

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:30 a.m. on Tuesday, March 23, 2004, in Room 123-S of the Capitol.

All members were present except:

Senator Barbara Allen (E)
Senator David Haley - Arrived 9:55
Senator Edward Pugh - Arrived 9:50

Committee staff present:

Mike Heim, Kansas Legislative Research Department
Jill Wolters, Office of the Revisor Statutes
Helen Pedigo, Office of the Revisor Statutes
Dee Woodson, Committee Secretary

Conferees appearing before the committee:

Denise Everhart, Commissioner, Juvenile Justice Authority
Mike Jennings for John Wheeler, Jr., Kansas County and District Attorneys Association
Robert Hecht, District Attorney, Shawnee County (written testimony)

Others attending: See attached list.

Chairman Vratil announced that Senator Goodwin had a guest in attendance that she would like to introduce to the Committee.

Senator Goodwin introduced one of her constituents, the Kansas Honey Queen, Miss Jackie Rowan, from Milton, Kansas, who is a Senior at Kansas State University.

Hearings on:

HB 2487 - Repealing the sunset provisions for the juvenile justice authority

Chairman Vratil opened the hearing on **HB 2487**. Commissioner Denise Evarhart, Juvenile Justice Authority (JJA), testified in support of the proposed legislation that would repeal the JJA sunset provision in KSA 75-7001. She said that the bill was a result of meetings held last fall and a recommendation by the interim Joint Committee on Corrections and Juvenile Justice. She attached copies of JJA's Annual Report along with a document that identified how the agency had complied with the Juvenile Justice Reform Act. (Attachment 1)

There being no other conferees to testify, the Chairman closed the hearing on **HB 2487**.

Final Action on:

HB 2487 - Repealing the sunset provisions for the juvenile justice authority

The Chair announced that since this was the last meeting day for the Senate Judiciary, he suggested taking final action on **HB 2487**. He called for discussion and final action on the bill.

Senator Goodwin made a motion to recommend **HB 2487** favorably, seconded by Senator Donovan, and the motion carried.

Hearing on:

HB 2602 - Allowing more prosecutorial discretion for immediate intervention programs for juveniles

Chairman Vratil opened the hearing on **HB 2602**. Mike Jennings testified in support of **HB 2602** on behalf of John Wheeler, Jr., Kansas County and District Attorneys Association.. He explained the purpose of the bill was to amend KSA 38-1635 to remove certain restrictions disallowing certain juvenile offenders from consideration for immediate intervention programs. (Attachment 2)

Denise Everhart, Juvenile Justice Authority, submitted written testimony in support of **HB 2602**. (Attachment 3)

CONTINUATION SHEET

MINUTES OF THE SENATE JUDICIARY COMMITTEE at 9:30 a.m. on Tuesday, May 3, 2004, in Room 123-S of the Capitol.

Robert Hecht, Shawnee District Attorney, submitted written testimony in opposition to **HB 2602**. The Chair instructed the Committee members to read the written testimony which was submitted late, as final action would possibly be taken later in the meeting. (Attachment 4)

The Chair closed the hearing on **HB 2602**.

Final Action on:

HB 2815 - Aggravated indecent solicitation child, severity level 3, person felony increase from a severity level 6, person felony

Chairman Vratil called for discussion and final action on **HB 2815**. He explained the bill, and stated there were no amendments. Senator Schmidt inquired what the bed space impact was on the bill. The Chair responded that the impact on prison admissions would be 24 additional admissions in 2005, 27 additional admissions in 2014, offender population would be 24 additional beds in 2005, and 227 in 2014. He stated that the bed space impact of some significance. (Attachment 5)

Committee discussion followed, and concern was expressed about all the bills considered in the Legislature this session with bed space impacts.

Senator Schmidt made a motion to take no action on **HB 2815**, seconded by Senator Umbarger, and the motion carried.

HB 2869 - Preliminary examinations, admissibility of field tests for controlled substances

Chairman Vratil called for discussion and final action on **HB 2869**. He explained the bill, and said that Judge Ernest Johnson had submitted a proposed amendment to the Committee. The amendment consisted of using Judge Johnson's proposed Section 1 including subsections (a), (b), and (c) in place of Section 1(a) in the bill.

Senator Goodwin made a motion to delete lines 14 through 24 and replace it with the proposed amendment from Judge Johnson, including Section 1, 2, and 3 and renumber accordingly. The motion was seconded by Senator O'Connor, and the motion carried.

Senator Donovan made a motion pass the bill favorably as amended, seconded by Senator Goodwin, and the motion carried.

HB 2880 - Duties of the chief justice of the supreme court, justices of the supreme court and the office of judicial administration

Chairman Vratil called for discussion and final action on **HB 2880**. The Chair asked Representative Mike O'Neal to address the Committee on the bill since he was unable to attend the previous day's hearing. (Attachment 6) He explained the bill and shared its history and the Supreme Court's position.

Representative O'Neal included with his written testimony a cover letter from Chief Judge Robert Fairchild, Seventh Judicial District, submitting a joint letter from Judge Steve Tatum, Tenth Judicial District, and himself, expressing their concerns that the statistics used by the judicial administrator may not provide the best information for allocation of judicial resources. The Judges pointed out that rapidly growing counties have different needs than counties that are not experiencing the same growth rates. (Attachment 7)

Representative O'Neal also distributed copies of a letter from Chief Judge, Thomas Tuggle, Twelfth Judicial District, stating his support for that portion of **HB 2880** which provides that the judicial administrator will be appointed by the Chief Justice with the advice and consent of the Justices of the Supreme Court. (Attachment 8)

Representative O'Neal stated that there would be no objection to the deletion of Section 5(b)(3), as the Courts said it was not necessary. The provision deals with the departmental justices approving the budgets from the various judicial districts.

CONTINUATION SHEET

MINUTES OF THE SENATE JUDICIARY COMMITTEE at 9:30 a.m. on Tuesday, May 3, 2004, in Room 123-S of the Capitol.

Following questions and discussion, Representative O'Neal stated that there would be no objections to deleting what the judges disapproved of described in their letter distributed to Committee members yesterday.

Following further discussion regarding the Supreme Courts' concerns and requests including not trying to micro-manage the courts, the Chairman called for a motion on the bill.

Senator O'Connor pointed out that the Supreme Court also recommended reinserting the wording "majority vote" on page 3.

Senator Pugh moved to amend **HB 2880** by using the language recommended by the Supreme Court in place of the language in the bill on page 3, lines 23 through 26, seconded by Senator Donovan, and the motion carried.

Senator Schmidt made a motion to amend the bill on page 4 of the bill, by deleting Section (b)(1), starting on line 1 going through line 25 on that page, leaving sub-section (c) in the bill. The motion was seconded by Senator Goodwin, and the motion carried.

Senator Goodwin made a motion to amend **HB 2880** deleting the language on page 5 of the bill, lines 14 through 17, seconded by Senator Schmidt, and the motion carried.

Senator Schmidt made a motion to adopt an amendment authorizing the Revisor to make any technical cleanup revisions the Revisor deems necessary, seconded by Senator O'Connor, and the motion carried.

Senator Schmidt moved to recommend **HB 2880** favorably as amended, seconded by Senator Umbarger, and the motion carried.

SB 489 - State Child Death Review Board; prescribing duties regarding injury to or death of a child under certain circumstances

Chairman Vratil called for discussion and final action on **SB 489**. He explained the bill and the amendment proposed by the Department of Social and Rehabilitation Services (SRS). The amendment proposed to strike out the wording "at any time has been determined to be a child in need of care", on page 1, line 20, replacing that language with "*had been a ward of the state within three years prior to the child's death or near fatality*".

Senator Donovan moved to adopt SRS's proposed amendment as outlined by the Chairman, seconded by Senator Schmidt, and the motion carried.

The Chair stated that since this is a Senate bill and the end of the session is near, that consideration should be given to putting the bill into a House bill. He suggested amending the contents of **SB 489** into **HB 2602** in the form of a substitute bill, and take out the contents of **HB 2602** which is conferrable.

Committee discussion followed with concerns expressed regarding the written testimony received on **HB 2602** from Shawnee County's District Attorney in opposition to the bill. The Committee felt that this issue needed to be studied further and not rushed through the process. Changes were needed if the state was providing for intervention for adults and not for juveniles. The bill was not worked because it would not be heard on the Senate floor for discussion or consideration.

