecture. Still not fully developed, KCJIS was one of Kansas' initiatives pointed to when the state was awarded first place in the 2001 Digital States Award by the Center for Digital Government and Government Technology Magazine. KCJIS, itself, and particularly its security system, have been models to other states and

foreign governments who continue to visit the state in planning their own systems, call for details and request participants to speak at national and international conferences and meetings on criminal justice information.

KCJIS was an information technology vision, not just another information technology project, although frequently referred to as such, and should not be judged as a single project. KCJIS was a collection of as many as 25 different projects all having interrelationships with one another. Although work designated as part of the KCJIS core will come to an end, development of KCJIS will not end. KCJIS is a process which will continue indefinitely as interface after interface is integrated with the KCJIS core, and as business processes and applications are refined and improved. KCJIS also should be looked at as a vision for public protection where criminal justice information is available nationwide, indeed worldwide, anywhere and at anytime – where science fiction becomes reality.

KCJIS Important to Homeland Security

Finally, post September 11, 2001, and upon creation of a new federal Department of Homeland Security, KCJIS, and similar efforts in other states and nationally, take on a renewed importance in providing much of the data and information infrastructure necessary to homeland security. Without a web of state-of-the-art communication systems throughout the world interconnected and passing information held in diverse databases to one another, identification and eradication of a geographically dispersed, clandestine terrorist enemy cannot occur. Kansas is one of the nation's pioneers in the development of such a communication web to fight terrorism.

KCJIS – What has been done?

Just the highlights...

- The entire statewide telecommunication infrastructure, including lines into each county and all terminal equipment has been replaced. The state telecommunication message switch was replaced in advance of it reaching Y2K obsolescence. The new IP network runs 12 times faster than the old SNA switch and brought the state into compliance with FBI NCIC 2000 requirements. Supporting transmission of digital images including mug shots and fingerprints, the network was transformed from a dated teletype model to a modern Internet model. The Kansas network handles 80,000 law enforcement transactions a day and serves 6,200 law enforcement users statewide.
- The state Automated Fingerprint Identification System (AFIS) was replaced with technologically current equipment and software meeting new federal IAFIS standards necessary to allow transport of fingerprints among compliant states and the federal government. With advanced “expert” matching features, the new AFIS also allows for the connection of remote live scan sites around the state, now numbering more than 25. More than 20 percent of arrest fingerprints statewide are now being submitted to the KBI electronically through these remote sites.
- A secure web server was developed and a secure KCJIS web portal designed as a low cost alternative for smaller Kansas law enforcement agencies to maintaining an expensive dedicated circuit to the state law enforcement switch. Agencies can obtain full access to state and national criminal justice databases through a PC and a \$20 a month connection through a local Internet Service Provider.
- Kansas was the first state in the country to receive approval by the FBI Advisory Policy Board to access NCIC and other national criminal justice databases over the Internet. Approval came after the KCJIS security system was demonstrated to allow safe and efficient communication of confidential criminal justice information via the Internet. The system uses four layers of security: workstation certificates, secure ID tokens, redundant firewalls and encryption to the desktop. The system has become a national and international model.
- As an early proof of concept and to solve the immediate need for criminal history in sentencing required by sentencing guidelines, the KBARS system was established among the first KCJIS initiatives, providing browser-based access to criminal history for court service officers performing pre-sentence investigations around the state. The system also assisted the KBI in establishing a predictive system for automating criminal history records, so that those records which were needed most were automated first.
- Criminal history records on more than 325,000 persons have been automated by the KBI so that in seconds automated abstracts and rap sheets can be provided in response to computer inquiries by law enforcement, instead of hours or even weeks of delay.

