

MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairman Ward Loyd at 1:30 p.m. on January 27, 2004 in Room 241-N of the Capitol.

All members were present except:
Rep. Dale Swenson - Absent

Committee staff present:
Jill Wolters, Revisor of Statutes Office
Jerry Ann Donaldson, Legislative Research Department
Nicoletta Buonasera, Legislative Research Department
Connie Burns, Committee Secretary

Conferees appearing before the committee:
Tim Madden, Legal Counsel Dept of Corrections
Rep. Mike O'Neal
Rose Rozmiarek, State Fire Marshals Office
Judge Karen Arnold-Burger
Debbie Riggs
Dan Mauer, Kansas Family Partnership
Shannon Trevino, Lenexa Police Dept.
Philip Bradley, KS Licensed Beverage Assoc.
Josh Hersh, Student Seaman High School

Others attending:
See Attached List.

Tim Madden, Legal Counsel Department of Corrections, appeared before the committee to request introduction of bills.

1. Sharing Crime Victim Notification Information (Attachment 1)
2. Traffic in Contraband to inmates of the DOC (Attachment 2)
3. Community Corrections Act (Attachment 3)

Vice chairperson Owens made the motion that his request should be introduced as a committee bill. Carter seconded the motion. The motion carried.

HB 2525 – Increasing severity levels on criminal use of explosives.

Chairman Loyd opened the hearing on **HB 2525.**

Representative Mike O'Neal appeared before the committee as a proponent of the bill.

Representative Mike O'Neal provided written testimony submitted by District Judge Steven R. Becker. He asked that the committee respectfully review the circumstances he described and consider elevating the severity level of such conduct. (Attachment 4)

Rose Rozmiarek, Kansas State Fire Marshal appeared before the committee as a proponent of the bill with proposed language amendment. The propose language amendment to bill to clarify other explosive devises that are being constructed and are very dangerous and destructive. (Attachment 5)

Chairman Loyd closed the hearing on **HB 2525.**

HB 2477 – Stalking when in possession of a firearm and in violation of a protection from stalking order is a severity level 8, person felony.

Chairman Loyd opened the hearing on **HB 2477**.

Representative Patricia Barbieri-Lightner appeared before the committee as a proponent of the bill. Proposed amendment was offered to change severity level 8 from 9 and 10 . The purpose of this increased penalty of stalking with a firearm is obviously to provide a greater protection for women and children. ([Attachment 6](#))

Stacey Mann, Kansas Coalition Against Sexual & Domestic Violence appeared before the committee in support of the bill and the amendment to include any weapon such as a knife, nightstick, or other implement used to intimidate or injure the victim. ([Attachment 7](#))

Written testimony from Sarah Jane Russell, Executive Director GaDuGi SafeCenter/RVSS in support of the bill. ([Attachment 8](#))

Chairman Loyd closed the hearing on **HB 2477**

SB 197 – Alcoholic beverage; furnishing to and consumption by persons under age 21.

HB 2319 – Unlawfully hosting minors consuming alcoholic liquor or cereal malt beverages.

Chairman Loyd opened the hearings on **SB 197** and **HB 2319**.

Karen Arnold-Burger, Presiding Judge, Overland Park Municipal Court, appeared before the committee in support of the bills. She felt this is an escalating problem. The current driver's license sanctions are a big eye opener for most teenagers. By providing enhanced driver's license penalties for multiple offenders, this body sends a message to kids that consequences for their behavior will escalate if they continue down the path they have started. ([Attachment 9](#))

Dan Mauer, Director of Communications and Public Policy Kansas Family Partnership, appeared before the committee as an proponent of the bill. He felt that updating driver's license penalties for youth with multiple MIP offenses, SB 197 will clearly link the behavior of underage drinking with the legal consequences of those actions thereby persuading them to make healthier decisions. ([Attachment 10](#))

Debbie Riggs, appeared before the committee in support of the bills. Having lost her son to underage drinking at a party that the parents were home, she wanted the current law changed to hold parents responsible for their action. ([Attachment 11](#))

Shannon Trevino, Police Officer, Lenexa Police Department, spoke in favor of the bill. In his line of work he felt that underage drinking is quite prevalent and a reoccurring problem. He felt that parents are hosting underage drinking parties and often are relying on the 3.2% beer statute to excuse them from providing alcoholic liquor to their children and friend's of their children. To repeal this exemption to the statute will help the health and well being of these children. ([Attachment 12](#))

Philip Bradley, Kansas Licensed Beverage Association, appeared before the committee to ask for exemption be given to holders of liquor licenses. In **SB 197** Section 1 subsection c & d, an exemption is give to holders of liquor licenses, it appears that this was inadvertently left out of the new Section 3. Section 1 subsection c & d, lines 24-37 on page one (1), be added to the new section 3 to apply to that section. With this language they would support the intent of SB 197. ([Attachment 13](#))

Terri Roberts, Kansas State Nurses Association, provided written testimony in support of **SB 197**. ([Attachment 14](#))

Josh Hersh, student from Seaman High School, appeared before the committee in support of the bill.

Chairman Loyd closed the hearing on **SB 197** and **HB 2319**.

HB 2319 when worked in 2003 was tabled.

Vice Chair Owens made the motion to remove **HB 2319** from the table. Representative Carter seconded the motion. The motion carried.

Chairman Loyd appointed a sub committee to review **SB 197** and **HB 2319**. Representative Yoder will chair with Representative Dillmore and Representative Goering on the sub committee.

The meeting was adjourned at 3:10 PM. The next scheduled meeting is on January 28, 2004.

HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE
GUEST LIST

DATE 1-27-04

NAME	REPRESENTING
Dan Mauer	Kansas Family Partnership
Kristi Vinduska	Seaman High School - SAND
Josh Hersh	Seaman High School
Jim Sullinger	KC STAR
Mark Gleeson	Judicial Branch
PATRICIA BIGGS	Sentencing Comm
BRENDA HARMON	Sentencing Comm
Erik Santorini	City of Overland Park
Karen Arnold-Berger	City of Overland Park
Tim Madde	KDOC
Spencer Mann	KCSDV
Amy Campbell	KABR
TOM PALACE	PNCA OF KANSAS
Philip Bradley	KLBA
Michael White	KCDAA
Mike JENNINGS	KCDAA
Debrah Rupp	SB Citizen
Joe Serantini	JJA
Renee Murray	Rep. Garden
Tom Groneman	ABC
Dan HERMES	KAOSPA
JEREMY S BARCLAY	KDOC



KANSAS

KANSAS DEPARTMENT OF CORRECTIONS
ROGER WERHOLTZ, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

Request for Bill Introduction Regarding Sharing Crime Victim Notification Information
to
The House Committee on Corrections and Juvenile Justice

By Roger Werholtz
Secretary
Kansas Department of Corrections

January 27, 2004

The Department of Corrections respectfully requests introduction by the House Committee on Corrections and Juvenile Justice of the attached bill draft. A summary of the proposed bill is presented below.

Sharing Crime Victim Notification Information

The department proposes to amend K.S.A. 22-4909 and 74-7338 to authorize law enforcement agencies, including the Department of Corrections, and the Department of Social and Rehabilitation Services to exchange information regarding victims of sexually violent predators for the purpose of providing notice to victims pursuant to K.S.A. 59-29a13 and 74-7335.

I appreciate your consideration of the department's request, and would be pleased to answer any questions that you might have.

RW/TGM

w/attachment

cc: Legislation file w/attachment

PROPOSED BILL NO. _____

By

AN ACT concerning crime victims information; amending K.S.A. 74-7338 and K.S.A. 2003 Supp. 22-4909 and repealing the existing sections.

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

Section 1. K.S.A. 2003 Supp. 22-4909 is hereby amended to read as follows: 22-4909. The statements or any other information required by ~~this~~ the Kansas offender registration act shall be open to inspection by the public at the sheriff's office, at the headquarters of the Kansas bureau of investigation and on any internet website sponsored or created by a sheriff's department or the Kansas bureau of investigation that contains such statements or information, and specifically are subject to the provisions of the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto, except that the name, address, telephone number, or any other information which specifically and individually identifies the victim of any offender required to register as provided in ~~this~~ the Kansas offender registration act shall not be disclosed other than to law enforcement agencies and the secretary of social and rehabilitation services.

Sec. 2. K.S.A. 74-7338 is hereby amended to read as follows: 74-7338. (a) Notwithstanding the provisions of K.S.A. 74-7335 and amendments thereto, in the case of any inmate convicted of an off-grid felony or a class A felony, the secretary of corrections shall give written notice of the time and place of the public comment session pursuant to K.S.A. 22-3717 and amendments thereto for such inmate, at least one month preceding the public comment session, to any victim or the victim's family pursuant to subsection (b).

(b) Any victim, or a member of the victim's family of a crime, if such victim requests notice of the public comment session, shall give the secretary of corrections such victim's name and current address or the name and current address of the victim's family. It shall be the duty of the victim or the victim's family to provide the secretary with any change in name

or address or change in the person to be notified pursuant to this section.

(c) The secretary of corrections shall keep a record of all victims and their current addresses or such victims' family and their current addresses, who give the secretary such victim or victims' family name pursuant to subsection (b), and shall update such record as notified by the victims or the victims' family. Such record shall be kept confidential and separate from all other records and shall not be available to the inmate or any other party other than the victim or the victim's family; law enforcement agencies; and the secretary of social and rehabilitation services.

Sec. 3. K.S.A. 74-7338 and K.S.A. 2003 Supp. 22-4909 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.



KANSAS

KANSAS DEPARTMENT OF CORRECTIONS
ROGER WERHOLTZ, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

Request for Bill Introduction Regarding Traffic in Contraband
to
The House Committee on Corrections and Juvenile Justice

By Roger Werholtz
Secretary
Kansas Department of Corrections

January 27, 2004

The Department of Corrections respectfully requests introduction by the House Committee on Corrections and Juvenile Justice of the attached bill draft. A summary of the proposed bill is presented below.

Traffic in Contraband

The department proposes amendment of K.S.A. 21-3826 to include as a prohibited act, the distribution of contraband items to inmates of the Department of Corrections even if the item is not intended to be taken into a correctional institution.

I appreciate your consideration of the department's request, and would be pleased to answer any questions that you might have.

RW/TGM

w/attachment

cc: Legislation file w/attachment

PROPOSED BILL NO. _____

By

AN ACT concerning crimes and punishment; relating to traffic in contraband; amending K.S.A. 2003 Supp. 21-3826 and repealing the existing section.

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

Section 1. K.S.A. 2003 Supp. 21-3826 is hereby amended to read as follows: 21-3826. (a) Traffic in contraband ~~in--a correctional--institution~~ is: (1) Introducing or attempting to introduce into or upon the grounds of any correctional institution or taking, sending, attempting to take or attempting to send from any correctional institution or any unauthorized possession while in any correctional institution or distributing within any correctional institution, any item without the consent of the administrator of the correctional institution; or

(2) providing to or attempting to provide to a person known to be an inmate in the custody of a department of corrections' correctional institution while such inmate is outside such correction institution for the inmate's use or consumption, irrespective of whether the item is intended to be brought into or upon the grounds of such correctional institution:

(A) Alcohol;

(B) tobacco;

(C) controlled substances;

(D) firearms, ammunition or explosives;

(E) currency, but not including compensation forwarded to the correctional institution for deposit in an inmate's institution account;

(F) tools and equipment except as required in the performance of the inmate's approved work assignment;

(G) cellular telephone;

(H) internet access; or

(I) communication equipment or devices, other than cellular telephones and internet access, except as required in the performance of the inmate's approved work assignment.

(b) For purposes of this section: (1) "Correctional

institution" means any state correctional institution or facility, conservation camp, state security hospital, juvenile correctional facility, community correction center or facility for detention or confinement, juvenile detention facility or jail.

(2) "Controlled substance" shall have the meaning ascribed thereto by subsection (e) of K.S.A. 65-4101, and amendments thereto.

(c) (1) Traffic in contraband ~~in-a-correctional-institution~~ of firearms, ammunition, explosives or a controlled substance ~~which--is--defined--in--subsection--(e)--of--K.S.A.--65-4101,--and~~ amendments-thereto, is a severity level 5, nonperson felony.

(2) Traffic in any contraband, as defined by rules and regulations adopted by the secretary, ~~in--a--correctional~~ institution by an employee of a correctional institution is a severity level 5, nonperson felony.

(d) Except as provided in subsection (c), traffic in contraband ~~in-a-correctional-institution~~ is a severity level 6, nonperson felony.