Senator Goodwin moved to delete the contents of **HB 2602** and replace it with the amended contents of **SB 489** prepared in the form of a substitute bill, seconded by Senator Schmidt, and the motion carried.

The meeting was adjourned at 10:25 a.m.

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: Tues, March 23, 2004

NAME	REPRESENTING
Don Murray	Federico Consulting
Doug Smith	Pinegar, Smith & Associates
Jeff Bothonberg	Ku Hosp. / Artist
Jeresa Kravil	
Rachyn James-Martin	SRS- Children and families
Marybeth Kidel	JJA
JIM FRAZIAN	JJA
Dennis Casanova	JJA
Dave Chart	JJA
JIM CLARK	KBA
Lisa Mendora	JJA
Cindy Shurly	SRS
Kyle Kessler	SRS
Brenda Harmon	KSC
Patricia Biggs	KSC
Emily Watson	Sen. Allen
Stacy	Self
JEREMY S BARCLAY	KBOC
Julius Butler	KSC

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: Tuesday, March 23, 2004

Pg. 2

NAME	REPRESENTING
Patli Pearce	Personnel Services - DOA
Cindy D'Ercole	Kansas Action for Children
Steve Solomon	The Farm, Inc.
Gene H. Phillips	KDHR
Bruce Linkes	Children's Alliance
Michael White	KCDAA
Derrick Sontag	KSAB
Wade Bowie	TJA

Juvenile Justice Authority



SENATE JUDICIARY COMMITTEE

HOUSE BILL 2487: Repeal of the Sunset of the Kansas Juvenile Justice Authority

- I. Introduction
- II. Agency Overview (annual report)
- III. Statutory Mandates

March 23, 2004

Denise L. Everhart, Commissioner

Senate Judiciary

3.23.04

Attachment _____



K A N S A S

DENISE L. EVERHART
COMMISSIONER

JUVENILE JUSTICE AUTHORITY

KATHLEEN SEBELIUS
GOVERNOR

SENATE JUDICIARY COMMITTEE
Hearing on House Bill 2487
March, 2004

Chairman Vratil and Members of the Committee:

Last fall, I appeared before the interim Joint Committee on Corrections and Juvenile Justice Oversight. I was asked to testify before the Committee on how the Juvenile Justice Authority had complied with the Kansas Juvenile Justice Reform Act. In addition to the agency's testimony, a group of juvenile corrections professionals from around the state testified before the committee on their view of juvenile justice reform in Kansas. From all accounts – juvenile corrections in the State of Kansas has come a long way since the inception of the Kansas Juvenile Justice Authority on July 1, 1997.

As a result of that testimony, the interim Joint Committee on Corrections and Juvenile Justice Oversight introduced House Bill 2487 to repeal the JJA sunset provision in K.S.A. 75-7001.

Enclosed within your packet is the Juvenile Justice Authority's Annual Report, and a document that identifies how the agency has complied with the Juvenile Justice Reform Act. I encourage you to review these documents, learn about the successes and challenges of the agency over the course of the past six and one-half years, and consider favorable passage of House Bill 2487.

Thank you.

Denise L. Everhart
Commissioner

JAYHAWK WALK, 714 SW JACKSON ST., STE 300, TOPEKA, KS 66603

Voice 785-296-4213 Fax 785-296-1412 <http://jja.state.ks.us/>

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The Kansas Juvenile Justice Authority

Denise L. Everhart, Commissioner

2003 Annual Report



Our Vision

A safer Kansas through
the reduction of juvenile crime.

Our Mission

Promote public safety by holding juvenile offenders accountable for their behavior,
and improve the ability of youth to live productively and responsibly in their communities.

As we strive to meet our mission, Kansans will enjoy safer communities through prevention,
intervention, rehabilitation and reintegration services provided to children and their families.

Juvenile Justice Reform in Kansas

In 1995, the Kansas Legislature enacted Senate Bill 312, creating the Juvenile Justice Authority (JJA) and the Kansas Youth Authority (KYA). KYA was charged with designing the blueprint for JJA's functions.

In 1996, the legislature passed HB 2900, and in 1997 House Substitute for SB 69 was passed. Together, these two bills are referred to as the Juvenile Justice Reform Act, and in 1997, they launched the JJA.

JJA manages the following "core" programs:

juvenile intake and assessment (transferred from the Office of Judicial Administration);

juvenile intensive supervision probation (previously managed by the Department of Corrections); and

the facilities and community case management (transferred from SRS).

All judicial districts must provide for core programming.

In 1998 and early 1999, JJA staff guided community-planning teams in the implementation of research-based methods of identifying each community's particular strengths and weaknesses. Understanding these risk and protective factors helped the planning teams identify appropriate prevention and graduated sanctions programs specific to each of the state's thirty-one (31) judicial districts. Work to implement their plans was completed in late 1999, and Juvenile Corrections Advisory Boards (JCAB's) were formed in each district to take over from the community planning teams in 2000.

Both the juvenile justice code and the JJA have the same three-fold mission: to promote public safety, hold juvenile offenders accountable for their behavior, and improve the ability of juveniles to live more productively and responsibly in the community. *See* K.S.A. 38-1601.

To accomplish this statutory mandate, juvenile justice policies must:

- (a) protect public safety;
- (b) recognize that ultimate solutions to juvenile crime lie in strengthening families and educational institutions, community involvement and implementation of effective prevention and early intervention programs;
- (c) be community based to the greatest extent possible;
- (d) be family centered when appropriate;
- (e) facilitate efficient and effective cooperation, coordination and collaboration among agencies of the local, state and federal government;
- (f) be outcome based, allowing for the effective and accurate assessment of program performance;
- (g) be cost-effectively implemented and administered to utilize resources wisely;
- (h) encourage the recruitment and retention of well-qualified, highly trained professionals to staff all components of the system;
- (i) appropriately reflect community norms and public priorities; and
- (j) encourage public and private partnerships to address community risk factors.

Placement Matrix

As part of enhanced accountability under the Juvenile Justice Reform Act, the sentencing matrix calls for juveniles who commit violent acts to be incarcerated — regardless of whether they have prior records.

Some examples of types of offenses include but are not limited to:

Violent I: first degree murder;

Violent II: second degree murder, rape, aggravated kidnapping, voluntary manslaughter, aggravated indecent liberties, aggravated sodomy;

Serious I: manufacturing drugs, possession of drugs within 1,000 feet of a school, robbery, crimes showing great bodily harm, aggravated assault on a law enforcement officer;

The following classifications require some type of specific prior record:

Serious II: residential burglary;

Chronic I (Chronic Felon): nonresidential burglary;

Chronic II (Escalating Felon): sale of cocaine; and

Chronic III (Escalating Misdemeanor): sale of marijuana, possession of cocaine, or a misdemeanor battery.

Projected Population

According to information contained in the most recent population projections (January 2004), JJA admitted 74 offenders for offenses under the violent offense severity levels II and I during FY 2003. The facilities currently have 152 violent offenders who qualify for placement in maximum security per matrix classification. This does not include those who qualify for placement based on institutional behavior problems or classification evaluation.

The average length of stay for an offender admitted to the facilities under the violent offender severity level is 23.7 months.

FY 2003
 Admissions to
 Juvenile Correctional
 Facilities
 by County

The most violent and chronic juvenile offenders are placed in one of the four juvenile correctional facilities. A fifth, the Kansas Juvenile Correctional Complex, will open in the future. The KJCC will include the reception and diagnostic unit, an infirmary, and a maximum-security correctional facility.