- Data standards and a data dictionary have been established to define information and data storage requirements for all aspects of criminal justice and use by all Kansas criminal justice agencies, including Corrections, the Juvenile Justice authority and the courts. The KCJIS data dictionary contains over 1,550 different data elements.
- A document imaging system was installed and prosecution disposition reports were imaged, cross referencing them to corresponding arrest records. The OCR feature of the system makes it possible to electronically search, retrieve and match the disposition reports to prior arrest events. The system contains over 1.5 million documents.
- State provided case management applications were installed at 130 local Kansas law enforcement agencies. The software package allows each agency to manage their local crime data and at the same time transfer offense data electronically to the KBI instead of KBI staff re-keying the data from paper reports. The Kearney County Sheriff's office was the first agency to send electronic offense data to the KBI October 13, 2000. A prosecution case management system also is in use by prosecutors in 15 counties.
- Large system interface grants provided assistance to other agencies to upgrade their existing case management systems to meet KCJIS requirements and allow for the electronic submission of offense data to the KBI. October 30, 2000, the Overland Park Police Department became the first large agency to successfully send offense data to the KBI through such an interface with the transmission of 10,000 records.
- Similarly, a new Kansas Incident Based Reporting System installed at the KBI not only receives the electronic submissions of offense data from local law enforcement agencies, but it also properly formats the data for submission to the FBI, in compliance with new National Incident Based Reporting Standards. Kansas was among the first four states to attain statewide NIBRS compatibility.
- The KBI and Highway Patrol have cooperatively installed a KCJIS backup site at the Highway Patrol Communications Center in Salina to support the statewide law enforcement telecommunications network in case of a disaster at the central site in Topeka. The backup site awaits testing. Additionally, the Highway Patrol established a 16-station KCJIS training lab at its training center in Salina and reassigned six communication positions to serve as regional auditors/trainers for KCJIS.
- The KBI transformed its former communication unit, which previously manually searched for criminal history records and typed responses to local agencies, into a KCJIS technical help desk to monitor the network and provide technical assistance to KCJIS end users 24x7. The help desk consists of up to nine Network Control Technicians. Computer tools allow for search and tracking of trouble tickets to resolve problems quickly and efficiently.
- Additional Kansas "Hot Files" have been implemented as part of KCJIS, including establishment of a registered offender file, misdemeanor warrant file and be on the lookout

(BOLO) file, which are available to all law enforcement agencies to search. A missing persons file nears completion. A new dispatcher car stop screen allows a single entry to access all available information through 13 state and national queries.

- The CCH database of adult records and juvenile records was redesigned and converted and is now up and running on a new PC-based hardware platform. The KCJIS web portal and the KCJIS network communication switch now access this new database. The KBI's legacy CCH system has been retired. Once this change was implemented in September, 2002, the KBI was able to complete its interface to the federal Interstate Identification Index (III), and November 3, 2002, Kansas was declared by the U.S. Justice Department as fully compliant with III.

What remains to be done?

As for the KCJIS core plan itself, the primary remaining tasks involve interfaces, which necessarily were delayed by late delivery of the CCH database, including those between CCH and the state's AFIS system and the FBI's IAFIS. Another KCJIS/CCH interface, the public access system, which for a fee will provide access to public criminal history data through the Information Network of Kansas, is yet to be implemented. Finally, the Kansas Disposition Report (KDR) gateway is near completion. All work should be completed before or during the first half of 2003.

Outside of the KCJIS core, several projects are moving ahead to interface with KCJIS and greatly expand the information available. Chief among those projects are the Full Court system, a statewide court accounting and case management system; projects within the Department of Corrections to more fully track persons convicted of crimes during and after incarceration, as well as probationers and persons assigned to community corrections; and the Juvenile Justice Information System which is currently being deployed by the Juvenile Justice Authority. These are all separate projects with separate budgets moving forward in conjunction with the KCJIS core. All systems are expected to communicate with one another and be available for global searches through the KCJIS web portal.