Sec. 2. K.S.A. 2003 Supp. 21-3826 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

By

AN ACT concerning public assistance; relating to persons convicted of a controlled substance related felony.

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

Section 1. Under the authority of subsection (d)(1)(A) of 21 U.S.C. §862a, the state of Kansas hereby exercises its' option out of subsection (a) of 21 U.S.C. §862a, which makes any individual ineligible for certain state and federal assistance if that individual has been convicted under federal or state law of any offense which is classified as a felony by the law of the jurisdiction and which has as an element of such offense the possession, use or distribution of a controlled substance as defined by subsection (6) of 21 U.S.C. §802, only if, after such conviction, such individual has:

(a) Been assessed by a licensed substance abuse treatment provider as not requiring substance abuse treatment; or

(b) been assessed by a licensed substance abuse treatment provider and such provider recommended substance abuse treatment and such individual:

(1) Is participating in a licensed substance abuse treatment program; or

(2) has successfully completed a licensed substance abuse treatment program.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

(3)



KANSAS

KANSAS DEPARTMENT OF CORRECTIONS
ROGER WERHOLTZ, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

Request for Bill Introduction Regarding the Community Corrections Act
to
The House Committee on Corrections and Juvenile Justice

By Roger Werholtz
Secretary
Kansas Department of Corrections

January 27, 2004

The Department of Corrections respectfully requests introduction by the House Committee on Corrections and Juvenile Justice of the attached bill draft. A summary of the proposed bill is presented below.

Community Corrections Act

K.S.A. 75-5291

- Substantive correction to reinstate an eligibility criterion for community corrections placement that existed prior to adoption of L. 2003 ch. 135 (SB 123 drug treatment for possession offenders). Upon adoption of SB 123, the provision of K.S.A. 75-5291 classifying offenders with a high risk or high needs assessment as eligible for community corrections placement was amended to reflect the requirement that drug possession offenders be placed into community corrections programs. However, rather than provide independent disjunctive criteria allowing for community corrections placement of both high risk/high needs offenders and offenders required to participate in substance abuse treatment, K.S.A 75-5291 was amended to only addresses drug abuse assessments. This bill would amendment of K.S.A. 75-5291 to permit offenders who have either a high risk for reoffending or an assessment of substance abuse to be eligible for community corrections placement.
- Codification of the funding practice to limit the expenditure of community corrections grants to programs that address the criminogenic needs of supervised offenders.
- Technical amendment regarding the term of appointment of members of the community corrections advisory committee to reflect that a special term is no longer necessary for the initial appointment of members in order to achieve staggered terms for the committee's membership.

900 SW Jackson-4th Floor, Topeka, KS 66612-1284

Voice 785-296-3310 Fax 785-296-0014 <http://www.dc.state.ks.us>

House Corr & JJ
Attachment 3

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- Substantive change to require the community corrections advisory committee to recommend statewide performance indicators and measurable objectives for community corrections programs.
- Grammatical changes relative to the names of regional associations and divisions within the Department.

K.S.A. 75-5292

- Clarify that county commissioners retain authority to conduct oversight of the operations of community corrections programs.

K.S.A. 75-52,105

- Delete the statutory requirement that community corrections programs must report fiscal information within 10 days after the end of each calendar quarter.

I appreciate your consideration of the department's request, and would be pleased to answer any questions that you might have.

RW/TGM

w/attachment

cc: Legislation file w/attachment

PROPOSED BILL NO. _____

By

AN ACT concerning community corrections; amending K.S.A. 75-5292 and 75-52,105 and K.S.A. 2003 Supp. 75-5291 and repealing the existing sections.

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

Section 1. K.S.A. 2003 Supp. 75-5291 is hereby amended to read as follows: 75-5291. (a) (1) The secretary of corrections may make grants to counties for the development, implementation, operation and improvement of community correctional services that address the criminogenic needs of felony offenders including, but not limited to, ~~restitution-programs, victim--services--programs, preventive---or--diversionary--correctional--programs,--community corrections-centers~~ adult intensive supervision, substance abuse and mental health services, employment and residential services, and facilities for the detention or confinement, care or treatment of offenders as provided in this section except that no community corrections funds shall be expended by the secretary for the purpose of establishing or operating a conservation camp as provided by K.S.A. 75-52,127 and amendments thereto.

(2) Except as otherwise provided, placement of offenders in community correctional services programs by the court shall be limited to placement of adult offenders, convicted of a felony offense:

(A) Whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes. In addition, the court may place in a community correctional services program adult offenders, convicted of a felony offense, whose offense is classified in grid blocks 6-H, 6-I, 7-C, 7-D, 7-E, 7-F, 7-G, 7-H or 7-I of the sentencing guidelines grid for nondrug crimes;

(B) whose severity level and criminal history score designate a presumptive prison sentence on either sentencing guidelines grid but receive a nonprison sentence as a result of departure;

(C) all offenders convicted of an offense which satisfies the definition of offender pursuant to K.S.A. 22-4902, and amendments thereto, and which is classified as a severity level 7 or higher offense and who receive a nonprison sentence, regardless of the manner in which the sentence is imposed;

(D) any offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established as provided in K.S.A. 22-3716, and amendments thereto, prior to revocation resulting in the offender being required to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections;

(E) any offender who is determined to be "high risk or needs, or both" by the use of a statewide, mandatory, standardized risk assessment tool or instrument validated for ~~drug--abuse--treatment--program--placement--as--provided--for--by~~ subsection (d) of K.S.A. 2003 Supp. 21-4729, and amendments thereto, for community correctional placements; or

(F) placed in community correctional services programs as a condition of supervision following the successful completion of a conservation camp program; or

(G) who has been sentenced to community corrections supervision pursuant to K.S.A. 2003 Supp. 21-4729, and amendments thereto.

(3) Notwithstanding any law to the contrary and subject to the availability of funding therefor, adult offenders sentenced to community supervision in Johnson county for felony crimes that occurred on or after July 1, 2002, but before July 1, ~~2004~~ 2006, shall be placed under court services or community corrections supervision based upon court rules issued by the chief judge of the 10th judicial district. The provisions contained in this subsection shall not apply to offenders transferred by the assigned agency to an agency located outside of Johnson county. The provisions of this section shall expire on July 1, ~~2004~~ 2006.

(4) Nothing in this act shall prohibit a community

correctional services program from providing services to juvenile offenders upon approval by the local community corrections advisory board. Grants from community corrections funds administered by the secretary of corrections shall not be expended for such services.

(5) The court may require an offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established, as provided in K.S.A. 22-3716, and amendments thereto, to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections without a prior assignment to a community correctional services program if the court finds and sets forth with particularity the reasons for finding that the safety of the members of the public will be jeopardized or that the welfare of the inmate will not be served by such assignment to a community correctional services program.

(b) (1) In order to establish a mechanism for community correctional services to participate in the department of corrections annual budget planning process, the secretary of corrections shall establish a community corrections advisory committee to identify new or enhanced correctional or treatment interventions designed to divert offenders from prison.

(2) The secretary shall appoint one member from the southeast community corrections ~~association~~ region, one member from the northeast community corrections ~~association~~ region, one member from the central community corrections ~~association~~ region and one member from the western community corrections ~~association~~ region. The deputy secretary of community ~~corrections~~ and field services shall designate two members from the state at large. The secretary shall have final appointment approval of the members designated by the deputy secretary. The committee shall reflect the diversity of community correctional services with respect to geographical location and average daily population of offenders under supervision.

(3) Each member shall be appointed for a term of three

years, ~~except of the initial appointments,~~ and such terms shall be staggered as determined by the secretary. Members shall be eligible for reappointment.

(4) The committee, in collaboration with the deputy secretary of community ~~corrections~~ and field services or the deputy secretary's designee, shall routinely examine and report to the secretary on the following issues:

(A) Efficiencies in the delivery of field supervision services;

(B) effectiveness and enhancement of existing interventions; and

(C) identification of new interventions; and

(D) statewide performance indicators.

(5) The committee's report concerning enhanced or new interventions shall address:

(A) ~~measurable~~ goals and measurable objectives;

(B) projected costs;

(C) the impact on public safety; and

(D) the evaluation process.

(6) The committee shall submit its report to the secretary annually on or before July 15 in order for the enhanced or new interventions to be considered for inclusion within the department of corrections budget request for community correctional services or in the department's enhanced services budget request for the subsequent fiscal year.

Sec. 2. K.S.A. 75-5292 is hereby amended to read as follows: 75-5292. (a) Subject to the other provisions of ~~this~~ the community corrections act, each county may qualify to receive grants under ~~this~~ such act by complying with the provisions of K.S.A. 75-52,110, and amendments thereto.

(b) Subject to the requirements of centralized administration and control of correctional services under K.S.A. 75-52,110, and amendments thereto, and the provisions of agreements between cooperating counties under subsection (c), the respective boards of county commissioners shall retain all

authority for the expenditure of moneys, including grants received under this such act, and for the implementation of and oversight of the operations under the comprehensive plan approved by the secretary of corrections. The comprehensive plan shall be reviewed and approved by the board of county commissioners of each county to which the plan pertains prior to submission to the secretary of corrections for approval.

(c) The boards of county commissioners of all counties cooperating together to establish a corrections advisory board and to adopt a comprehensive plan pursuant to this such act may enter into cooperative agreements to qualify their respective counties for grants under this such act. Such counties shall cooperate and enter into such agreements for all purposes of this such act in the manner prescribed by K.S.A. 12-2901 through 12-2907 and amendments thereto, to the extent that those statutes do not conflict with the provisions of this such act.

Sec. 3. K.S.A. 75-52,105 is hereby amended to read as follows: 75-52,105. (a) Upon compliance by a county or group of counties with the requirements for receipt of the grants authorized by this the community corrections act and approval of the comprehensive plan by the secretary of corrections, the secretary of corrections shall determine the amount of the annual grant to each such county and, commencing on the next ensuing January 1 or July 1 after approval of the comprehensive plan, shall proceed to pay such grant in equal semiannual payments in accordance with and subject to this such act, applicable rules and regulations, and the provisions of appropriations acts.

(b) ~~Within 10 days after the end of each calendar quarter~~ On a quarterly basis, each county receiving semiannual grant payments under this such act shall submit to the secretary of corrections certified statements detailing the amounts expended and costs incurred for the correctional services described in K.S.A. 75-5291, and amendments thereto. Upon receipt of such certified statements, the secretary of corrections shall determine whether each such county is in compliance with the

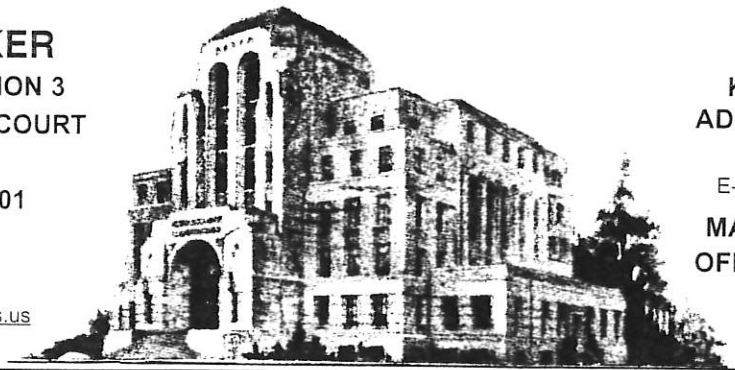
expenditure and operation standards prescribed under ~~this~~ such act for such services and shall determine the semiannual payment amount each such county is entitled to receive after making any adjustments for reductions or charges as required by or in accordance with ~~this~~ such act and applicable rules and regulations.

(c) Semiannual grant payments for counties entitled thereto under ~~this~~ such act shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of corrections or by a person or persons designated by the secretary of corrections to the county treasurers of such counties.

Sec. 4. K.S.A. 75-5292 and 75-52,105 and K.S.A. 2003 Supp. 75-5291 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

STEVEN R. BECKER
DISTRICT JUDGE - DIVISION 3
RENO COUNTY DISTRICT COURT
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4
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R E N O C O U N T Y C O U R T H O U S E

July 27, 2003

Representative Michael O'Neal
20 W. 2nd Avenue
Hutchinson, Kansas 67501

Representative Janice Pauls
1634 North Baker Street
Hutchinson, Kansas 67501

Re: Sentencing guidelines

Dear Representatives:

A recent case in my court has raised a specific concern about the current sentencing guidelines.

The case involved a routine traffic stop for an expired tag. The 18-year-old driver was in possession of two completed pipe bombs and marijuana. A search of his residence revealed evidence of additional production of explosives.