	AJCF	BJCF	LJCF	TJCF	Total
Anderson			1		1
Atchison	1	2	3	2	8
Barber			1		1
Barton	2		6	5	13
Bourbon			4	1	5
Brown			1	2	3
Butler	3	3	8	7	21
Cherokee	1				1
Cheyenne				1	1
Clay	4		1	1	6
Coffey			1		1
Comanche				1	1
Cowley			6	1	7
Crawford	2	1	2	4	9
Dickinson				2	2
Doniphan	1	3	2		6
Douglas	2	4	4	2	12
Elk				1	1
Ellsworth	1				1
Finney	2		8	15	25
Ford	2		2	1	5
Franklin			2	4	6
Geary	1		2	1	4
Grant				1	1
Greenwood				1	1
Hamilton			1		1
Harper			3		3
Harvey			1	3	4
Jackson			1		1
Jefferson	1			1	2
Jewell				1	1
Johnson	6	2	13	23	44
Kingman				2	2
Labette			1	1	2
Leavenworth	5	1	8	11	25
Linn				2	2
Lyon		1	2	3	6
Marion	1		1	1	3
McPherson	1		1	1	3
Miami	2		1		3
Mitchell	1		1		2
Montgomery	3	5	8	4	20
Morris	1			2	3
Neosho			1	2	3
Pawnee	1				1
Pottawatomie		1	2	1	4
Pratt				1	1
Reno	1	2	4	3	10
Republic				1	1
Rice	2		3	1	6
Riley	1	1	3		5
Russell	1		2		3
Saline	6		5	8	19
Scott			1	1	2
Sedgwick	15	14	29	52	110
Seward	2		2	1	5
Shawnee	1	4	16	14	35
Stafford			1		1
Sumner	2		2	2	6
Wabaunsee			1		1
Wichita			1		1
Wilson			1	1	2
Woodson		1			1
Wyandotte	16	8	29	49	102
Total	91	53	199	245	588

Atchison Juvenile Correctional Facility

Built in 1885 as the Orphan's Home for Soldiers and Sailors (veterans of the Union military in the Civil War), the Atchison Juvenile Correctional Facility (AJCF) has the capacity for up to 83



**Superintendent
Amy Smith**

younger, male juvenile offenders. The average daily population rose to 95 in FY 2003, from 92 in FY 2002.

The average age at which juvenile offenders are admitted to AJCF is 14 years and six months.

The AJCF campus is open, with no security fence around the perimeter. It includes the administration building, a clinical office building, six open living units (less restrictive, requiring moderate supervision), one long-term semi-closed unit (operated with intensive behavior management structure), one short-term closed unit (satisfies emergency security needs and operates under close supervision), a dining building, a power plant, maintenance support structures, a swimming pool, both outdoor and indoor recreational facilities, and a school building.

During FY 2003, a total of 191 youth attended the Bert Nash School on campus. Bert Nash School offers a complete grade six through ten curriculum. Classes include math, American history, language arts, science, reading, physical education, and interrelated special education.

Bert Nash is committed to providing a quality learning environment in which juvenile offenders achieve the necessary skills to be successful in the transition back to their communities and schools. Emphasis is placed on both ensuring that juvenile offenders strengthen basic skills and develop socially acceptable behavior patterns.

Vocational programming at the school served 175 youth in 2003. JOs could participate in career education, vocational science, modular technology, and/or vocational art programs.

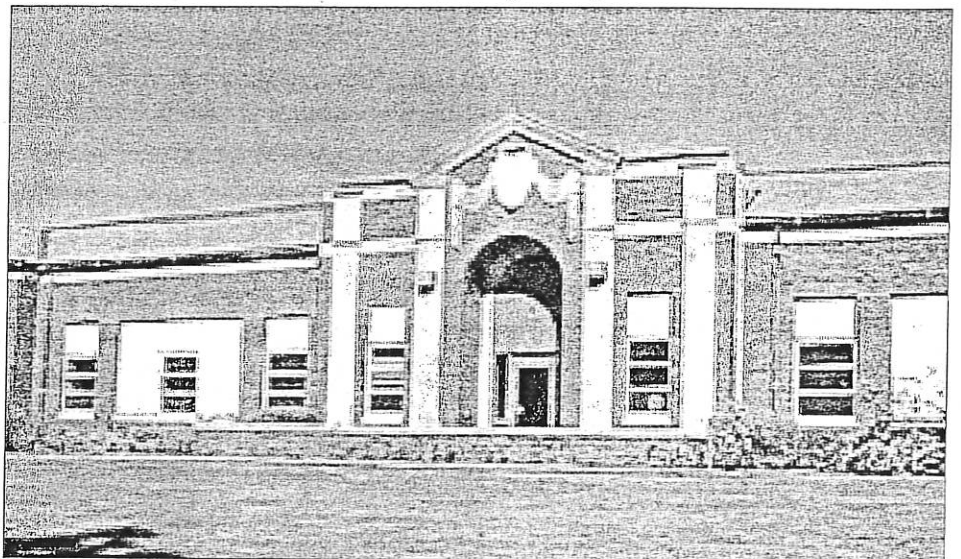
AJCF's sex offender treatment served 35 JOs, while 72 took part in substance abuse treatment during FY 2003. Each new admission is screened via the Substance Abuse Subtle Screening Inventory Adolescent A2 (SASSI). The results of this assessment, along with a personal interview and other available information, form the basis of the drug and alcohol assessment. The most severely chemically dependent juvenile offenders are referred to the six-month residential

substance abuse treatment (RSAT) program at the Larned Juvenile Correctional Facility. Independent living programming was provided to 196 JOs during the year.

All juvenile offenders admitted to AJCF must successfully complete the Aggression Replacement Training (ART) program. The program consists of three basic segments: skills streamlining, aggression replacement training, and moral reasoning. Each member of the AJCF staff and Bert Nash School is familiar with the basic concepts of ART, and reinforce and support the programming.

Volunteers from the community play an active part in AJCF programming. Five programs are volunteer based, including Alateen, Narcotics Anonymous, Chapel, Benedictine Football Heroes, and Benedictine Volunteers, with an average of 45 volunteers taking part each week.

Seven members of the facility's community advisory board meet quarterly.



The AJCF Administration Building

The Beloit Juvenile Correctional Facility

The Beloit Juvenile Correctional Facility was established in 1889 as the Girls Reformatory School.

A reduction in population after implementation of the matrix and cost-cutting moves have allowed the closure of two living units, bringing B J C F ' s capacity to 66. The average daily population during FY 2003 was 48, down from a high of 84 in FY 1999.



Superintendent
Denis Shumate

The administration building is located mid-campus, within walking distance of four living units, the school, cafeteria, power plant, a swimming pool and recreation area, and other out buildings. While there is no perimeter security fence, the FY 2002 renovation of the Morning View living unit provides maximum-security housing for female juvenile offenders considered to be most violent or at risk of escape.

Juvenile offenders at BJCF are enrolled as a part of their program at North Beloit High School, an open-entry, open-exit program which students attend throughout their stay. The 12-month comprehensive educational program is available each weekday, year round.

All academic classes are self-paced, individualized, and taught at the student's instructional level. NBHS offers all classes required for high school graduation. All students age 16 and older are placed in coursework that will assist with preparation for the General Equivalency Diploma. GED testing occurs on a routine basis.

On July 1, 2002, there were 57 students attending NBHS. With 53 new admissions throughout the year, the school served 110 students in FY 2003. On admission to the school, students were reading at an average 8th-grade level and doing math at a 7th-grade level. At release, the average reading level increased to 10th grade, and math to 9th-grade level.

During FY 2003, three students graduated with regular high school diplomas, while 16 earned general education diplomas (GEDs).

Of the 62 students released during FY2003, 44 completed vocational classes, including Library Aide, Prevocational Cosmetology, Graphic Design, Custodial, Food Service, Computer Maintenance, and Teacher Aide.

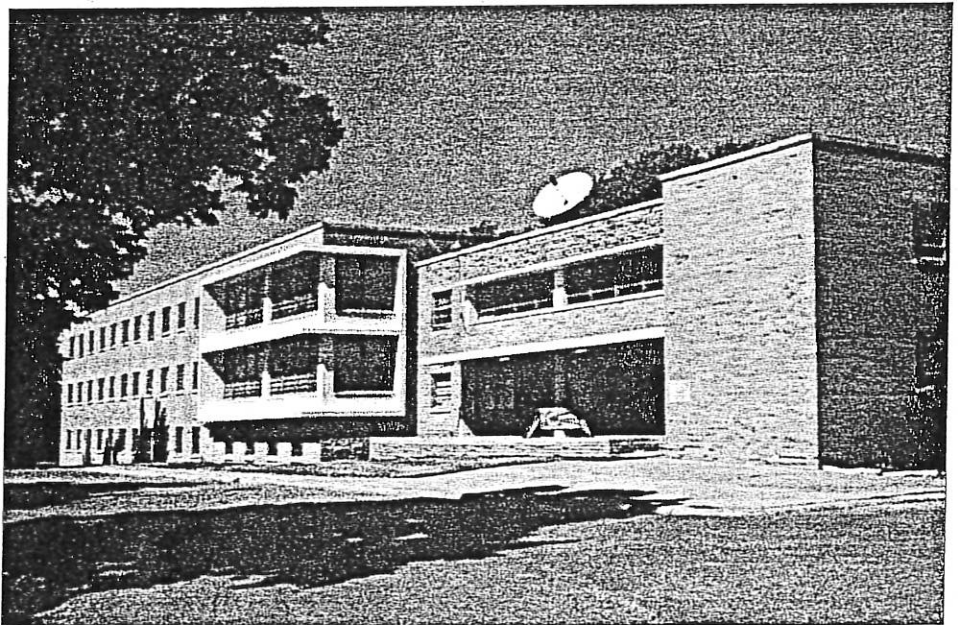
Three juvenile offenders participated in sex offender treatment during FY 2003, and 35 in substance abuse treatment. The independent living

program served 97 youth throughout the year.