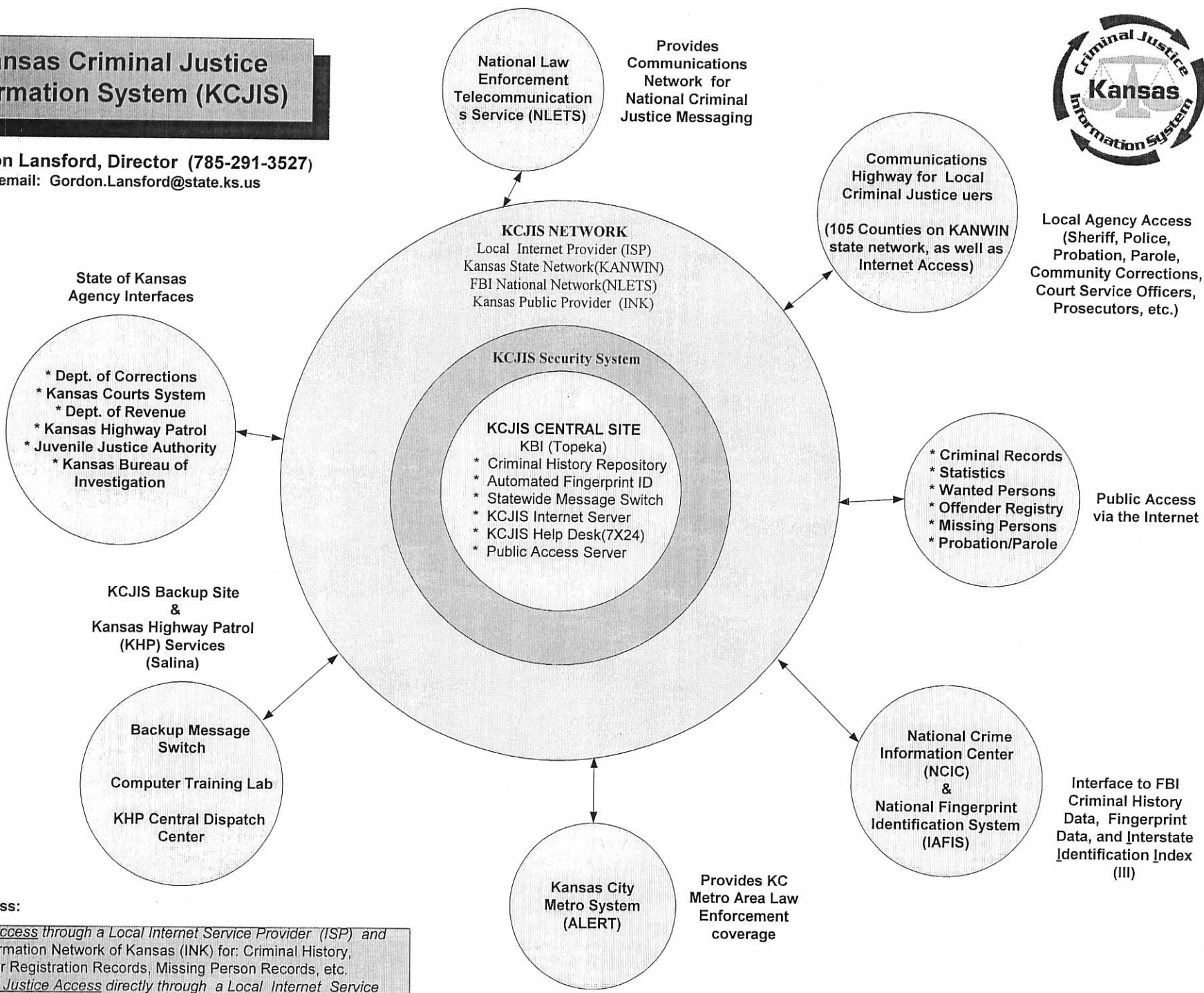
Neil Woerman, November 27, 2002

Kansas Criminal Justice Information System (KCJIS)

Gordon Lansford, Director (785-291-3527)
email: Gordon.Lansford@state.ks.us



3-15



On-Line Access:

(1) Public Access through a Local Internet Service Provider (ISP) and the Information Network of Kansas (INK) for: Criminal History, Offender Registration Records, Missing Person Records, etc.
(2) Criminal Justice Access directly through a Local Internet Service Provider (ISP), or The State Telecommunications Network (KANWIN)



Kansas Bureau of Investigation

Larry Welch
Director

Phill Kline
Attorney General

Testimony in Support of SB 63

Before the House Corrections and Juvenile Justice Committee

Kyle G. Smith

Director of Public and Governmental Affairs

Kansas Bureau of Investigation

March 12, 2003

Chairman Lloyd and Members of the Committee,

The KBI requested this legislation but SB 63 benefits the entire criminal justice system. SB 63 is the culmination of a joint governance initiative of the Kansas Law Enforcement Telecommunications Committee (also known as the ASTRA Board) and the Kansas Criminal Justice Coordinating Council (KCJCC). This bill simply streamlines the governance of communications within the criminal justice system by merging the 25 member KCJIS advisory board and the statutory 5 member Law Enforcement Telecommunications committee.