When the case came to my attention after the arrest, I believed the circumstances to be extremely serious and set an exorbitant bond in consideration of the risk to the community. I was surprised that the appropriate charge was criminal use of explosives, K.S.A. 21-3731(a), a severity level 8 felony, and presumptive probation. The defendant has been released. There seems to be no evidence or information of the defendant's motive or intent. Speculation is frightening.

It gives me pause to reflect if similar charges would have been filed if Timothy McVeigh and Terry Nichols would have been stopped while towing their U-Haul trailer of explosives through Kansas.

2nd

House Corr & JJ
Attachment 4

1-27-04

(2.)

I believe society's mindset has been dramatically altered due to the events of September 11, 2001, and numerous tragedies in our nation's public schools. I therefore respectfully request you review the circumstances I've described and consider elevating the severity level of such conduct.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steve", written in a cursive style.

Steven R. Becker
Chief Judge



K A N S A S

JOSEPH P. ODLE
FIRE MARSHAL

OFFICE OF THE KANSAS STATE FIRE MARSHAL

KATHLEEN SEBELIUS
GOVERNOR

TESTIMONY ON HB 2525 CONCERNING INCREASING SEVERITY LEVELS OF THE CRIMINAL USE OF EXPLOSIVES STATUTE

Date: January 27, 2004

By: Rose Rozmiarek
Chief of Investigations
Deputy State Fire Marshal

The office of the State Fire Marshal stands as a proponent of HB 2525. The legal use of commercial explosives have had an important place in our society in the areas of construction, development, and agricultural. We license all users, blasters, and storage facilities in the State of Kansas as well as Class 'B' fireworks. We do not want to restrict the legal use of these materials. But when these materials get into the hands of persons who are not properly trained or have criminal intentions the result can be devastating.

Explosives are deadly materials in the hands of the wrong people. Explosives are still and will remain the weapon on choice for terrorist, domestic and international. We have in the last few years tried and still are strengthening our explosive licensing statutes and regulations to assure the explosive materials are not getting into the wrong hands. We will be introducing more legislation this year addressing this issue. The Kansas State Fire Marshal's Office has also obtained federal grant money to assist in improving our licensing and information availability on explosives in the State of Kansas.

Increasing the severity level of the criminal use of explosives will only send a message to the persons who intend to commit this act that due to the devastating impact of the material or devise has, they will be punished properly.

We would also propose a language amendment to this bill to clarify other explosive devises that are being constructed and are very dangerous and destructive. People, including teenagers are constructing explosive devises from, what is known as common Class 'C', 1.4 fireworks. These fireworks are the type you can purchases during the forth of July for kids to celebrate the holiday. One type of devise law enforcement agencies in Kansas as well as across the nation are seeing is what is referred to as 'sparkler bombs'.

These devises utilize sparklers taped together in confinement and once lit can have a devastating effect. We had one in July of 2002 move a 350 pound monument off of its pedestal. They can go off in the kids hand and cause major debilitating injuries.

We ask that you consider this language change to incorporate other potential materials that are being used to make explosive devises.

We encourage passage of this bill with the additional language change.

HOUSE BILL No. 2525

By Representative O'Neal

1-15

AN ACT concerning crimes and punishment; relating to criminal use of explosives; amending K.S.A. 2003 Supp. 21-3731 and repealing the existing section.

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

Section 1. K.S.A. 2003 Supp. 21-3731 is hereby amended to read as follows: 21-3731. (a) Criminal use of explosives is the possession, manufacture or transportation of commercial explosives; chemical compounds that form explosives; incendiary or explosive material, liquid or solid; detonators; blasting caps; military explosive fuse assemblies; squibs; electric match or functional improvised fuse assemblies; or any completed explosive devices commonly known as pipe bombs or molotov cocktails. For purposes of this section, explosives shall not include ~~class "c" fireworks~~, legally obtained and transferred commercial explosives by licensed individuals, ~~and~~ ammunition, ~~and~~ commercially available loading powders and products used as ammunition, *and class "c" 1.4 fireworks unless the class "c" 1.4 fireworks are used for a purpose not intended by manufacturers of class "c" 1.4 fireworks.*

(b) (1) Criminal use of explosives as defined in subsection (a) is a severity level ~~6~~ 6, person felony.

(2) Criminal use of explosives as defined in subsection (a) if: (A) The possession, manufacture or transportation is intended to be used to commit a crime or is delivered to another with knowledge that such other intends to use such substance to commit a crime; (B) a public safety officer is placed at risk to defuse such explosive; or (C) the explosive is introduced into a building in which there is another human being, is a severity level ~~6~~ 5, person felony.

Sec. 2. K.S.A. 2003 Supp. 21-3731 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

STATE OF KANSAS
HOUSE OF REPRESENTATIVES

JOHNSON COUNTY
9408 W. 106TH STREET
OVERLAND PARK, KS 66212
(913) 894-2668

STATE CAPITOL BUILDING
ROOM 115-S
TOPEKA, KANSAS 66612-1504
(785) 296-7693
EMAIL: Barbieri@house.state.ks.us



COMMITTEE ASSIGNMENTS
EDUCATION
GENERAL GOVERNMENT AND HUMAN
RESOURCES BUDGET
CHILDREN'S ISSUES

PATRICIA BARBIERI-LIGHTNER
29TH DISTRICT
CHAIR, INSURANCE COMMITTEE

TO: House Corrections and Juvenile Justice Committee
Chairman, Representative Ward Loyd

FROM: Kansas State Representative,
Patricia Barbieri-Lightner *PL-L*
29th District

RE: House Bill 2477

DATE: January 27, 2004

Thank you Chairman Loyd and committee members for allowing me to testify today on House Bill 2477.

HB 2477 brings a basic new dynamic to our stalking law already on the books. It simply adds that if you are found to be stalking under the current law and you are in possession of a firearm at that time- you will be guilty of a severity level 8, person felony.

Current law holds that stalking is a severity level 10 person felony, unless you are stalking when there is a protective order issued then it is a severity level 9, person felony.

The purpose of this increased penalty of stalking with a firearm is obviously to provide a greater protection for women and children.

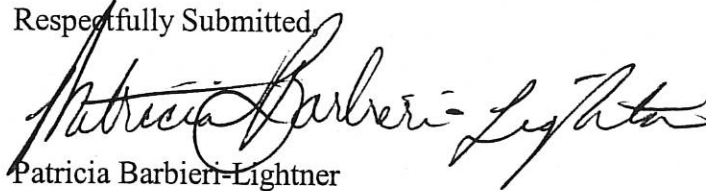
Following someone, harassing someone, placing them in apprehension of their safety with or without a gun can be a very real and dangerous experience for that person being stalked.

Our laws should send a strong message to those who seek to use a gun while stalking that when you do, you will serve a greater sentence.

Finally, I have also asked of the revisor to prepare an amendment expanding the use of a firearm to include all other weapons currently used in our statutes.

Thank you for your time and attention to this matter.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Patricia Barbieri-Lightner". The signature is written in black ink and is positioned above the printed name.

Patricia Barbieri-Lightner
State Representative
29th District

6-3

HOUSE BILL No. 2477

By Representative Barbieri-Lightner

12-1

Proposed amendment
Rep. Barbieri-Lightner
January 26, 2004

[For reference purposes, K.S.A. 21-4201 is attached]

AN ACT concerning crimes and punishment; relating to stalking; amend-
ing K.S.A. 2003 Supp. 21-3438 and repealing the existing section.

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

Section 1. K.S.A. 2003 Supp. 21-3438 is hereby amended to read as
follows: 21-3438. (a) Stalking is an intentional, malicious and repeated
following or harassment of another person and making a credible threat
with the intent to place such person in reasonable fear for such person's
safety.

Stalking is a severity level 10, person felony.

(b) Any person who violates subsection (a) when there is an order
issued pursuant to the protection from stalking act, K.S.A. 2003 Supp.
60-31a01 through 60-31a09, and amendments thereto, a temporary re-
straining order or an injunction in effect prohibiting the behavior de-
scribed in subsection (a) against the same person, is guilty of a severity
level 9, person felony.

(c) Any person who violates subsection (b) when in the possession of
a firearm is guilty of a severity level 8, person felony.

any

(d) Any person who has a second or subsequent conviction oc-
curring against such person, within seven years of a prior conviction under
subsection (a) involving the same victim, is guilty of a severity level 8,
person felony.

or weapon as described in K.S.A. 21-4201, and amendments thereto,

(e) For the purposes of this section: (1) "Course of conduct"
means a pattern of conduct composed of a series of acts over a period of
time, however short, evidencing a continuity of purpose and which would
cause a reasonable person to suffer substantial emotional distress, and
must actually cause substantial emotional distress to the person. Consti-
tutionally protected activity is not included within the meaning of "course
of conduct."

(2) "Harassment" means a knowing and intentional course of conduct
directed at a specific person that seriously alarms, annoys, torments or
terrorizes the person, and that serves no legitimate purpose.

(3) "Credible threat" means a verbal or written threat, including that
which is communicated via electronic means, or a threat implied by a
pattern of conduct or a combination of verbal or written statements and

6-4

1 conduct made with the intent and the apparent ability to carry out the
2 threat so as to cause the person who is the target of the threat to reason-
3 ably fear for such person's safety. The present incarceration of a person
4 making the threat shall not be a bar to prosecution under this section.

5 (4) "Electronic means" includes, but is not limited to, telephones,
6 cellular phones, computers, video recorders, fax machines, pagers and
7 computer networks.

8 Sec. 2. K.S.A. 2003 Supp. 21-3438 is hereby repealed.

9 Sec. 3. This act shall take effect and be in force from and after its
10 publication in the statute book.

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21-4201. Criminal use of weapons. (a) Criminal use of weapons is knowingly:

(1) Selling, manufacturing, purchasing, possessing or carrying any bludgeon, sandclub, metal knuckles or throwing star, or any knife, commonly referred to as a switch-blade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement;

(2) carrying concealed on one's person, or possessing with intent to use the same unlawfully against another, a dagger, dirk, billy, blackjack, slungshot, dangerous knife, straight-edged razor, stiletto or any other dangerous or deadly weapon or instrument of like character, except that an ordinary pocket knife with no blade more than four inches in length shall not be construed to be a dangerous knife, or a dangerous or deadly weapon or instrument;

(3) carrying on one's person or in any land, water or air vehicle, with intent to use the same unlawfully, a tear gas or smoke bomb or projector or any object containing a noxious liquid, gas or substance;

(4) carrying any pistol, revolver or other firearm concealed on one's person except when on the person's land or in the person's abode or fixed place of business;

(5) setting a spring gun;

(6) possessing any device or attachment of any kind designed, used or intended for use in suppressing the report of any firearm;

(7) selling, manufacturing, purchasing, possessing or carrying a shotgun with a barrel less than 18 inches in length or any other firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger; or

(8) possessing, manufacturing, causing to be manufactured, selling, offering for sale, lending, purchasing or giving away any cartridge which can be fired by a handgun and which has a plastic-coated bullet that has a core of less than 60% lead by weight.

(b) Subsections (a)(1), (2), (3), (4) and (7) shall not apply to or affect any of the following:

(1) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority;

(3) members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; or

(4) manufacture of, transportation to, or sale of weapons to a person authorized under subsections (b)(1), (2) and (3) to possess such weapons.

(c) Subsection (a)(4) shall not apply to or affect the following:

(1) Watchmen, while actually engaged in the performance of the duties of their employment;

(2) licensed hunters or fishermen, while engaged in hunting or fishing;

(3) private detectives licensed by the state to carry the firearm involved, while actually engaged in the duties of their employment;

(4) detectives or special agents regularly employed by railroad companies or other corporations to perform full-time security or investigative service, while actually engaged in the duties of their employment;

(5) the state fire marshal, the state fire marshal's deputies or any member of a fire department authorized to carry a firearm pursuant to K.S.A. 31-157 and amendments thereto, while engaged in

an investigation in which such fire marshal, deputy or member is authorized to carry a firearm pursuant to K.S.A. 31-157 and amendments thereto; or

(6) special deputy sheriffs described in K.S.A. 2003 Supp. 19-827, and amendments thereto, who have satisfactorily completed the basic course of instruction required for permanent appointment as a part-time law enforcement officer under K.S.A. 74-5607a and amendments thereto.