Volunteer-based programs offer juvenile offenders the opportunity to interact with positive role models from the community. An average of 11 volunteers visit the facility on a monthly basis to provide programming which includes weekly Alcoholics Anonymous/ Narcotics Anonymous meetings, Bible study and chapel services, and Girl Scout programming each Friday. Additionally, the 30-member community advisory committee meets on a quarterly basis.

Volunteerism is not restricted to community members, however, with juvenile offenders themselves taking part in several volunteer opportunities. These include:

- ♦the highway clean-up project;
- ♦the American Red Cross Bloodmobile (assisting with checking in donors & doing paperwork); and
- ♦Meals on Wheels.



The Beloit Juvenile Correctional Facility

The Larned Juvenile Correctional Facility

With the June 9, 2003 ribbon cutting and dedication of the new Larned Juvenile Correctional Facility (LJCF), the State of Kansas is operating a juvenile correctional facility built specifically for that purpose. Prior to the opening of



Superintendent
Robert Rivenburg

LJCF, each of the four juvenile correctional facilities operated by the JJA was built long ago, to be orphans' homes or reform schools, or, as was the case with the Larned facility, a part of the Larned State Hospital, but not with corrections in mind.

The Juvenile Justice Reform Act mandated that only the most violent, serious and chronic offenders be committed to juvenile correctional facilities. Additionally, it called for specialized services for juvenile offenders based upon their needs. There was recognition that the existing buildings and structure of LJCF were not adequate for dealing with the more serious and violent populations that are referred to juvenile facilities. The old buildings were viewed as unsafe and could not afford the proper security for the offenders.

After an extensive study of juvenile justice needs in the state, it was determined that the system was in need of secure substance abuse and mental health beds. With the existing LJCF programs centered around substance abuse as well as the resources and supports of the state mental hospital, it was determined that Larned would be the logical choice for a 120-bed

substance abuse and 32-bed psychiatric facility.

The JJA had three goals when designing the new facility: to accommodate the treatment and service needs of the offenders; to provide a secure setting with direct supervision; and to maximize the time spent in providing services to the juvenile offenders, rather than simply moving them from building to building.

Unlike the previous buildings in a campus-style setting, the new facility with its perimeter fence is considered medium security. Juvenile offenders eat, attend classes, receive programming, and live within the confines of one building. Each of the juvenile offenders in the facility is assigned a separate room with restroom facilities.

Over the course of FY 2003, 272 juvenile offenders attended the on-site school. When admitted, the average grade level was 9.5, compared to 10.5 at release. Six JOs graduated from high school while at LJCF, and 30 others earned their general education diplomas (GEDs).

LJCF's vocational programming is extensive, with perhaps the best known being woodshop, and its self-supporting business, Productions Unlimited. Among 27 other vocational programs offered, which served 308 JOs in 2003, are: food service, PC applications, welding, building trades, consumer economics, personal accounting, BASIC programming, and recordkeeping.

Because LJCF's primary focus is on juvenile offenders with substance abuse and mental health issues, 196 juvenile offenders went through substance abuse treatment during FY 2003. That treatment includes Residential Substance Abuse Treatment (RSAT), chemical dependency recovery program, co-dependency, relapse prevention, money addiction, and individual counseling.

Three juvenile offenders took part in sex offender treatment during 2003.

Bible study is the only program operated with the help of volunteers at LJCF, and 20 members of the community advisory board meet quarterly.



Cutting the ribbon at the LJCF dedication on June 9 were, from left, Rep. Eber Phelps, Commissioner Denise Everhart, Gov. Kathleen Sebelius, Sen. Larry Salmans, Dr. Leo Herrman, Sen. Janis Lee, Rep. Melvin Minor, JJA Architect Jim McKinley, and JJA Deputy Commissioner James Frazier.

The Topeka Juvenile Correctional Facility

Established in 1888 as the Boys' Reformatory School, the Topeka Juvenile Correctional Facility is the oldest of the facilities operated by the JJA.

With an official rated capacity of 219 male juvenile offenders and an



**Superintendent
Michael Dempsey**

additional 57 beds for overcrowding, the population of TJCF reached as high as 271 during FY 2003.

Located on approximately 60 acres in north Topeka,

TJCF is considered "medium security," with virtually all activities occurring within a perimeter fence. There are currently 12 living units, four of which will be replaced by a new unit being constructed in conjunction with the Kansas Juvenile Correctional Complex.

In addition to the administration building, there are many other buildings, including the dining hall, school, gymnasium, industry buildings, and physical plant facilities. The newest of the existing buildings is the control center, constructed in 1990 at the main vehicle and pedestrian entry.

During FY 2003, TJCF had 142 new admissions. Of those, 41 admissions were offenders whose conditional release had been revoked, three who returned after committing new crimes, and 59 juvenile offenders who arrived at TJCF after being transferred from another juvenile correctional facility.

Over the course of the year, 479 students were enrolled at Lawrence Gardner High School located on the

TJCF grounds. LGHS is an ungraded school, which does not use grade level for class placement or measuring student progress. On average, an offender can earn between six and nine credits per calendar year.

In order to get an indication that JO's are making progress in the program, TJCF utilizes the Iowa Test of Education Development (ITED) for both a pre- and post-test. During FY 2003, pre- and post-testing was conducted on 277 juvenile offenders, with the following results:

Average Math Pre	40.40
Average Math Post	51.33
Average Reading Pre	42.97
Average Reading Post	59.11
Average Writing Pre	35.10
Average Writing Post	48.27

Over the course of FY 2003, 59 juvenile offenders graduated with a high school diploma, and 48 successfully

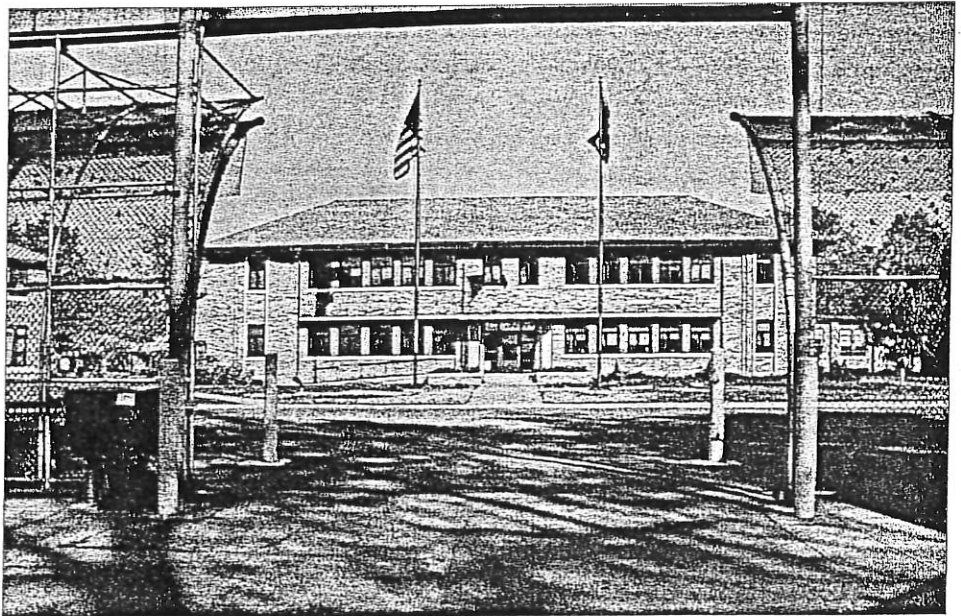
completed the GED. Because career education is a required course for all offenders, each of the 479 offenders participated in vocational programming. TJCF awarded 373 vocational certificates of completion.