Since 1997 the State of Kansas has been building an integrated criminal justice information system under the guidance of the coordinating council. The core components of the new system were completed in 2002 with the installation of the new criminal history database at the Kansas Bureau of Investigation and the state's connectivity to the Interstate Identification Index (III). Other system components include the message switch, web server, web portal, and the Automated Fingerprint Identification System. The integrated components are collectively known as the Kansas Criminal Justice Information System (KCJIS).

KCJIS is generally recognized as the best of its kind in the entire United States. Not just officers on the streets but courts, prosecutors, probation officers, and corrections can instantly access databases maintained by the each other and get information that is not only useful but sometimes a matter of life and death. The system currently has over 7000 users and supports approximately 160 state and local criminal justice agencies.

This bill simply streamlines the governance of communications within the criminal justice system. I'll defer to KCJIS director Gordon Lansford, to provide you with a clearer and more detailed explanation.

H. Corr & J.J.
3.12.03
Attachment 4



Kansas Bureau of Investigation

Larry Welch
Director

Testimony in Support of SB 64
Before the House Corrections and Juvenile Justice Committee
Kyle G. Smith
Director of Public and Governmental Affairs
Kansas Bureau of Investigation
March 12, 2003

Phill Kline
Attorney General

Chairman Lloyd and Members of the Committee,

I appear today on behalf of the KBI in support of SB 64, which updates the Kansas Offender Registration Act. The Offender Registration Act requires persons convicted of certain felonies, primarily violent sex offenses and murder, to register with their local sheriff. The information is maintained by the KBI in a database that is available to both investigators and the public.

SB 64 makes basically three amendments to the act;

First, the term 'resident' is struck as no longer accurately describing all persons who register. Last year the Act was amended to require some nonresidents, such as students, to register where they attend school, even if they are legally residents of another state. The changes in section 1 at page 1, line 42 and at page 4, line 10-11 merely clarifies the definitions.

Second, section two hopefully clarifies the penalty section, which should help the offenders as well as the courts. The act currently makes violating the provisions of the act a level 10 nonperson felony. While that language seems clear enough, some courts have had difficulty with it and been unsure whether the duty to update information, is also a violation. It makes little sense to require and enforce registration but then to allow the registration to become meaningless.

Third, repeated language in sections 3, 4 and 5 makes sure new registrants are specifically informed of the change last year requiring students at institutions of higher education, who have such convictions, to register. While ignorance of the law is not an excuse, we should do everything we can to alert those affected by the law.

I'd be happy to stand for questions.

H. Corr & J.J.
3-12-03
Attachment 5



BOARD OF INDIGENTS' DEFENSE SERVICES

**JAYHAWK WALK
714 SW JACKSON, SUITE 200
TOPEKA, KANSAS 66603-3714**

(785) 296-4505

March 12, 2003

2003 Legislative Proposals-SB 45

Good afternoon Chairman Loyd, Representatives and Staff:

It is my pleasure to appear before you today to offer testimony in support of Senate Bill Number 45. My name is Patricia A. Scalia and I serve as executive director of the Board of Indigents' Defense Services.

Senate Bill Number 45 would amend K.S.A. 22-4529 to require persons requesting representation by a public defender to pay an application fee of \$100.00.

Summary: The present statute calls for an assessment of an "administrative fee" of \$35, in the discretion of the Court, as part of the court costs. For a number of reasons, this fee is received in only a fraction of cases. Those reasons include, the judge not addressing the issue, the repayment not being made a part of the court's order because of the form used for sentencing and the order specifying a hierarchy of payment with this payment being last.

Fiscal Impact: We estimate the potential increase to be \$200,000 per fiscal year until full implementation after two years. At the third year we expect to receive \$800,000 per year. In FY 02, we received \$273,000 under the present statute. This estimate is based on many assumptions regarding timeliness of court participation.

Policy Implications and Impact on the Agency Strategic Plan: Despite its best efforts for several years, the agency has been able to negotiate a "Standing Order" for payment of the administrative fee from only two judicial districts, Johnson County and Wyandotte County. The ability to receive the payment up front rather than last, if ever, will more than double the agency's payment receipts.

Persons seeking public defenders qualify by meeting the federal poverty guidelines. Yet most of those persons have access to resources sufficient to bond out of jail. Bond costs range from hundreds to thousands of dollars. There is an attachment of bail amounts from the Reno County Jail.