(d) Subsections (a)(1), (6) and (7) shall not apply to any person who sells, purchases, possesses or carries a firearm, device or attachment which has been rendered unserviceable by steel weld in the chamber and marriage weld of the barrel to the receiver and which has been registered in the national firearms registration and transfer record in compliance with 26 U.S.C. 5841 *et seq.* in the name of such person and, if such person transfers such firearm, device or attachment to another person, has been so registered in the transferee's name by the transferor.

(e) Subsection (a)(8) shall not apply to a governmental laboratory or solid plastic bullets.

(f) Subsection (a)(6) shall not apply to a law enforcement officer who is:

(1) Assigned by the head of such officer's law enforcement agency to a tactical unit which receives specialized, regular training;

(2) designated by the head of such officer's law enforcement agency to possess devices described in subsection (a)(6); and

(3) in possession of commercially manufactured devices which are: (A) Owned by the law enforcement agency; (B) in such officer's possession only during specific operations; and (C) approved by the bureau of alcohol, tobacco and firearms of the United States department of justice.

(g) It shall be a defense that the defendant is within an exemption.

(h) Violation of subsections (a)(1) through (a)(5) is a class A nonperson misdemeanor. Violation of subsection (a)(6), (a)(7) or (a)(8) is a severity level 9, nonperson felony.

(i) As used in this section, "throwing star" means any instrument, without handles, consisting of a metal plate having three or more radiating points with one or more sharp edges and designed in the shape of a polygon, trefoil, cross, star, diamond or other geometric shape, manufactured for use as a weapon for throwing.



UNITED AGAINST VIOLENCE

KANSAS COALITION AGAINST SEXUAL AND DOMESTIC VIOLENCE

220 SW 33rd Street, Suite 100 Topeka, Kansas 66611
785-232-9784 • FAX 785-266-1874 • coalition@kcsdv.org

HB 2477 House Corrections and Juvenile Justice committee January 27, 2004

Testimony From: Stacey Mann
On behalf of Sandy Barnett

Chairman Loyd and Members of the committee:

Thank you for the opportunity to support HB 2477. Current statute enhances the penalty from a severity level 10, person felony to a severity level 9, person felony if the crime also violates a stalking from protection order (PFS). HB 2477 raises the bar one-step, to a severity level 8, person felony if the defendant is also in possession of a gun.

KCSDV supports Representative Barbieri-Lightner's amendment to include any weapon such as a knife, nightstick, or other implement used to intimidate or injure the victim.

According to the National Institute of Justice (NIJ), eight-percent of women and two-percent of men are stalked at some point in their lives. National extrapolation of those figures back in 1995 suggests that 8.2 million women and 2 million men are victims of stalking.

Although Kansas law enforcement reported only 156 incidents of stalking in 2002, more than a 1,000 protection from stalking orders were sought by victims in just the first six months of that year. This disparity is most likely caused by the lower, but still substantial, burden of proof necessary to qualify for a PFS over that necessary to meet the standards of the crime of stalking. Reports from advocates across the state indicate that the most serious and potentially dangerous cases are reported to law enforcement.

Consider the following (NIJ):

- Female victims knew their stalker in 79% of cases. The assailant is most likely to be a spouse, former spouse, cohabiting partner, or date and the stalking is probably associated with other abusive behaviors.
- Male victims are significantly more likely to be stalked by a stranger.
- Stalkers made overt threats to 45% of victims (approximate).
- About 10% are threatened with death or are actually killed by their stalker.
- Stalkers vandalized property of about 30% of their victims.

Member Programs Serve All 105 Counties in the State of Kansas

HB 24 77 (1/27/04)

Kansas Coalition Against Sexual and Domestic Violence

Page 2

- Stalkers threatened to kill or did kill the pets of about 10% of victims.
- About 80% of restraining orders are violated when the stalker has been intimately involved with the victim.

Given that victims report only about 26% of other abuse to law enforcement, it is no surprise that the reporting of staking as a crime is so low. *It appears that when stalking is reported to law enforcement or when protection from stalking orders are sought, it is a serious indicator of danger. Violating a protection from stalking order with a weapon is certainly an indicator of extreme danger.*

Again, thank you for the opportunity to speak with the committee about KCSDV's support of HB 2477.

Douglas County Rape Victim - Survivor Service

TO: House Corrections and Juvenile Justice Committee

Written Testimony From: Sarah Jane Russell
Executive Director
GaDuGi SafeCenter/RVSS

RE: House Bill 2477

DATE: January 30, 2004

Chairman Loyd and Members of the Committee:

Thank you for the opportunity to support HB 2477. Current statute enhances the penalty from a severity level 10, person felony to a severity level 9, person felony if the crime also violates a stalking from protection order (PFS). HB2477 raises the accountability to a severity level 8, person felony if the defendant is also in possession of a gun.

In all instances, we are supportive of strengthening laws to further protect the women and children of Kansas. It is imperative that a strong message be sent to those who make a choice to compound their crime of stalking with the use of a firearm by increasing the severity level, thereby, serving a greater sentence.

Again, thank you for the opportunity to support HB 2477.



Advocacy • Support • Awareness • Prevention

STUDENT
SENATE

(1)

SB 197
Testimony Before the House Corrections and Juvenile Justice
Committee
Karen Arnold-Burger, Presiding Judge, Overland Park Municipal Court
January 27, 2004

My name is Karen Arnold-Burger, and I am here today to speak in support of SB 197. I am currently the Presiding Judge for the City of Overland Park Municipal Court. Over the last 3 years I have worked closely with the STOP Underage Drinking Committee and numerous statewide organizations to educate parents about the dangers of acquiescing in underage alcohol use. I was drawn to this issue by the sheer volume of defendants that appear before me on DUI charges as well as MIP and possession of drugs that indicate that they first started drinking at ages as early as 9, 10, 11 years old, often **with** a parent or older sibling or relative. The overwhelming majority of persons in our criminal justice system are there because they were either possessing or selling illegal substances, were under the influence of alcohol or drugs at the time they committed their offense, or committed their offense to obtain money to support their habit. The vast majority of those I have been involved in over the last 20 years of my legal career, reported early onset drinking. This early usage was the beginning of a life-long path of alcohol and substance abuse for them.

SB 197 provides enhanced driver's license penalties for persons with multiple MIP offenses. Not to bore you with a lot of statistics, but nationally one out of every 12 persons arrested for DUI are under the legal age to drink (or 8%). In 2003, in Overland Park, 12% of those arrested for DUI. This is up from 7% just 6 years earlier. I do not know the statistics for the state of Kansas or other parts of the state, but I do not think Johnson County is unique. We track pretty closely with all other survey statistics regarding underage drinking.

The Journal of the American Medical Association reported in its March 2000 issue that the risk of death for a 16 year old with one passenger in the car is 39 times higher than the rate if the driver were alone. The danger of dying increases with more passengers; 86% higher with two passengers and 282% higher for those with three or more passengers. Unfortunately, statistics show that when kids drink and drive, they usually have 3 - 5 friends in the car with them! The National Highway Traffic Safety Administration reported in February 2001 that drinking drivers under age 21 consume an average of 6.3 drinks prior to driving, an amount that would put the average size adult well over the legal limit.

This is an escalating problem. The current driver's license sanctions are a big eye opener for most teenagers. They do sit up and take notice when they find out their license is going to be suspended. By providing enhanced driver's license penalties for multiple offenders, and I see several multiple offenders every week, this body sends a message to kids that consequences for their behavior will escalate if they continue down the path they have started.

Member
Community Anti-Drug
Coalitions of America
(CADCA)



Kansas Partner
National Family Partnership

....building partnerships to raise drug-free successful youth

SB 197
Testimony Before the House Corrections and
Juvenile Justice Committee
January 27, 2004

Dan Mauer, Director of Communications and Public Policy,
Kansas Family Partnership

My name is Dan Mauer, and I am here today in support of SB 197. I am the Director of Communications and Public Policy for Kansas Family Partnership and serve as the chair for Kansas Leadership to Keep Children Alcohol Free, a coalition of many agencies across Kansas, working to reduce underage drinking in our state.

Unfortunately in Kansas, many parents have the attitude of "kids will be kids..." and "I remember when I was sixteen and snuck a beer out of dad's fridge". But the reality of today is that kids begin drinking at much younger ages than their parents. In Kansas, the average age kids begin drinking is around 12 years old and even more problematic is that they're not sneaking a beer or two. Binge drinking has become more than a problem on college campuses. Now it's a problem in our high schools. Nearly 30% of 10th graders in Kansas have consumed five or more drinks in a row in the last two weeks.

By updating the driver's license penalties for youth with multiple MIP offenses, SB 197 will clearly link the behavior of underage drinking with the legal consequences of those actions, thereby persuading them to make healthier decisions.

Parents and other adults must take action to reduce underage drinking and be held accountable for their misjudgments. Surveys of youth show that the most common sources of alcohol are the young person's own home or from others over the age of 21 who purchase alcohol for them. By holding these adults accountable, they will hopefully make the right decision before providing alcohol to their children or other youth.

Research shows that legislation like SB 197 is effective. In an analysis of all 50 states, social host laws were associated with reductions in drinking and driving and other heavy drinking activities.

Attached is a list of positions adopted by the Board of Directors of the Kansas Family Partnership regarding the issues of reducing underage drinking.

Kansas Family Partnership 2004 Position Statements

The following are position statements that were approved by the Kansas Family Partnership Board of Directors on January 13, 2004.

- **Sunday/Holiday Sales** – The Kansas Family Partnership supports the current law prohibiting Sunday liquor sales and sales on specified holidays. If state law allows Sunday/Holiday, a specific portion of receipts should be designated to underage drinking prevention.
- **Age Requirements for Selling Alcohol** – The Kansas Family Partnership does not support lowering the age requirements from the current law which prohibits employment of persons under 21 for sale of alcoholic liquor, prohibits persons under 18 from selling cereal malt beverage and prohibits persons under 18 from serving liquor by the drink. KFP would support raising the age requirements of persons selling cereal malt beverage and liquor by the drink.
- **Alcohol Taxes** – Because research has proven that youth are highly sensitive to price when purchasing alcohol, the Kansas Family Partnership supports an increase in the liquor and cereal malt beverage state tax. If taxes do increase, a portion of the receipts should be designated for underage drinking prevention.
- **Hours of Operation** – The Kansas Family Partnership does not support extending the hours of operation from the current law which authorizes retail sale of liquor from 9:00 a.m. to 11:00 p.m., prohibits sale of cereal malt beverages between midnight and 6:00 a.m. and prohibits serving or consumption of liquor by the drink between 2:0 a.m. and 9:00 a.m. (catering 2:00 a.m. and 6:00 a.m.).
- **Single Strength Beer/Other Liquor Outlets** – The Kansas Family Partnership does not support selling “strong beer” or beer with an alcohol content exceeding 3.2 percent by weight at retail outlets other than state licensed liquor stores. Therefore, the Kansas Family Partnership does not support the sale of “strong beer” or liquor at convenience and/or grocery stores.
- **Social Host Laws/Parental Exemption** – The Kansas Family Partnership supports legislation that would penalize persons who allow and/or fail to control access to the possession or consumption of alcohol by minors within their residence or property. KFP also supports deleting the exemption, which allows parents to provide cereal malt beverages to their children.

SB 197

Debbie Riggs



Statistics, research, Web links and more.

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Did you know...

- The available evidence suggests that adolescents are more vulnerable than adults to the effects of alcohol on learning and memory. ([White, 2001](#))
- Alcohol affects all parts of the brain, which also affects the heart rate, coordination, speech, and destruction of brain cells. ([Narcotic Educational Foundation of America, 2002](#))
- It has become clear over recent years that alcohol impacts both behavior and brain function differently in adolescents and adults. ([White, 2001](#))
- The brain does not finish developing until a person is around 20 years old, and one of the last regions to mature is intimately involved with the ability to plan and make complex judgments. ([Swartzwelder, 1998](#))
- Alcohol may encourage aggression by disrupting normal brain mechanisms that normally restrain impulsive behavior such as aggression. ([Hingson et al, October 2001](#))
- The brain continues to grow through the age of 20. ([Giedd et al, 1999](#))
- Heavy drinking over many years may result in serious mental disorders or permanent, irreversible damage to the brain or peripheral nervous system. ([Narcotic Educational Foundation of America, 2002](#))
- Recent research indicates that, in contrast to previous assumptions, the brain continues to undergo a tremendous amount of development through adolescence and into young adulthood. ([White, 2001](#))



While the human tolls of impaired driving and underage drinking are beyond measure, they have very real economic costs as well.

Looking for research for a school project?

Below are some links we think will help....