Among the vocational programs available at LGHS and TJCF are construction, drafting, computer aided drafting, auto maintenance, horticulture, technology education, facility maintenance, small business management, and industry programs.

Fifteen juvenile offenders took part in sex offender treatment while at TJCF, and 282 offenders received direct care substance abuse treatment through group and individual counseling.

Independent living programming was delivered to 180 juvenile offenders in FY 03.

Community volunteers assist the TJCF chaplain in providing a number of programs, including: the Kairos Torch intensive retreat Weekend and follow-up weekly mentoring; and various religious services and studies.



The TJCF administration building

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Juvenile Intake and Assessment Statistics

All Districts

7/1/2002 through 6/30/2003

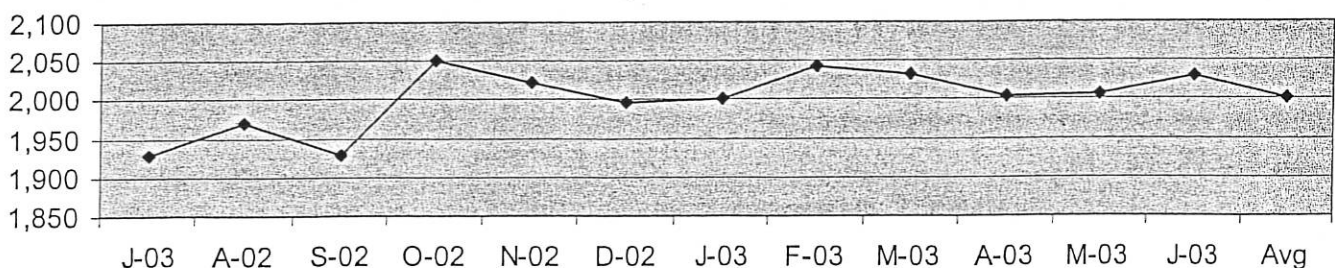
Demographic Information	JO	CINC
1. Total number of intakes for period	15476	8164
2. Number by sex		
a. Male	10836	4014
b. Female	4639	4150
3. Number by Race		
a. Asian	176	105
b. Black	3100	1649
c. American Indian/Alaskan Native	176	172
d. Hawaiian/Pacific Islander	28	34
e. White	11926	6161
f. Unknown	66	43
4. Reason for Referral		
a. Total number of felonies	3284	16
(1) Person Offense	1568	9
(2) Property Offense	1716	7
b. Total number of misdemeanors	10035	174
(1) Person Offense	1991	14
(2) Property Offense	8044	160
c. Runaway	269	2507
d. Abuse/Neglect	4	358
e. Truancy	237	551
f. Other	1647	4558
5. Placement Dispositions		
a. Parent/Guardian	10133	4141
b. Detention	3145	497
c. Self	101	6
d. Friend/Relative	809	693
e. Shelter/Group Home	554	1212
f. Foster Home	159	1058
g. Other	571	557
6. Intakes by Age		
a. 10 or Less	185	1494
b. 11	318	209
c. 12	663	385
d. 13	1187	655
e. 14	2001	1145
f. 15	2785	1430
g. 16 or Above	8337	2846

Community Case Management

Placement History includes all youth who access case management planning and services; including custody, conditional release, placement in a juvenile correctional facility (JCF), shown below on a month-by-month basis.

Service Type	J-02	A-02	S-02	O-02	N-02	D-02	J-03	F-03	M-03	A-03	M-03	J-03	Avg
Detention	108	121	128	142	118	156	138	155	155	104	126	136	132
Family Foster Care													
Diversion	25	28	33	41	47	38	31	33	36	38	25	36	34
Emergency	0	0	0	5	0	0	2	3	4	3	2	3	2
Satellite	2	7	1	1	2	2	0	2	2	1	1	1	2
Therapeutic	25	25	29	22	21	20	19	16	16	17	13	11	20
Trans. Treatment	7	6	6	7	10	8	10	7	7	7	5	6	7
FC Sub-Total	59	66	69	76	80	68	62	61	65	66	46	57	65
Group Homes													
Level IV	104	92	95	108	107	94	120	122	121	132	123	113	111
Level V	255	270	292	277	306	289	293	326	328	323	361	345	305
Level VI	97	99	92	91	86	91	90	85	94	112	104	96	95
Res. Maternity	7	7	5	4	5	5	4	5	6	7	7	8	6
Offender Aftercare	37	30	22	29	22	22	17	17	23	14	16	14	22
Home/Relative	538	531	508	555	523	541	529	510	482	489	506	509	518
Hospital	12	15	4	6	9	3	2	23	6	4	2	1	7
Independent Living	31	35	27	39	37	45	36	38	32	37	30	36	35
JCF	480	501	495	496	500	469	476	460	470	467	452	457	477
Emergency Shelter	64	68	69	82	72	61	78	97	87	86	66	97	77
Other													
Res, D/A Treatment	9	17	6	8	13	12	8	9	15	25	13	13	12
Sanction House	2	2	3	3	4	3	2	2	4	2	1	2	3
Job Corps	1	1	1	0	0	1	0	0	9	0	7	0	2
Absconded	124	115	113	135	139	135	146	133	134	135	145	145	133
Total Population	1,928	1,970	1,929	2,051	2,021	1,995	2,001	2,043	2,031	2,003	2,005	2,029	2001
Total Less JCF	1,448	1,469	1,434	1,555	1,521	1,526	1,525	1,583	1,561	1,536	1,553	1,572	1524
Total Less JCF and Home/Rel.	910	938	926	1,000	998	985	996	1,073	1,079	1,047	1,047	1,063	1005
Total Less JCF, HOME, Absconders	786	823	813	865	859	850	850	940	945	912	902	918	872

CCMA Population FY 2003



Community Participation

For juvenile justice to be successful at the state and local level, it requires a strong state and local partnership. The agency continues to work in concert with the counties on these initiatives through interaction with 29 district administrative contacts, who represent the administrative county in their respective judicial district.

Community Planning

A community planning process was designed to insure JJA followed these statutory requirements. Community planning teams were convened in 1997 so that each judicial district (with districts 15, 17 and 23 in northwest Kansas working together as a single unit) would be able to determine for themselves the most effective programming for their specific geographic area. This was truly a planning process that involved a cross section of each district's citizens, and included representation from the judiciary, education, social services, and other community leaders. Because each district designed programs to address their own specific needs, no two districts in the state operate an identical slate of programs.

In early 1999, as the planning phase was completed and programs were being implemented in each district, the community planning teams were replaced by Juvenile Corrections Advisory Boards or JCABs. Administrative contacts were selected by the administrative county within each district to act as a liaison between the JCAB and the JJA; they are responsible to the JCABs and funded by the counties. Much like their predecessors, JCABs provide local oversight of community-based programming.

Twenty-three of the 29 judicial district planning teams identified family concerns among the top five issues to be addressed in community programming. As a result, communities have implemented parent support, family counseling, and family-based prevention programs.

Many of the programs are designed to be family-based juvenile crime prevention programs, such as Big Brothers Big Sisters, and Parents as Teachers. Others are immediate intervention programs that bring parents and/or other community members into the process very quickly after the juvenile commits an offense.

Balanced and Restorative Justice

A significant contributor to assisting youth to be accountable to their families and communities is the concept of restorative justice. A major departure from the traditional retributive model of justice, restorative justice holds that crime pulls the offender apart from his/her community. Restorative justice is that act of restoring the relationship between the offender, the family and the community—specifically the victim of the crime.

An example of a restorative justice program is Family Group Conferencing, which brings together the offender and his family/support system, the victim and his/her support system, and other stakeholders (e.g., law enforcement) in the presence of a trained mediator. The purpose is to ensure the offender hears from the victim about how the crime has impacted the victim and to develop a specific reparation plan, tied directly to the relationship between the offender, the victim, and the offense.