Enactment of legislation for an application fee seems to be the trend nationwide. As of 2001, twenty-eight jurisdictions had legislation requiring payment of an application fee for public defender services. The fees range from \$10.00 in New Mexico to \$200.00 in Tennessee and Massachusetts. Some states that require high application fees apply the application fee to the reimbursement of

H. Carr ; J.J.
3-12-03
Attachment 6

attorney fees. States that have enacted legislation requiring an application fee report that it has not only increased funds-since clients are better able to pay at the time they are charged than several months later when their case goes to trial. But they report that payment of the application fee improves the attorney/client relationship. Defendants who pay something toward their defense feel that they have a "real lawyer" and a greater stake in the legal proceedings.

We believe this amendment will assist us in being responsible stewards of the taxpayer's money.

If I may respond to any question, I am at your service.

Yours truly,

Patricia A. Scalia
Executive Director

PAS:bc

POSSESSION EPHEDRINE OR PSEUDOEPHEDRINE W/INT TO MFG METH	65-7006A	25,000	-----	-----	-----	-----	-----
---	----------	--------	-------	-------	-------	-------	-------

SELLING OR PROVIDING EPHEDRINE OR PSEUDOEPHEDRINE TO ANOTHER WHEN THE PERSON KNOWS OR SHOULD KNOW IT IS GOING TO BE USED TO MFG METH	65-7006B	25,000	-----	-----	-----	-----	-----
--	----------	--------	-------	-------	-------	-------	-------

POSSESSION OF ANHYDROUS AMONIA IN AN UNAPPROVED CONTAINER	65-4152A4	2500	-----	-----	-----	-----	-----
---	-----------	------	-------	-------	-------	-------	-------

FALSE IMPERSONATION (M)	21-3824	250	250	250	250	250	250
FALSE IMPERSONATION AGG (F)	21-3825	1500	-----	-----	-----	-----	-----
FAIL TO APPEAR	21-3813	-----	-----	-----	-----	-----	-----
FAIL TO APPEAR AGG	21-3814	-----	-----	-----	-----	-----	-----
FLEE & ELUDE	08-1568	500	500	250	250	250	250
FORGERY (F)	21-3710	2500	-----	-----	-----	-----	-----
INDECENT LIB W/CHILD	21-3503	10,000	-----	-----	-----	-----	-----
INDECENT LIB W/CHILD AGG	21-3504	25,000	-----	-----	-----	-----	-----
ISSUE WORTHLESS CHECKS (F)	21-3707	1500	-----	-----	-----	-----	-----
ISSUE WORTHLESS CHECKS (M)	21-3707	500	500	250	250	250	250
LEWD & LASCIVIOUS BEHAVIOR	21-3508	250	250	250	250	250	250
LIQUOR							
DUI	08-1567	-----	-----	-----	-----	-----	-----
1 ST CONVICTION	-----	250	500	1000	1000	1000	1000
2 ND CONVICTION	-----	500	500	1000	1000	1000	1000
3 RD CONVICTION	-----	1500	-----	-----	-----	-----	-----
FURN LIQUOR/CMB TO MINOR	21-3610	250	250	250	250	250	250
ICOL/IPOL BY MINOR	41-0727	100	250	150	150	150	150
IPOL	41-0719	100	100	250	250	250	250