- ▶ [Statistics about youth...](#)
- ▶ [2000 Fatalities by State...](#)
- ▶ [Statistics Overview....](#)
- ▶ [History of MADD....](#)
- ▶ [Citing the MADD Web site....](#)

RELATED INFO

National Highway Traffic Safety Administration (NHTSA)

The federal government's primary source of information on traffic statistics, as well as a variety of other traffic safety information.

Sanction Issues
Compendium

This resource focuses on sanctions and public policy initiatives aimed at preventing impaired driving, reducing repeat offenses, and preventing underage drinking.

- Alcohol dilutes itself in the water volume of the body in order to travel through the system. Those vital organs, like the brain, that contain a lot of water and need an ample blood supply are particularly vulnerable to the effects of alcohol. (Dunlap, 2001)



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Client ID/Project Name:

Research Information:
News Group File, Most Recent Two Years
judith mccloskey

Note:

8 of 73 DOCUMENTS

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The Morning Call (Allentown)

November 1, 2002 Friday THIRD EDITION

SECTION: LOCAL, Pg. B1

LENGTH: 493 words

HEADLINE: McCloskey will get free trial transcripts;
Appealing conviction in post-party deaths, she claims poverty.

BYLINE: By Tyra Braden Of The Morning Call

BODY:

Judith C. McCloskey won't have to pay for transcripts or an appeal of her landmark manslaughter convictions.

McCloskey, 43, remains in Northampton County Prison under \$20,000 bail. Judge Stephen G. Baratta on Oct. 18 sentenced McCloskey to 12 to 54 months in state prison. Her attorney, Gary N. Asteak of Easton, had asked for bail pending an appeal.

Asteak in the application for the free transcript says he will continue to

- MSN Hor
- Autos
- Business
- Buy Ticke
- Careers
- City Guide
- Download
- Entertainr
- Find Frien
- Games
- Greeting (
- Health
- Horoscop
- House & I
- Instant M
- Internet A
- Kids
- Learning i
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represent McCloskey at no cost. A part-time public defender, Asteak accepted the case as a private attorney. Attached to the document is an affidavit in which McCloskey says she has only \$150 in a checking account and \$375 in a savings account.

Baratta on Wednesday afternoon returned, unsigned, an application Asteak filed asking that the trial and sentencing transcripts and the filing fees for the appeal be absorbed by taxpayers. Under rules governing such "in forma pauperis" requests, a judge is not required to sign an order asking to have costs waived. Under state law, it's automatically approved.

McCloskey, experts say, is the first person in the nation to be convicted of manslaughter for having allowed teenagers to drink in her home, then drive. Christopher Mowad, 19, and 18-year-olds Bryan Kiefer and Kimberly Byrne died when Mowad, whose blood-alcohol ratio was 0.20 percent, crashed his sport utility vehicle after leaving a party at McCloskey's Plainfield Township home April 29, 2001.

Passenger Courtney Kiefer, 17, a cousin of Bryan Kiefer, survived the crash but suffered serious injuries. McCloskey, who moved to Stockertown after her arrest, didn't buy or serve the beer, nor did she go into the basement, where her teenage daughters were holding the party. The jury found that by failing to intervene, McCloskey was a cause of the fatal crash, because it was foreseeable that a partygoer would drive and crash.

Before filing the in forma pauperis application, Asteak requested a free trial transcript and told Baratta in a letter that he had been appointed to represent McCloskey through the appeal as a public defender client.

The judge held a hearing in which he announced that public defender office officials revealed McCloskey had not been approved as a public defender client. It was also disclosed at the hearing that if she did qualify for the free legal service, Asteak would not have been appointed to represent her, because an office policy provides that a lawyer who represents a client privately will not be given the same client as a public defender.

Asteak has maintained that McCloskey had gone through the application process and been approved. Chief Public Defender Leonard Zito in an Oct. 17 letter to Baratta said the office manager didn't approve an application for McCloskey.

Zito told the judge the office manager believed Asteak had received Zito's approval. Zito last week said he is looking into the matter. He was unavailable for comment Thursday.

GRAPHIC: Photo by Unknown; Judith McCloskey...Stockertown woman appeals

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**TOM
BURGE
FENCE
D & IRON
INC.**

March 17, 2003

To all Senators of the committee,

It is with much dismay that I am unable to attend the meeting this AM regarding SB197.

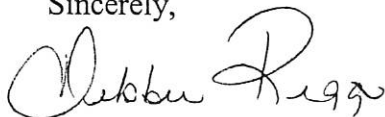
I would prefer to be there in person to hear the outcome and vote as this is so dear to my heart. My only prayer is that this committee will approve this bill and the amendments thereto.

A question arose Friday at the original committee meeting regarding emancipation for 18, 19 and 20 year olds. Understandably, as we are now on the eve of a probable war. However, these parties being hosted by parents who should have the sensibility to supervise young people in their homes are being attended by 14, 15, 16 and 17 year olds, or younger.

I, as I am sure all of you, am not comfortable having that on my conscience after so much work has gone into changing this law.

I urge you to pass SB197 and as I stated before, if we The State of Kansas can save one child we can hopefully save many. Thank you for understanding my passion and I will look forward to hearing the outcome.

Sincerely,



Debbie Riggs

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To : dsimorte@hotmail.com

Date : Tue, 18 Mar 2003 10:56:35 -0800

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- Maps & D
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March 18, 2003

Dear Senator,

My name is Debbie Riggs of Lenexa, Kansas. Briefly, let me explain the reason for this letter. In November of 2001, my 17 yr. old son, Paul Riggs attended a party where the parents were home in the living room. There were approximately 35-40 kids coming and going through this house as the parents watched, not supervising or asking any questions as to what was going on. These 15, 16 and 17 year old kids were drinking beer and hard liquor. My son left at 10:00 PM, rounded a curve and hit a tree head on. With massive brain injury, he died 3 weeks later, never regaining consciousness.

Losing a child in any way is a life changing tragedy, but losing a child in a manner that could have been prevented is pure devastation. Paul chose to drink and it cost him his life.

Senator O'Connor will be presenting SB197 and the amendments thereto on the floor of the Senate. I have had the passion to change the current law in Kansas to hold parents responsible for their actions, such as not supervising and halting underage drinking in their home. Paul Morrison, Johnson County District Attorney, John Fritz, Assistant Johnson County Attorney and I, presented house bill 2319 in February. It was postponed until next year due to time frames. I immediately contacted Senator O'Connor after reading SB197 discussion in the paper. We have worked together diligently to enter an amendment to SB197 that would include language that has the same effect HB2319 would have had.

Currently there is approval of this amendment from Senator O'Connor, Senator Umbarger, Senator Schmidt, Senator Vratil, former State Representative and current Wichita Judge Eric Yost, and Bob Longino with the Alcoholic Beverage Control.

I beseech you to favorably approve this bill with amendments. Kansas must be a State that does not condone parents hosting or failing to stop underage drinking parties in their homes. I realize this is not a forum for emotion, but I believe with the approval of this bill we will ultimately be saving our youth from premature alcohol related deaths.

Thank you for your consideration and I look forward to your approval.

Sincerely,

Debbie Riggs

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From : "John Vratil" <Vratil@senate.state.ks.us>

To : <buyburge@msn.com>

Subject : Re: SB197

Date : Wed, 19 Mar 2003 09:13:29 -0600

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Dear Debbie,

Thank you for your email concerning Senate Bill 197. I sincerely appreciate the time you took to share your contact me.

Senate Bill 197 passed out of the Judiciary Committtee on Monday, March 17th, with some but not all of the proposed amendments. Senator O'Connor plans to introduce the hosting amendment when the Senate Bill 197 is worked on the Senate floor.

Thank you for sharing your comments and concerns with me.

Sincerely yours,
Senator John L. Vratil

>>> "DEBBIE RIGGS" <buyburge@msn.com> 03/18/03 01:29PM >>>

>>

>>March 18, 2003

>>

>>Dear Senator,

>>

>>My name is Debbie Riggs of Lenexa, Kansas. Briefly,let me explain the
>>reason for this letter. In November of 2001, my 17 yr. old son, Paul
>>Riggs attended a party where the parents were home in the living room.
>>There were approximately 35-40 kids coming and going through this house as
>>the parents watched, not supervising or asking any questions as to what
>>was going on. These 15, 16 and 17 year old kids were drinking beer and
>>hard liquor. My son left at 10:00 PM, rounded a curve and hit a tree head
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 >>Sincerely,
 >>
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From : "David Adkins" <Adkins@senate.state.ks.us>

To : <buyburge@msn.com>

Subject : Re: SB197

Date : Wed, 19 Mar 2003 13:27:53 -0600

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Debbie

You can count on my support. I am sorry for the loss of your son. Your advocacy is appreciated.

Yours,
David Adkins

>>> "DEBBIE RIGGS" <buyburge@msn.com> 03/18/03 01:29PM >>>

>>
>>March 18, 2003
>>
>>Dear Senator,
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From : "Karin Brownlee" <Brownlee@senate.state.ks.us>

To : <buyburge@msn.com>

Subject : Re: SB197

Date : Thu, 20 Mar 2003 10:04:39 -0600

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Dear Mrs. Riggs,

The language for SB 197 was given to me which I submitted for introduction. I very much support the concept of this bill.

My heart goes out to you in the loss of your son.

Sincerely,

Senator Karin Brownlee

>>> "DEBBIE RIGGS" <buyburge@msn.com> 03/18/03 01:29PM >>>

>>
>>March 18, 2003
>>
>>Dear Senator,
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 >>Thank you for your consideration and I look forward to your approval.
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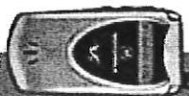

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From : "Nile Dillmore" <repdillmore@worldnet.att.net>

To : "DEBBIE RIGGS" <buyburge@msn.com>

Subject : Re: HB197 being heard shortly

Date : Fri, 28 Mar 2003 11:23:05 -0600

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Thank you for taking time to write to me on this issue. I will keep your comments in mind as we debate this measure.

Nile

----- Original Message -----

From: "DEBBIE RIGGS" <buyburge@msn.com>

To: <omalley@house.state.ks.us>; <carlin@house.state.ks.us>; <swenson@house.state.ks.us>; <owens@house.state.ks.us>; <carter@house.state.ks.us>; <kassebaum@house.state.ks.us>; <huntington@house.state.ks.us>; <dillmore@house.state.ks.us>; <ward@house.state.ks.us>; <pauls@house.state.ks.us>; <gordon@house.state.ks.us>; <loyd@house.state.ks.us>; <betts@house.state.ks.us>; <crow@house.state.ks.us>; <yoder@house.state.ks.us>; <horst@house.state.ks.us>

Sent: Friday, March 28, 2003 9:57 AM

Subject: HB197 being heard shortly

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> March 28, 2003
>
> Dear Corrections and Juvenile Justice committee member,
>
> My name is Debbie Riggs; I have spoken to you before regarding HB 2319 and
> am again asking for your support.
>
> Briefly, In December of 2001, My son Paul Riggs died due to injuries
> sustained in an alcohol related car accident that occurred in November
> 2001.
> He had attended a party where the parents were present, and I believe knew
> these 35-40 kids were drinking. Unfortunately, HB2319 was postponed until
> next years legislation due to time frames.
>
> Senator Kay O'Connor and I have worked diligently together to enter an
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> effect HB2319 would have had. When Senator O'Connor worked the bill on the
> senate floor March 25, 2003 it had the approval of the Senate and on March
> 26, 2003 the bill and amendments passed the Senate 40-0.
>
> Now, this bill has been sent back to you. I plead with you to understand
> the necessity of this bill. My conscience does not allow me to continue
> reading the obituaries of our young people when parents are allowing this
> partying in their homes. I realize this is not a forum for emotion, but I
> believe with the passing of this bill, you can save at least some of our
> youth from premature alcohol related deaths. The passage is in your
hands.
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> Sincerely,
>
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>
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From : Ward Loyd <loyd@gcnet.com>

To : "DEBBIE RIGGS" <buyburge@msn.com>

omalley@house.state.ks.us, carlin@house.state.ks.us,swenson@house.state.ks.us, owens@house.state.ks.us,carter@house.state.ks.us, kassebaum@house.state.ks.us,huntington@house.state.ks.us,

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Subject : Re: Fwd: HB197 being heard shortly

Date : Mon, 31 Mar 2003 09:44:33 -0600

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Dear Mrs. Riggs,

Thank you for your notice regarding the Senate consideration of SB 197. I received a call from Senator O'Connor about the measure, asking if the House Corrections & Juvenile Justice committee was planning on a hearing on the bill, considering we had not had time to work HB 2319, the "social host" measure.