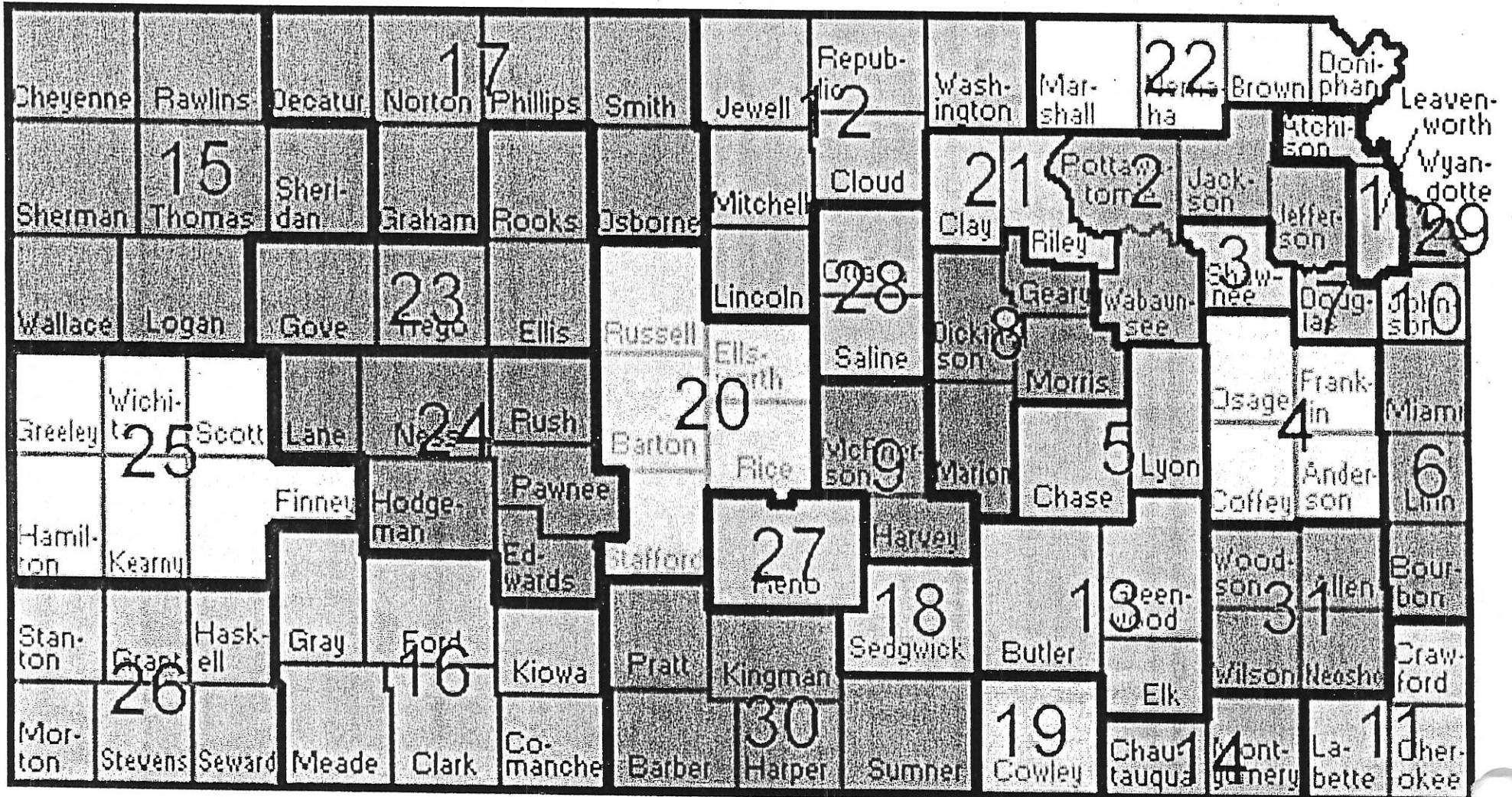
Collaboration

The JJA acts as a conduit to distribute funding to communities. While local JCABs decide what programs they want to retain or create, JJA staff reviews each program's grant application annually, and provides assistance to each district needing guidance. The JJA collaborates with the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to insure that federal funding is funneled to local communities, and helps the communities meet the federal mandates for juvenile justice programming.

Regardless of the source of funding, JJA works with the Kansas Advisory Group and its community partners to ensure that all parties adhere to grant requirements, including, but not limited to, an assessment of measurable process and behavioral outcomes, program performance, and fiscal effectiveness and compliance.

There are currently 357 people across Kansas who work for JJA-funded prevention programs.

Kansas Judicial Districts



1-14

Prevention/Intervention State Block Grant Programs Award History

<u>Program Name</u>	<u>1/1-6/30/00</u>	<u>FY 2001</u>	<u>FY 2002</u>	<u>FY 2003</u>
3rd Judicial District, continued				
Program to Support Students			\$4,743.47	
Project Attention	\$74,663.00	\$35,000.00	\$33,750.00	\$33,750.00
Psychoeducational Groups - Adolescents Exposed to Violence/Abuse		\$25,400.00	\$19,400.00	\$6,400.00
School Attendance Coalition		\$14,795.21		
School Attendance Project - Highland Park High School				\$13,170.00
Shawnee County Home Visitation		\$59,475.00		
Shawnee County Mentor (BB/BS)			\$51,628.00	
Shawnee County Mentor Recruitment Project (BB/BS)				\$26,686.00
Students Staying in School	\$46,507.00			
The Success Academy			\$25,313.97	\$25,313.00
Topeka School Mediation Project				\$10,074.00
Truancy Case Management			\$36,292.50	\$35,479.00
USD #345 After School Mentoring			\$42,247.50	\$26,632.00
USD #450 After School Mentoring		\$37,703.00	\$47,663.33	\$22,165.00
UW Follow Up Services		\$28,122.00		
Victim Witness	\$11,095.00			
Violence Prevention Groups		\$4,320.00	\$3,840.00	
Violence Prevention Groups for Traumatized Youth				\$4,320.00
YMCA Seaman #345 Mentoring		\$43,983.00		
4th Judicial District				
Additional Prevention		\$25,143.00		
Afterschool Alternative Activities (AAA)		\$7,000.00		
Assessment/ Referral	\$50,286.00	\$70,571.80		
Big Brothers/Big Sisters of Anderson County			\$4,500.00	
Breakfast/ Supper Buddies and Volunteer		\$9,230.00		
Burlington 21st Century Community Learning Center		\$770.00		
CASA of the Fourth Judicial District			\$6,000.00	\$5,000.00
Coffey County Community Resource Officer		\$20,000.00		
Doors of Opportunity Resources		\$7,000.00		
Enhancement Projects of Anderson County Child Coalition		\$9,400.00		
Family Solutions				\$30,695.00
Kids Time		\$1,600.00	\$2,000.00	\$2,000.00
Lebo Youth Center After School Program		\$7,000.00	\$5,000.00	
Prevention Assessment & Referral			\$57,840.60	
Prevention Coordination Program				\$39,600.50
Remain in School K-12 (RISK)		\$22,000.00	\$33,000.00	
Substance Abuse Prevention (SAP)				\$27,488.00
Teen Time			\$3,000.00	
The Hive Youth Center			\$5,000.00	\$5,000.00
USD 290 Truancy Reduction Program			\$24,000.00	
Waverly Youth Center Afterschool			\$2,500.00	
Whirlwind After School Program (WASP)		\$22,000.00	\$15,000.00	\$21,500.00