ITOL	08-1599	100	100	150	150	150	150
PUBLIC INTOX/DRUNK ON ROAD (HPD HAS A 4HR HOLD)	08-1543	100	100	50	50	50	50
OBSTRUCTION/RESIST (M)	21-3808	500	500	250	250	250	250
OBSTRUCTION/RESIST (F)	21-3808	1500	-----	-----	-----	-----	-----
PAROLE VIOLATION	75-5217	-----	-----	-----	-----	-----	-----
PROBATION VIOLATION	22-3716	-----	-----	-----	-----	-----	-----
PROTECTION FROM ABUSE (W/CRIMINAL TRESPASS 48HR HOLD)	21-3843	2500	500	500	500	500	500
ROBBERY (F)	21-3426	10,000	-----	-----	-----	-----	-----
ROBBERY AGG	21-3427	25,000	-----	-----	-----	-----	-----
SODOMY	21-3505	25,000	-----	-----	-----	-----	-----
SODOMY AGG	21-3506	50,000	-----	-----	-----	-----	-----
THEFT <\$500 (M)	21-3701	500	500	250	250	250	250
THEFT >\$500<\$25,000 (F)	21-3701	1500	-----	-----	-----	-----	-----
TRAFFIC							
DWS (M)	08-262	-----	-----	-----	-----	-----	-----
1 ST CONVICTION	-----	250	500	250	250	250	250
2 ND CONVICTION	-----	500	500	250	250	250	250
3 RD CONVICTION.....	-----	500	500	250	250	250	250
EXPIRED DRIVERS LICENSE	08-235	100	50	100	100	100	100
EXP/ILLEGAL DISPLAY TAG	08-142	100	50	100	100	100	100
FAIL TO GIVE INFO AT ACCIDENT	08-1605	250	250	100	100	100	100
FAIL TO REPORT ACCIDENT	08-1606	250	250	100	100	100	100
HABITUAL VIOLATOR (M)	08-286	500	500	250	250	250	250
LEAVE SCENE OF ACCIDENT	08-1604	250	250	100	100	100	100
NO DRIVERS LICENSE	08-244	100	50	100	100	100	100
NO LIABILITY INSURANCE	40-3104	100	100	100	100	100	100
RECKLESS DRIVING	08-1566	250	250	150	150	150	150
UNREGISTERED VEHICLE	08-135	100	20	100	100	100	100
VIOL DL LAWS (ALTERED DL/ID)	08-260	500	500	100	100	100	100

6-4

4-

SENATE BILL No. 45

By Committee on Ways and Means

1-22

21-3836 and K.S.A.

sections

See attachment 1

conditions of bond;

9 AN ACT concerning crimes, criminal procedure and punishment; relat-
10 ing to aid to indigent defendants; application fee; amending K.S.A.
11 2002 Supp. 22-4529 and repealing the existing ~~section~~

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

13 ~~Section J~~ K.S.A. 2002 Supp. 22-4529 is hereby amended to read as
14 follows: 22-4529. The court may impose an administrative fee in the
15 amount of \$85 against Any defendant entitled to counsel pursuant to
16 K.S.A. 22-4503, and amendments thereto shall pay an application fee in
17 the amount of \$100 to the clerk of the district court. If it appears to the
18 satisfaction of the court that payment of the administrative application
19 fee will impose manifest hardship on the defendant, the court may waive
20 payment of all or part of the administrative application fee. All moneys
21 received pursuant to this section shall be remitted to the state treasurer
22 in accordance with the provisions of K.S.A. 75-4215, and amendments
23 thereto. Upon receipt of each such remittance, the state treasurer shall
24 deposit the entire amount in the state treasury to the credit of the inci-
25 dents' defense services fund. If the defendant is acquitted or the case is
26 dismissed, any administrative application fee paid pursuant to this section
27 shall be remitted to the defendant. The provisions of this section shall
28 take effect on and after July 1, 1997.

29 ~~Sec. 2~~ K.S.A. 2002 Supp. 22-4529 ~~is hereby repealed~~
30 ~~Sec. 3~~ This act shall take effect and be in force from and after its
31 publication in the Kansas register.
32

21-3836 and K.S.A.

are

6-5

6-5

Section 1. K.S.A. 21-3836 is hereby amended to read as follows: 21-3836. (a) Any pretrial release of any criminal defendant, whether on bail or under another form of recognizance, shall be considered as a matter of law to include a condition that the defendant will not commit, cause to be committed or knowingly permit to be committed, on the defendant's behalf, any violation of this act. Willful violation of that condition is subject to the sanction provided by subsection (c) of K.S.A. 21-3835, whether or not the defendant was the subject of an order under K.S.A. 21-3834.

ATTACHMENT I

(b) Any receipt for any bail or bond given by any court, or by any surety or bondsman and any written promise to appear on one's own recognizance shall contain notice of the provisions of subsection (a) in a conspicuous location.

(c) Any pretrial release of any criminal defendant whether on bail or under another form of recognizance who requests and is entitled to the assistance of counsel under the provisions of K.S.A. 22-4503, and amendments thereto, shall be considered as a matter of law to include a condition that the defendant shall pay the application prescribed by K.S.A. 2002 Supp. 22-4529 and the failure to pay such fee shall constitute a violation of this act. Willful violation of such condition is subject to the sanction provided by subsection (c) of K.S.A. 21-3835, whether or not the defendant was the subject of an order under K.S.A. 21-3834, and amendments thereto.