There has been a misunderstanding as some point. Not only did our committee have a hearing on HB 2319, but we worked the bill (debated a recommendation to the House on its passage) as well. At that time there were a significant number of concerns raised about the language of the measure being overly broad (please read "unintended consequences"), and as a result a motion was made and passed to table HB 2319, pending an opportunity to further study the intent, and the bill.

SB 197 was not received in the House until Thursday, March 26, or referred to our committee until last Thursday, March 27. Unfortunately, with Legislative leadership deciding to adjourn one week early, committees were effectively prevented from having a few extra days to have hearings on bills acted on late the session by the Senate.

There is no doubt your bill has merit, notwithstanding that current law, in my opinion, would give a prosecutor all the tools needed to prosecute the situation you brought to us.

I understand Senator O'Connor was considering amending the provisions of HB 2319 into other measures considered by the Senate late last week. Considering the comments and concerns of members of the Corrections & Juvenile Justice Committee, that may be problematic until we have an opportunity to give constructive thought to the actual application of its terms. In my opinion, it is better to delay the passage of a measure by 8 or 9 months to make certain it is right, than to act in haste and adopt a measure either unenforceable, or one which is applied in ways not intended.

Regards,

Ward Loyd

March 28, 2003

Dear Corrections and Juvenile Justice committee member,

My name is Debbie Riggs; I have spoken to you before regarding HB 2319 and am again asking for your support.

Briefly, In December of 2001, My son Paul Riggs died due to injuries sustained in an alcohol related car accident that occurred in November 2001. He had attended a party where the parents were present, and I believe knew these 35-40 kids were drinking. Unfortunately, HB2319 was postponed until next years legislation due to time frames.

Senator Kay O'Connor and I have worked diligently together to enter an amendment to SB197 that would include language that would have the same effect HB2319 would have had. When Senator O'Connor worked the bill on the senate floor March 25, 2003 it had the approval of the Senate and on March 26, 2003 the bill and amendments passed the Senate 40-0.

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Thank you for your time and I look forward to your approval.

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From : "DEBBIE RIGGS" <buyburge@msn.com>
 DEBBIE RIGGS (Online)

To : dsimorte@hotmail.com

Date : Tue, 08 Apr 2003 10:21:29 -0700

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April 8, 2003

Dear Representatives,

My name is Debbie Riggs and I am writing to you today in regards to the non-concur on HB2201 last Friday April 4, 2003. This was a measure that would have allowed for people to be prosecuted if they had parties on their property at which alcoholic beverages were served to minors. The bill was returned to a house and senate negotiating panel where oppononets wanted the provision removed.

I want to express my feelings about removing this provision. In November 2001 my 17 year old son, Paul Riggs, attended a party where the parents were home in the living room while 35-40 youth were bringing beer and liquor in and out of the house right in front of them. He left in his truck, rounded a corner and hit a tree head on. With massive brain injuries, he died 3 weeks later. When I found out there was nothing we could do about it, I was livid. I hope none of you have ever had to face losing a child under any circumstances but especially in a manner that I feel may have been prevented.

If parents knew they could face criminal punishment for allowing this hosting to go on in their home would they think twice before choosing not to supervise? There were 14, 15, 16, and 17 year old kids at this home, and this is not the first time the police have been there. I realize this is not a cure all for underage alcohol related deaths, but my conscience does not allow me to stand by and continue reading the obituaries of our youth without doing something about it.

I am not using this as a forum for emotion, but rather one of justice and enforcement of making parents responsible for our kids. Paul Morrison, Johnson County DA told me in one of our meetings that there is no law against being a crappy parent. So be it, but you hold the power in your hands to hold crappy parents responsible for not what they do but what they fail to do; supervise kids in their home.

I beseech you to look closely at the importance of taking a stand against hosting underage drinking. Many states are adopting this type of Law. Lets make Kansas a state that shows the importance of trying to protect our youth. This provision must stand. I am but one voice of the many parents who have endured this type of loss. I beg of you to keep this alive. I sincerely look forward to your support.

Regards,

Debbie Riggs

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To : buyburge@msn.com

Subject : HB 2319

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Dear Ms. Riggs:

Thank you for your efforts in regard to the subject matter of HB 2319. I appreciate the time you took to speak with the Corrections and Juvenile Justice Committee and the work you have done with Senator O'Connor.

I, too, am disappointed this legislation has not moved faster this year. I will continue to support the bill.

Thanks again for all your work. Please contact me if I can ever be of assistance.

Most sincerely,

Ed O'Malley
State Representative
District 24

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 DEBBIE RIGGS (Online)

To : jennas628@hotmail.com, dsimorte@hotmail.com, Anniefannie14@hotmail.com

Subject : Committee hearing on SB197 and HB2201

Date : Tue, 29 Apr 2003 09:40:22 -0700

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April 29, 2003

Dear Comittee member,

First let me say that I sincerely hope you all had a (somewhat!) relaxing break. (NO, that is not a schmooz!!!!)

As you reconvene tomorrow, please, again, carefully consider SB197 and it's importance. This bill currently resides in your committee. The contents of 197 as amended in HB2201 remains in conference committee chaired by Jene Vicrey.

The language in 197 that passed the Senate 40-0 was worked on and approved by Johnson County District Attorney Paul Morrison, Assistant District Attorney John Fritz, Senator John Vratil, Wichita judge Eric Yost, Paul Longino of the ABC, Senator Derek Schmidt, Senator Lana O'leen, Senator Kay O'Connor and Senator Dwayne Umbarger.

Senator Umbarger was very concerned about unintended consequences for persons in rural areas. The language was carefully crafted to accomodate the many concerns of all of the above and all agreed to the final language.

I plead with you for the sake of our youth who are our future, to pass this bill this session. I know you all feel this is a worthy bill, the issue seems to be the timing. Unfortunately, since you have been out of session, there have been 19 juvenile alcohol related deaths, and 4 near deadly juvenile alcohol related accidents. How many more can Kansas endure if this has to wait until the 2004 session?

Once again, thank you for hearing me out and understanding my passion.

Sincerely,

Debbie Riggs

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taddiken@senate.state.ks.us; teichman@senate.state.ks.us;
tyson@senate.state.ks.us; umbarger@senate.state.ks.us;
vratil@senate.state.ks.us; wagle@senate.state.ks.us
Subject: SB197, HB2201,HB2319

Dear Juvenile Justice committee member,

I hope your brief time off and your holidays were peaceful and fulfilling. I know you are heading back into full swing and there is a lot on your plates.

My name is Debbie Riggs and I tried very hard to get a bill passed last session that has been tabled and laid in your hands. It is the Hosting Law, that would hold parents criminally responsible for allowing underage youth to consume alcohol on their property. I realize there was much confusion over the language of this bill. At the end of last session, the senate passed SB197 40-0. At that time it was returned to the house and again to your committee. Forgive me if my political language is confusing!

In reviewing my data, I have several bills that were addressed to accommodate this action:

SB197, HB2201 and HB2319. I am not sure which of these is actually in your committee. I have tried on many occasions to make contact with Ward Loyd but to no avail.

Last session I had the support of many of you, the committee members, as well as several judges, Paul Morrison, Johnson County D.A, Bob Longino of the ABC, John Fritz, Johnson County Asst. D.A. and 40 senators. Since April of 2003 you have no idea how many of our youth, our future, have died in underage drinking car wrecks.

Statistics now show that there are 42% youth related deaths due to alcohol related incidents. Unfortunately it appears that 31% of these fatalities are with parental permission, or not supervising youth in their home, while they are present.

My 17 year old son was one of these statistics, and that verbage alone hurts like hell. November 21, 2001 he attended a party in Lenexa, Kansas, where the parents were home, in the living room with total visual contact of 35-40 youth going in and out of the house with alcohol, perhaps hidden in coats or just carrying cans or bottles. He left that party at 10:00 P.M. to come home, rounded a curve and hit a tree head on. Comotose for 3 weeks he suffered a stroke on the opposite side of the brain and died on December 12, 2001. Under current law, no one could be held responsible for his death but himself. I agree that he made wrong decisions that night but if parents were held responsible for what happens in their homes while they have supervision, would this have happened?

I implore you, as the sole persons that can make a change in these laws to examine the evidence and statistics that I have calculated for you. As I stated in my letter to you in March of 2003, I personally can not with good conscience continue to read the obituaries of our young people and stand alone doing nothing to make a change. Isn't that what we are supposed to do: change that which is wrong? I have so much material I would be honoured to share with you at a committee meeting if you so desire. Or I may just come anyway.

As you can see this is very dear to my heart. I have somewhat started a type of sympathy to trauma unit parents in sending baskets with nutritious foods, paper, pens etc. because I know they also wonder WHY. Please review

these bills before you and let your hearts and the future of our youths be your guide.

With all sincerity,

Debbie Riggs
13921 W. 76 Cr.
Lenexa, Kansas 66216
h 913-962-7687
w 913-681-7600
cell 913-515-5279

c

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From: Karin Brownlee [Save Address](#)

Thursday, March 20, 2003 10:06 AM

To: buyburge@msn.com

Subject: Re: SB197

Dear Mrs. Riggs,

The language for SB 197 was given to me which I submitted for intorduction. I very much support the concept of this bill.

My heart goes out to you in the loss of your son.

Sincerely,

Senator Karin Brownlee

>>> "DEBBIE RIGGS" <buyburge@msn.com> 03/18/03 01:29PM >>>

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From: David Adkins [Save Address](#)

Wednesday, March 19, 2003 1:28 PM

To: buyburge@msn.com

Subject: Re: SB197

Debbie

You can count on my support. I am sorry for the loss of your son. Your advocacy is appreciated.

Yours,
David Adkins

>>> "DEBBIE RIGGS" <buyburge@msn.com> 03/18/03 01:29PM >>>

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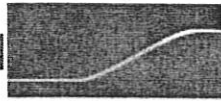
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From : DEBBIE RIGGS <buyburge@msn.com>
Sent : Thursday, January 22, 2004 1:50 PM
To : "jennas628" <jennas628@hotmail.com>
Subject : Fw: SB197, HB2201,HB2319

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----- Original Message -----

From: Ed O'Malley
Sent: Wednesday, January 14, 2004 6:49 PM
To: DEBBIE RIGGS
Subject: RE: SB197, HB2201,HB2319

Debbie,

Thank you for your message. I appreciate your thoughts. Have you had any additional contact with Paul Morrison about this issue. As you may know, I introduced the bill on Paul's behalf last year and would be happy to continue to work on the bill.

Most sincerely,

Ed O'Malley
State Representative

-----Original Message-----

From: DEBBIE RIGGS [mailto:buyburge@msn.com]
Sent: Tuesday, January 13, 2004 9:17 PM
To: betts@house.state.ks.us; carlin@house.state.ks.us;
carter@house.state.ks.us; crow@house.state.ks.us;
dillmore@house.state.ks.us; gordon@house.state.ks.us;
horst@house.state.ks.us; huntington@house.state.ks.us;
kassebaum@house.state.ks.us; loyd@house.state.ks.us;
omalley@house.state.ks.us; owens@house.state.ks.us;
pauls@house.state.ks.us; swenson@house.state.ks.us;
ward@house.state.ks.us; yoder@house.state.ks.us
Cc: adkins@senate.state.ks.us; allen@senate.state.ks.us;
barnett@senate.state.ks.us; barone@senate.state.ks.us;
brownlee@senate.state.ks.us; brungardt@senate.state.ks.us;
buhler@senate.state.ks.us; bunten@senate.state.ks.us;
clark@senate.state.ks.us; corbin@senate.state.ks.us;
donovan@senate.state.ks.us; downey@senate.state.ks.us;
emler@senate.state.ks.us; feleciano@senate.state.ks.us;
gilstrap@senate.state.ks.us; gooch@senate.state.ks.us;
goodwin@senate.state.ks.us; haley@senate.state.ks.us;
harrington@senate.state.ks.us; hensley@senate.state.ks.us;
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lee@senate.state.ks.us; lyon@senate.state.ks.us;

From: Nile Dillmore [Save Address](#)

Wednesday, January 14, 2004 1:32 PM

To: DEBBIE RIGGS

Subject: Re: SB197, HB2201,HB2319

Thank you for taking time to write to me on this issue. Two of the three bills you mentioned are still in committee. They are SB 197 and HB 2319. I do not know if we will work these bills or not. I am generally supportive of the measure although I will need to go back and see exactly what the language was as I seem to remember there were some problems that had to be worked out.