Prevention/Intervention State Block Grant Programs Award History

<u>Program Name</u>	<u>1/1-6/30/00</u>	<u>FY 2001</u>	<u>FY 2002</u>	<u>FY 2003</u>
8th Judicial District, continued				
Big in Schools - BB/BS of Dickinson County			\$1,113.60	
Boys & Girls Club of Junction City		\$2,904.50		
Comprehensive Community Training			\$4,991.00	
Family Resource Center - FLEX		\$2,904.50		
Family Resource Center - JIAS		\$161,494.00		
Family Resource Services	\$48,502.00		\$138,382.00	\$115,000.00
JCAB Coordinator	\$11,035.00			
Marion County High School Girls Workshop		\$5,809.00		
Milton L. Creagh Project		\$1,603.00		
Phase II Comp. Community Training for Marion County				\$4,215.40
Program Development & Evaluation		\$33,721.06	\$39,720.49	\$54,951.10
Teen Baseline		\$1,603.00		
Youth Court				\$7,337.00
9th Judicial District				
Big Brothers/Big Sisters (Harvey County)	\$7,500.00	\$15,000.00	\$9,000.00	\$7,500.00
Big Brothers/Big Sisters (McPherson County)	\$4,500.00	\$9,000.00	\$6,000.00	\$5,000.00
Early Intervention	\$17,713.00		\$14,000.00	\$12,500.00
HMCC JIAS Case Management	\$23,436.00	\$48,872.00	\$15,031.15	
HMCCC Truancy Program		\$32,461.00		
Truancy Program			\$59,813.66	\$78,506.00
10th Judicial District				
Administration, Management, TA			\$30,837.00	
Head Start/ Building Healthy Families		\$94,913.00	\$112,551.23	\$82,880.19
CASA	\$7,513.50	\$37,259.00		
Crossroads			\$143,738.00	\$116,394.24
Crossroads Treatment Program		\$95,487.00		
Functional Family Therapy				\$74,800.00
Funds Approved - unallocated no approved program	\$33,518.75			
HeadStart	\$26,151.00			
Healthy Families		\$43,971.00		
Healthy Families-Olathe			\$43,441.00	
JCAB Administration and Management				\$37,155.27
Johnson County Youth Court	\$32,309.50	\$75,322.25	\$79,324.41	\$82,927.00
Juvenile 24 Hour Hotline/ Website	\$25,000.00	\$65,682.77		
Juvenile Crime Prevention - 24 Hour Information.			\$85,208.23	
Juvenile Justice Evaluation Consultant			\$18,613.00	\$8,733.00
Juvenile Needs Assessment Study			\$45,000.00	\$43,288.03
KCSL	\$19,663.00			

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Prevention/Intervention State Block Grant Programs Award History

<u>Program Name</u>	<u>1/1-6/30/00</u>	<u>FY 2001</u>	<u>FY 2002</u>	<u>FY 2003</u>
12th Judicial District				
After-School Program	\$1,774.00	\$1,774.00		
JIAS Follow-Up Services	\$4,974.00	\$38,095.00	\$36,187.19	\$38,255.00
Juvenile Services Coordinator	\$5,500.00	\$18,212.14	\$26,757.38	\$11,745.00
Preparing for the Drug-Free Years	\$900.00	\$900.00		
Pre-School Education	\$1,775.00	\$1,774.25		
13th Judicial District				
Big Brothers/ Big Sisters	\$26,073.00	\$26,073.00		
JCAB Administration	\$7,822.00	\$15,642.00	\$15,372.00	\$16,521.00
Mid-KS Community Action Program / Early Intervention	\$44,325.00	\$119,706.00	\$88,649.00	\$88,649.00
School Resource Officer		\$13,011.00		
Tri-County CASA, Inc.		\$19,161.00	\$32,176.00	\$33,035.00
14th Judicial District				
Additional Prevention (unallocated) \$17,709				
After School Activities	\$3,500.00	\$23,500.00		
Big Brothers/Big Sisters	\$5,000.00	\$15,000.00	\$15,000.00	
Chautauqua County Afterschool			\$23,701.75	
Parent Education	\$5,000.00	\$15,000.00	\$10,368.53	\$10,000.00
Parent T.E.A.M.S., Inc.	\$5,000.00	\$15,000.00	\$12,871.66	\$6,830.78
Truancy Immediate Intervention Program		\$81,177.87	\$85,669.50	\$99,938.72
Truancy Prevention Program	\$16,919.00			
15th, 17th & 23 Judicial Districts				
Community Mobilization	\$8,500.00	\$97,394.25	\$108,866.04	\$97,317.00
Family Education	\$8,398.00	\$49,973.00	\$34,558.50	\$38,183.00
Juvenile Director	\$3,639.00			
Juvenile Director - Prevention		\$18,150.00	\$14,500.00	\$14,500.00
Parent Training	\$8,398.00	\$22,181.81		

Prevention/Intervention State Block Grant Programs Award History

<u>Program Name</u>	<u>1/1-6/30/00</u>	<u>FY 2001</u>	<u>FY 2002</u>	<u>FY 2003</u>
20th Judicial District				
D-FY-IT (Drug Free Youth In Town)			\$79,054.20	\$35,041.50
EDUCATE		\$2,764.65		
Healthy Families	\$13,928.50	\$9,215.00		
JD Project S.T.A.Y.	\$11,831.50			
JIAS Case Management		\$101,850.50		
Prevention Specialist		\$38,538.50	\$143,734.93	\$86,839.00
Program Educate	\$4,178.50			
Rice County Family Resource	\$4,178.50	\$2,764.65		
21st Judicial District				
Adminstrative Contact			\$19,505.89	\$9,697.00
Boys and Girls Club	\$7,729.00			
Boys/Girls Club Teen Center		\$20,189.10		
Bullying in Our Schools			\$2,115.00	
Manhattan Teen Center			\$14,412.19	\$20,782.00
Ogden Youth Center (Destiny)	\$8,330.00	\$16,950.80	\$21,388.00	\$24,225.00
Parents As Teachers	\$4,788.00	\$10,491.65	\$12,862.00	\$13,246.00
Partners at Learning			\$4,840.00	
Preparing Drug Free- Clay	\$4,453.00	\$9,296.07		
Preparing Drug Free- Riley	\$2,343.00	\$4,185.60		
Prevention Administrative Structure		\$13,686.77		
Twin Lakes Ed. Coop. - PAT		\$1,800.00		
22 nd Judicial District				
Alcohol/Drug Information	\$10,481.00			
Hiawatha Elementary Afterschool Tutor Program	\$7,494.00	\$18,780.00	\$8,048.00	\$8,000.00
Parents as Teachers 3-5 Program	\$6,729.00	\$17,671.16	\$20,000.00	\$16,048.00
Pony Express Big Brothers/Big Sisters Exp. Program			\$15,000.00	\$15,000.00
Project Success (USD #442)	\$6,740.00	\$17,681.92	\$8,048.00	\$8,000.00
Youth Alcohol/Drug Information School (Youth ADIS)		\$10,573.27	\$5,321.36	\$3,500.00
24th Judicial District				
Partners for Pawnee County Youth		\$13,090.00		
Prevention Coordinator		\$50,000.00	\$78,568.53	\$53,248.50

Prevention/Intervention State Block Grant Programs Award History

<u>Program Name</u>	<u>1/1-6/30/00</u>	<u>FY 2001</u>	<u>FY 2002</u>	<u>FY 2003</u>
28th Judicial District, continued				
Drug Abuse Prevention	\$3,000.00	\$7,588.36		
Favorable Attitudes Toward Underage Drinking Prev. Prog.			\$13,040.00	\$14,077.55
Heartland Healthy Families	\$9,536.00	\$9,537.00		
Juvenile Intake Case Management	\$7,500.00	\$16,053.48	\$7,499.88	
Juvenile Resource Coordinator	\$12,407.00	\$32,220.29	\$32,050.43	\$16,034.08
Keys to Innervision	\$3,750.00	\$7,500.00		
Media Campaign/ Parenting		\$7,393.00		
Mentoring Big Brothers/Big Sisters		\$3,495.00		
Ottawa County Respite Care			\$7,154.50	
Ottawa Parent Education Outreach - CAPS		\$11,500.15		
Outcomes Training/ Data	\$1,500.00	\$1,870.75		
Prevention	\$1,000.00			
Project Save	\$3,575.00			
Project Success Mentoring	\$1,450.00		\$12,282.11	\$11,925.05
Salina Home Visitation Program			\$10,000.00	\$5,463.55
Salina Truancy Prevention			\$21,157.27	\$21,344.47
Spanish Speaking Parent Education		\$8,100.00	\$8,150.39	\$9,884.55
St. Francis Academy	\$5,000.00			
St. Francis Truancy Program		\$7,500.00	\$11,000.00	\$7,448.55
USD #306 Mentoring	\$2,000.00	\$14,001.83		
Youth Friends				\$5,974.27
29th Judicial District				
Administrative Cost Prevention (Y.O.U.)	\$22,752.00			
Administrative Prevention			\$7,032.02	
Argentine Kommunity Awareness			\$15,730.00	
Argentine Youth Night Program	\$7,865.00			
Associated Youth Services		\$10,200.00		
El Centro Argentine Kommunity Awareness Youth Night		\$15,703.00		
El Centro Students	\$23,547.50			
Evangelist Center After School		\$30,000.00		
Evangelist Center Families United		\$500.00		
Evangelist Ceter Future Leaders		\$5,000.00		
Evangelistic Center - Short Term Suspension			\$30,000.00	\$30,000.00
Expanded 4-H	\$19,178.50	\$38,357.00		
First Baptist of Quindaro After School		\$30,000.00		
Kansas Academy of Theatrical Arts		\$20,000.00		
Kaw Valley Arts Ailey Camp				\$19,498.75
Living Word Ministries		\$4,349.00		
Mentoring		\$2,186.11		
National Youth Sport		\$20,500.00		
Northeast Prevention	\$124,775.00			
On the Mark - Prevention Program Evaluation		\$27,210.00		