Nile

----- Original Message -----

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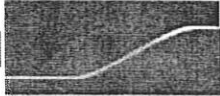
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From : DEBBIE RIGGS <buyburge@msn.com>

Sent : Thursday, January 22, 2004 1:41 PM

To : "jennas628" <jennas628@hotmail.com>

Subject : Fw: Fwd: HB197 being heard shortly

----- Original Message -----

From: Ward Loyd
Sent: Monday, March 31, 2003 9:44 AM
To: DEBBIE RIGGS
Cc: omalley@house.state.ks.us; carlin@house.state.ks.us; swenson@house.state.ks.us; owens@house.state.ks.us; carter@house.state.ks.us; kassebaum@house.state.ks.us; huntington@house.state.ks.us; dillmore@house.state.ks.us; ward@house.state.ks.us; pauls@house.state.ks.us; gordon@house.state.ks.us; loyd@house.state.ks.us; betts@house.state.ks.us; crow@house.state.ks.us; yoder@house.state.ks.us; horst@house.state.ks.us; o'connor@senate.state.ks.us; harrington@senate.state.ks.us
Subject: Re: Fwd: HB197 being heard shortly

Dear Mrs. Riggs,

Thank you for your notice regarding the Senate consideration of SB 197. I received a call from Senator O'Connor about the measure, asking if the House Corrections & Juvenile Justice committee was planning on a hearing on the bill, considering we had not had time to work HB 2319, the "social host" measure.

There has been a misunderstanding as some point. Not only did our committee have a hearing on HB 2319, but we worked the bill (debated a recommendation to the House on its passage) as well. At that time there were a significant number of concerns raised about the language of the measure being overly broad (please read "unintended consequences"), and as a result a motion was made and passed to table HB 2319, pending an opportunity to further study the intent, and the bill.

SB 197 was not received in the House until Thursday, March 26, or referred to our committee until last Thursday, March 27. Unfortunately, with Legislative leadership deciding to adjourn one week early, committees were effectively prevented from having a few extra days to have hearings on bills acted on late the session by the Senate.

There is no doubt your bill has merit, notwithstanding that current law, in my opinion, would give a prosecutor all the tools needed to prosecute the situation you brought to us.

I understand Senator O'Connor was considering amending the provisions of HB 2319 into other measures considered by the Senate late last week. Considering the comments and concerns of members of the Corrections & Juvenile Justice Committee, that may be problematic until we have an opportunity to give constructive thought to the actual application of its terms. In my opinion, it is better to delay the passage of a measure by 8 or 9 months to make certain it is right, than to act in haste and adopt a measure either unenforceable, or one which is applied in ways not intended.

Regards,

Ward Loyd

>March 28, 2003

>

>Dear Corrections and Juvenile Justice committee member,

>

>My name is Debbie Riggs; I have spoken to you before regarding HB 2319 and
>am again asking for your support.

>

>Briefly, In December of 2001, My son Paul Riggs died due to injuries
>sustained in an alcohol related car accident that occurred in November
>2001. He had attended a party where the parents were present, and I
>believe knew these 35-40 kids were drinking. Unfortunately, HB2319 was
>postponed until next years legislation due to time frames.

>

>Senator Kay O'Connor and I have worked diligently together to enter an
>amendment to SB197 that would include language that would have the same
>effect HB2319 would have had. When Senator O'Connor worked the bill on the
>senate floor March 25, 2003 it had the approval of the Senate and on March
>26, 2003 the bill and amendments passed the Senate 40-0.

>

>Now, this bill has been sent back to you. I plead with you to understand
>the necessity of this bill. My conscience does not allow me to continue
>reading the obituaries of our young people when parents are allowing this
>partying in their homes. I realize this is not a forum for emotion, but I
>believe with the passing of this bill, you can save at least some of our
>youth from premature alcohol related deaths. The passage is in your hands.

>

>Thank you for your time and I look forward to your approval.

>

>Sincerely,

>

>Debbie Riggs

>

>

>

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Senate Bill 197
Testimony Before the Senate Judiciary Committee
Shannon Trevino, Police Officer, Lenexa, KS Police Department
January 27, 2004

My name is Shannon Trevino, and I am here today to speak in support of Senate Bill 197. I am currently assigned to the DUI Enforcement Unit of the Lenexa Police Department. In addition to this assignment, I am also responsible for enforcing underage drinking laws. In the course of these assignments, it is my opinion that underage drinking is quite prevalent and a reoccurring problem.

Adolescents are at a high risk for using alcohol. Children begin experimenting with alcohol as early as 12 years old, or 6th grade for most students. The average age of regular use is 14 years old, or 8th grade. (2003 Kansas Communities that Care Survey) This is one reason that alcohol has become the most abused drug in the United States and in Johnson County among adolescents. Through the course of 10 years of law enforcement experience, I can confirm these statistics.

In addition, one problem we have seen is a growing number of parents providing their children and friend's of their children with alcohol and/or providing a place for children to congregate and hold underage drinking parties. It has been my experience that children who drink alcohol at home are more likely to drink away from home. The Kansas statute allows parents to provide 3.2% beer to their children. Unfortunately, in my experience, it does not stop there. Today, more and more parents are "hosting" underage drinking parties and often times, they are relying on the 3.2 % beer statute to excuse them from providing alcoholic liquor to their children and friend's of their children. I believe the health and well being of these children is at stake and this exemption to the statute must be repealed.

In an effort to better out community, the Lenexa Police Department has partnered with the Johnson County STOP Underage Drinking Project. Under the guidance of this coalition, we have undertaken a number of responsibilities. One of the most successful projects has been the "Wrong of Passage" video presentation where our officers serve as panel members and answer questions from parents, students, and community members.

As state legislators, you play an important part in this underage drinking dilemma. You have the ability to make a lasting change in not only our community, but across the state. You have the authority to remove an archaic provision of the law and inform parents that is not appropriate for the youth to consume alcohol of any kind until they are of legal age to do so.

Thank you for giving me the opportunity to testify today on behalf of Senate Bill 197. I ask that you report favorably on Senate Bill 197.



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Beverage
Association*

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Tom Intfen

Secretary/Treasurer
Tammy Davis

Vice Presidents
Robert Farha
Glenda Dewey
Jim Hendricks
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Paul Boone
Billy Long

Executive Director
Philip Bradley, PhD

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Suite Four
P.O. Box 442066
Lawrence, KS 66044

Voice/Fax: 785.331.4282
phil@klba.org
www.klba.org



*Testimony on SB-197, Tuesday, August 26, 2003
House Corrections and Juvenile Justice Committee*

Chairman Loyd, and Members of the Committee,

I am Philip Bradley representing the Kansas Licensed Beverage Assn., a group of men and women, in the hospitality industry, who own and manage bars, clubs, caterers, restaurants and hotels where beverage alcohol are served. Thank you for the opportunity to speak today.

In SB 197 Section 1 subsection c & d, an exemption is given to holders of liquor licenses. This is because of the extensive statutes and regulations that already apply to their unique circumstances. It appears that this was inadvertently left out of the new Section 3. We ask that Section 1 subsection c & d, lines 24-37 on page one(1), be added to the new section 3 to apply to that section as well. With that, we support the intent of SB-197.

We applaud efforts to reduce underage drinking. Millions of dollars and thousands of man hours are expended on our side, the "supply" side, of this equation to accomplish these goals. This bill adds to those efforts with measures to reduce the "demand" by raising the bar for underage drinking and hosting. We hope and work for, the goal of total compliance with this objective.

Please notify me of the subcommittee meeting. I wish to attend and am available to assist at your pleasure.

As always we are available for questions. Thank you for your time.

Dr. Philip B. Bradley
Executive Director

What is the KLBA?

The Kansas Licensed Beverage Association is a non-profit group of men and women licensed to serve beverage alcohol in the state of Kansas. We are small business owners who formed to educate ourselves about this industry and in the process help the public to understand as well. We represent the interests of over 3000 establishments, the women and men who as a part of their business hold a license for on premise alcohol service. We are the restaurants, hotels, clubs, bars, breweries, vineyards and caterers you frequent and enjoy. We are in the hospitality business. We advocate safe responsible consumption and are training our servers to practice these principals.

We work with the ABC to educate, train and promote compliance and responsible practices. We have a server-training program certified by the ABC for Kansas. We believe that education is the single most useful tool in reducing alcohol-related incidents.



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Terri Roberts J.D., R.N.
troberts@ksna.net
January 27, 2003

Senate Bill 197-Alcoholic Beverages, furnishing to and consumption by persons under age 21.

Representative Lloyd and members of the House Corrections and Juvenile Justice the ^{Committee} KANSAS STATE NURSES ASSOCIATION, representing registered nurses in the state is supportive of the provisions contained in S.B. 197 and encourages the Committee to report it favorably for passage. The KANSAS STATE NURSES ASSOCIATION supports Senate Bill No. 197 that will:

- add graduated penalties for minors who violate the law on possession or consumption of alcoholic liquor or cereal malt beverages more than once, AND
- penalize adults that unlawfully host minors possessing or consuming alcoholic liquor or cereal malt beverages on their premises.

Underage drinking is a major public health challenge. The *National Institute on Alcohol Abuse and Alcoholism* reports that by the time they reach the eighth grade, nearly 50 percent of adolescents have had at least one drink, and over 20 percent report having been "drunk." Apart from being illegal, underage drinking poses a high risk to both the individual and society.

Some Kansas statistics that are of interest and support the need for this type of public policy are as follows:

- In the last three years, Kansas middle school students report most frequently obtaining alcohol from their parents – possibly without their permission (12.3 percent in 2003, 11 percent in 2002 and about 14 percent in 2001).
- For high school students, alcohol has been obtained most frequently from an older person who was not a parent (33 percent in 2003, 32 percent in 2002 and 35 percent in 2001) [KDOT Drunk Driving Prevention Office, 2002 School Survey).

CONTINUED

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Attachment 14

1-27-03

From a pure healthcare perspective, underage alcohol use is more likely to kill young people than all illegal drugs combined. Some of the most serious and widespread alcohol-related problems include:

- Motor vehicle crashes as the leading cause of death among youth. For example, the rate of alcohol-related traffic crashes is greater for drivers ages 16 to 20 than for drivers age 21 and older.
- Adolescents are vulnerable to alcohol-induced brain damage. In addition, *youthful drinking is associated with an increased likelihood of developing alcohol abuse or dependency later in life.*
- Alcohol use interacts with conditions such as depression and stress to contribute to suicide, *the third leading cause of death among young people.*
- Research indicates that alcohol use by the offender, the victim, or both, increases the likelihood of sexual assault by a male acquaintance.
- Adolescent alcohol use has also been associated with high-risk sex, particularly unwanted pregnancy and sexually transmitted diseases, including HIV/AIDS.

Thank you for this opportunity to support S.B. 197.

National Institute on Alcohol Abuse and Alcoholism

Publications

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Alcohol Alert

National Institute on Alcohol Abuse and Alcoholism No. 59 April 2003

Underage Drinking: A Major Public Health Challenge

By the time they reach the eighth grade, nearly 50 percent of adolescents have had at least one drink, and over 20 percent report having been "drunk" (1). Approximately 20 percent of 8th graders and almost 50 percent of 12th graders have consumed alcohol within the past 30 days (1). Among 12th graders, almost 30 percent report drinking on 3 or more occasions per month (2). Approximately 30 percent of 12th graders engage in heavy episodic drinking, now popularly termed "binge" drinking—that is, having at least five or more drinks on one occasion within the past 2 weeks—and it is estimated that 20 percent do so on more than one occasion (2).

Apart from being illegal, underage drinking poses a high risk to both the individual and society (3). For example, the rate of alcohol-related traffic crashes is greater for drivers ages 16 to 20 than for drivers age 21 and older (4). Adolescents also are vulnerable to alcohol-induced brain damage, which could contribute to poor performance at school or work. In addition, youthful drinking is associated with an increased likelihood of developing alcohol abuse or dependence later in life. Early intervention is essential to prevent the development of serious alcohol problems among youth between the ages of 12 and 20. This *Alcohol Alert* describes some of the most harmful consequences of underage drinking as well as prevention and treatment approaches that can be applied successfully to meet the unique needs of this age group.

Injury and Social Consequences

Underage alcohol use is more likely to kill young people than all illegal drugs combined (5,6). Some of the most serious and widespread alcohol-related problems among adolescents are discussed below. For a more detailed discussion of alcohol problems in the college-age population, see *Alcohol Alert* No. 58 (7).

Drinking and Driving. Motor vehicle crashes are the leading cause of death among youth ages 15 to 20 (8). Adolescents already are at increased risk through their relative lack of driving experience (9), and drivers younger than 21 are more susceptible than older drivers to the alcohol-induced impairment of driving skills (4,9). The rate of fatal crashes among alcohol-involved drivers between 16 and 20 years old is more than twice the rate for alcohol-involved drivers 21 and older (10).

Suicide. Alcohol use interacts with conditions such as depression and stress to contribute to suicide, the third leading cause of death among people between the ages of 14 and 25 (11,12). In one study, 37 percent of eighth grade females who drank heavily reported attempting suicide, compared with 11 percent who did not drink (13).

Sexual Assault. Sexual assault, including rape, occurs most commonly among women in late adolescence and early adulthood, usually within the context of a date (14). In one survey, approximately 10 percent of female high school students reported having been raped (5). Research suggests that alcohol use by the offender, the victim, or both, increases the likelihood of sexual assault by a male acquaintance (15).

High-Risk Sex. Research has associated adolescent alcohol use with high-risk sex (for example, having multiple sexual partners and failing to use condoms). The consequences of high-risk sex also are common in this age group, particularly unwanted pregnancy and sexually transmitted diseases, including HIV/AIDS (5). According to a recent study, the link between high-risk sex and drinking is affected by the quantity of alcohol consumed. The probability of sexual intercourse is increased by drinking amounts of alcohol sufficient to impair judgment, but decreased by drinking heavier amounts that result in feelings of nausea, passing out, or mental confusion (16).

Alcohol's Effects on the Brain

Adolescence is the transition between childhood and adulthood. During this time, significant changes occur in the body, including rapid hormonal alterations and the formation of new networks in the brain (17). Adolescence is also a time of trying new experiences and activities that emphasize socializing with peers, and conforming to peer-group standards (18,19). These new activities may place young people at particular risk for initiating and continuing alcohol consumption. Exposing the brain to alcohol during this period may interrupt key processes of brain development, possibly leading to mild cognitive impairment as well as to further escalation of drinking. (For a review, see Reference 17.)

Subtle alcohol-induced adolescent learning impairments could affect academic and occupational achievement (17). In one study, Brown and colleagues (20) evaluated short-term memory skills in alcohol-dependent and nondependent adolescents ages 15 to 16. The alcohol-dependent youth had greater difficulty remembering words and simple geometric designs after a 10-minute interval. In this and similar studies (21,22), memory problems were most common among adolescents in treatment who had experienced alcohol withdrawal symptoms (20). The emergence of withdrawal symptoms generally indicates an established pattern of heavy drinking. Their appearance at a young age underscores the need for early intervention to prevent and treat underage drinking.

Although the prevalence of high-risk drinking declines after early adulthood (23), alcohol-induced brain damage may persist. Memory impairment has been found in adult rats exposed to alcohol during adolescence (17). In addition, sophisticated imaging techniques revealed structural differences in the brains of 17-year-old adolescents who displayed alcohol-induced intellectual and behavioral impairment. Specifically, the hippocampus—a part of the brain important for learning and memory—was smaller in alcohol-dependent study participants than it was in nondependent participants (24). Adolescents who began drinking at an earlier age had proportionately smaller hippocampal volumes compared with those who began later (24), suggesting that the differences in size were alcohol induced.

The Link Between Early Alcohol Use and Alcohol Dependence

Early alcohol use may have long-lasting consequences. People who begin drinking before age 15 are four times more likely to develop alcohol dependence at some time in their lives compared with those who have their first drink at age 20 or older (25). It is not clear whether starting to drink at an early age actually causes alcoholism or whether it simply indicates an existing vulnerability to alcohol use disorders (26). For example, both early drinking and alcoholism have been linked to personality characteristics such as strong tendencies to act impulsively and to seek out new experiences and sensations (27). Some evidence indicates that genetic factors may contribute to the relationship between early drinking and subsequent alcoholism (28,29). Environmental factors may also be involved, especially in alcoholic families, where children may start

drinking earlier because of easier access to alcohol in the home, family acceptance of drinking, and lack of parental monitoring (27,26).

Prevention and Treatment

The immediate and long-term risks associated with adolescent alcohol use underscore the need for effective prevention and treatment programs. Research on the personal, social, and environmental factors that contribute to the initiation and escalation of drinking is essential for the development of such programs. It should be noted that preventing and identifying alcohol use disorders in youth require different screening, assessment, and treatment approaches than those used for adults (30,31). For example, although relapse rates following alcoholism treatment are similar for both adults and adolescents, social factors such as peer pressure play a much larger role in relapse among adolescents (31).

Personal factors such as childhood behavior problems (32) or a family history of alcohol use disorders (33) can help to identify high-risk youth and may suggest direction for interventions. Evidence suggests that the most reliable predictor of a youth's drinking behavior is the drinking behavior of his or her friends (32,34). Many research-based interventions target the child's relevant behavioral skills, such as his or her ability to react appropriately to peer pressure to drink, as well as his or her knowledge, attitudes, and intentions regarding alcohol use (35). Positive beliefs about alcohol's effects and the social acceptability of drinking encourage the adolescent to begin and continue drinking. However, youth often overestimate how much their peers drink and how positive their peers' attitudes are toward drinking. Consequently, most prevention programs include social norms education, which uses survey data to counter students' misperceptions of their peers' drinking practices and attitudes about alcohol (36,35).

Family factors, such as parent-child relationships, discipline methods, communication, monitoring and supervision, and parental involvement, also exert a significant influence on youthful alcohol use (37,38). Accordingly, family-based prevention programs for youth have been developed—for example, Iowa's Strengthening Families Program, which significantly delayed initiation of alcohol use by improving parenting skills and family bonding (37). The beneficial effects of this program on student alcohol involvement were still evident 4 years after the intervention (39).

Some school-based programs are aimed at adolescents who have already begun drinking. Preliminary research also has found promise in high school-based motivational programs that encourage self-change in problem drinkers (30).

Policy and Community Strategies

Another important factor in underage drinking is availability, that is, the degree of effort required to obtain alcohol, as determined by geographic, economic, and social factors (40,35). Consequently, interventions aimed at the individual must be supplemented by policy changes to help reduce youth access to alcohol and decrease the harmful consequences of established drinking (35). For example, raising the minimum legal drinking age in all States to 21 saved an estimated 20,000 lives between 1975 and 2000 (8). In addition, all States now have zero-tolerance laws, which set the legal blood alcohol limit for drivers younger than age 21 at 0.00 or 0.02 percent (41). This policy has been associated with a 20-percent decline in the proportion of single-vehicle, nighttime fatal crashes among drivers younger than age 21 (42,43).

The drinking and driving laws described above were implemented in the absence of an accompanying increase in existing law enforcement levels. The effectiveness of such measures is enhanced by integrating them into community-based strategies that involve the cooperation of local government agencies, the law enforcement community, business leaders, and grassroots organizations (35). Communities Mobilizing for Change on Alcohol (CMCA) is an example of a community-wide program that focused on policy changes to reduce youth access to commercial and social sources of alcohol (44,35). Communities that adopted the program experienced significantly fewer arrests for drinking and driving among youth ages 18 to 20 than did neighboring communities (45).

Comprehensive Interventions. Project Northland is an example of a successful comprehensive intervention

that incorporated family, school, and community components to prevent or reduce alcohol use among adolescents. To determine the program's effectiveness, researchers began testing the students in grade six; and, after 3 years, the prevalence of alcohol use by eighth graders was lower in intervention communities than in comparison sites, and especially among students who had not yet started drinking when the program began (46). During the next 2 years, interventions were only minimal, and the differences in the measures of alcohol use between the two groups of students disappeared. However, resumption of Project Northland activities in grades 11 and 12 had a significant positive effect on the students' tendency to avoid alcohol use and binge drinking. Taken together, these results show the effectiveness of continued, age-appropriate prevention activities for delaying or reducing underage drinking (47).

Underage Drinking—A Commentary by NIAAA Director Ting-Kai Li, M.D.

The immediate and long-term risks associated with adolescent alcohol use underscore the need for effective prevention and treatment programs. Research toward those ends is a top priority at NIAAA. Studies have revealed genetic, biologic, developmental, and environmental influences on underage drinking.

Scientists have found that variability is a crucial aspect of alcohol problems across all age groups and thus is a key consideration in alcohol research. For example, there is a three- to fourfold between-individual variation in the rate of absorption, distribution, and elimination of alcohol (pharmacokinetics) and a two- to threefold between-individual variation in the sensitivity of the brain to the effects of a given concentration of alcohol (pharmacodynamics). Understanding the underlying causes of this variability, both genetic and nongenetic, should provide insights into underage drinking and binge-drinking patterns.

Through prevention and intervention strategies directed at the individual, family, school, and community, we aim to provide knowledge and change belief systems and social norms to reinforce the message that underage alcohol use is unacceptable. We also aim to enhance young peoples' self-esteem, self-motivation, and identity formation to enable them to take responsibility for their own health by making informed, deliberate, and healthy choices regarding alcohol use.

Various intervention tools have brought about positive behavioral change with regard to underage drinking. Further studies will follow cohorts of young people from childhood through the college years, at different locations and in different settings, to determine whether these interventions are enduring and broadly applicable. Finding lasting solutions to such an entrenched problem will not be easy, but we are confident that diligent research efforts will meet this urgent challenge.

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KDOT **Drunk Driving** **Prevention** OFFICE

Kansas High School & Middle/Junior High School Survey Annual Report for 2002-2003

Fiscal Year Ending September 30, 2003

Prepared by

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**THERE'S
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Appendix B 1
Combined KDDP High School
Survey Results 2002-2003

33. Have you attended a keg party in the past six months?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	1913	29.7	30.0	30.0
	No	3227	50.0	50.7	80.7
	NA	1230	19.1	19.3	100.0
	Total	6370	98.8	100.0	
Missing	System	80	1.2		
Total		6450	100.0		

34. Does the chance of getting caught deter you from attending keg parties?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	1324	20.5	20.9	20.9
	No	3272	50.7	51.6	72.4
	NA	1749	27.1	27.6	100.0
	Total	6345	98.4	100.0	
Missing	System	105	1.6		
Total		6450	100.0		

35. How did you acquire alcohol the last time you got it?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	An older person (not parent)	2106	32.7	33.4	33.4
	My parents	527	8.2	8.3	41.7
	I bought it myself	183	2.8	2.9	44.6
	I got it another way	1128	17.5	17.9	62.5
	I have never acquired alcohol	2370	36.7	37.5	100.0
	Total	6314	97.9	100.0	
Missing	System	136	2.1		
Total		6450	100.0		

1. "Frequency" is the number of students that answered a question.
2. "Missing System" is the number of survey respondents that did not answer a specific question.
3. "Valid percentage" is the proportion of students that actually answered a particular question.

Appendix B 2
Combined Junior High/Middle School
KDDP Survey Results 2002-2003

15. The last time you acquired alcohol, how did you get it?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	An older person (over 21 but not a parent)	342	9.3	9.6	9.6
	From my parents (with or without permission)	438	11.9	12.3	21.8
	I bought it myself	27	.7	.8	22.6
	I got it another way	431	11.7	12.1	34.6
	I have never acquired alcohol	2337	63.3	65.4	100.0
	Total	3575	96.8	100.0	
Missing	System	117	3.2		
Total		3692	100.0		

16. Why do you drink alcohol (if you could pick one good reason)?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	It is fun	213	5.8	6.0	6.0
	To avoid boredom	57	1.5	1.6	7.6
	It makes me more social	37	1.0	1.0	8.6
	It is part of growing up	136	3.7	3.8	12.4
	It reduces stress	130	3.5	3.6	16.1
	My friends do	66	1.8	1.9	17.9
	Some other reason	569	15.4	16.0	33.9
	NA (I don't drink)	2359	63.9	66.1	100.0
	Total	3567	96.6	100.0	
Missing	System	125	3.4		
Total		3692	100.0		

17. How often do you use marijuana?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Never	3236	87.6	89.4	89.4
	Yearly	120	3.3	3.3	92.8
	Monthly	99	2.7	2.7	95.5
	Weekly	72	2.0	2.0	97.5
	Daily	91	2.5	2.5	100.0
	Total	3618	98.0	100.0	
Missing	System	74	2.0		
Total		3692	100.0		

1. "Frequency" is the number of students that answered a question.
2. "Missing System" is the number of survey respondents that did not answer a specific question.
3. "Valid percentage" is the proportion of students that actually answered a particular question.