Juvenile Accountability Incentive Block Grants

In 1998, Congress authorized the Juvenile Accountability Incentive Block Grant (JAIBG) to be administered through the Office of Juvenile Justice and Delinquency Prevention. The purpose of the JAIBG program is to provide states and local units of government with funds to develop programs to promote greater accountability in the juvenile justice system by effectively responding to serious, chronic and violent juvenile crime.

The Juvenile Justice Authority is the Designated State Agency (DSA) that applies for, receives, and administers JAIBG funds. The Office of Juvenile Justice and Delinquency Prevention requires a 75% allocation of the total award to local units of government, requiring the development of a comprehensive plan by a "Juvenile Crime Enforcement Coalition." The premise is that juvenile offenders should be held accountable for their offenses through swift, consistent sanctions proportionate to the offense in order to ensure accountability, combat delinquency and improve the quality of life in our communities.

The ultimate goal is to reduce juvenile offending through accountability-based initiatives focused on the offender and the juvenile justice system. This commitment to accountability also includes an increased capacity to develop youth competence, to efficiently track juveniles through the system, and to provide enhanced options such as restitution, community service, victim-offender mediation, and other restorative justice sanctions to enhance an accountability-based juvenile justice system.

Allocation of awards to units of local government is based on a formula specified in the JAIBG legislation. The minimum

amount a sub-grantee may be awarded is \$5,000. The largest grant recipient in the State of Kansas received \$412,340.00.

JAIBG funds are available for 12 purpose areas. Examples of programs which receive funding include: Conditional Release Accountability Program; Community Service Work Programs; Substance Abuse Testing; Surveillance Officers; Night Light and Conditional Release Accountability Programs.

The 12 purpose areas are:

1. Building or operating juvenile detention or correctional facilities;
2. Developing and administering accountability-based sanction programs for juvenile offenders;
3. Hiring of judges, probation officers, and defenders, and funding of pretrial services;
4. Hiring prosecutors;
5. Providing funds to help prosecutors address drug, gang and violence problems more effectively;
6. Providing technology, equipment, and training for prosecutors;
7. Providing funding to improve effectiveness of courts and probation officers;
8. Establishing gun courts;
9. Establishing drug courts;
10. Establishing and maintaining interagency information sharing systems;
11. Establishing and maintaining accountability-based programs for law enforcement referrals or to protect students and school personnel;
12. Implementing drug-testing programs.

2003 allocations of JAIBG funds

1st Judicial District - Atchison Juvenile Accountability/Responsibility	\$ 8,806.00	Conditional Release Accountability Program
Juvenile Intake & Assessment (Leavenworth)	\$ 36,533.00	Substance Abuse Testing Conditional Release Accountability Program
2nd Judicial District - DRC Clerk of the District Court - Jackson County	\$ 22,079.00	Immediate Intervention Program
3rd Judicial District Juvenile Crime Enforcement Coalition Topeka/Shawnee Co. Juvenile Accountability Project	\$ 218,426.00	12-week Pre-treatment Groups In-house D & A Prevention & Education Victim Offender Mediation Program Pre-Trial Release/JISP Electronic Monitoring Coordination Services

15th, 17th/23rd Judicial District Community Planning "I Wanna Go Home"	\$ 41,489.00	Surveillance Check Drug and Alcohol Screening Diversion Program
18th Judicial District Sedgwick Board of Co. Commissioners Juvenile Information Sharing System (JISS)	\$ 412,340.00	JJIS District Attorney Diversion Program Home Based Sanction Enhancement Getting Responsibly and Discipline Program Juvenile Detention Mental Health Project
19th Judicial District Community Planning Juvenile Corrections Program	\$ 14,031.00	Surveillance Officer Program Adolescent Education Program
20th Judicial District Community Corrections	\$ 33,811.00	Project Stay
21st Judicial District Riley Co. Community Corrections	\$ 40,712.00	Enhance Accountability Based Sanctions Surveillance Program for Nights & Weekends
22nd Judicial District - Brown Co. Clerk's Office Juvenile Accountability Project (JAP)	\$ 13,364.00	Electronic Monitoring Juvenile Accountability Coordinator Drug & Alcohol School
24th Judicial District Community Planning	\$ 9,579.00	Artistic Alternative (Project Self Discovery)
25th Judicial District Juvenile Intake & Assessment	\$ 50,062.00	Day Treatment Center
26th Judicial District- Seward County	\$ 27,483.00	Intake Officer Position
27th Judicial District Community Planning Reduce Juvenile Delinquency	\$ 44,360.00	Community Resource Asst/Comm. Services Probation Officer/high school and court Drug & Alcohol Testing
28th Judicial District Saline County Administration Office Services	\$ 44,759.00	Information Sharing Services Case Management Position/Pre-trial Community Intervention Program
29th Judicial District Unified Government of Wyandotte County	\$ 289,579.00	Probation Violator Court Reintegration Program/Enhance Sanctions & Accountability Drug Testing Assistant District Attorney Position
30th Judicial District Juvenile Services	\$ 28,055.00	Intermediate Sanctions Pretrial Services Anger Management Drug Testing
31st Judicial District - Allen County	\$ 18,456.00	Juvenile Intake Officer
Total Award Amount:	\$ 2,096,550.00	

Title V Grants

Title V grants were created in response to the demonstrated need for comprehensive, local delinquency prevention planning and programming that focuses on reducing risks and enhancing protective factors to prevent youth from entering the juvenile justice system. The funds received by a State are intended to be a funding source for general local units of government to support the established three-year community plan to address prevention and delinquency.

6th JD	Sixth JD Community Services – Anger Management Education Program	\$4,903.00
8th JD	Marion Co. – Youth Support Program: Suspension/Expulsion Intervention	\$24,945.00
9th JD	McPherson County – Partnership Against Juvenile Crime	\$35,000.00
15th JD	Big Brothers/Big Sisters of Thomas County	\$26,180.00
18th JD	Sedgwick County Sheriff’s Department SCORE Program	\$27,500.00
19th JD	Cowley County Youth Services – Truancy Program	\$40,500.00
21st JD	Riley County – Truancy Monitor	\$26,606.00
21st JD	Riley County – Extension Youth Development Project	\$20,120.00
21st JD	USD 383 Manhattan – Ogden Riley Co. Early Childhood Program	\$38,365.00
29th JD	Unified Gov’t of Wyandotte Co. – KCK Mentoring Initiative	\$40,000.00
29th JD	Unified Gov’t of Wyandotte Co. – Turner House After School & Summer Prog.	\$50,000.00

Prevention Trust Fund Grants

The purpose of the Juvenile Prevention Trust Fund grant program is to promote improvements in the juvenile justice system and community based strategies for the reduction of juvenile delinquency and related problems. In order to curtail delinquency, comprehensive preventive efforts must be directed at youth prior to their involvement in the juvenile justice system. These strategies involve both identifying and targeting the factors that contribute to and increase the risk for the development of delinquent behaviors.

8th JD	USD #410 Communities in Schools of Marion County – Early Intervention	\$28,473.00
9th JD	Harvey County Partnership/Communities in Schools, Inc., - Early Intervention	\$37,897.00
11th JD	SE KS Educational Service Center – Cherokee Co. Early Years PTF	\$33,483.00
13th JD	Mid-KS Community Action Program, Inc. – Early Intervention Program	\$43,899.00
16th JD	JD Juvenile Services – Project Trust 2003	\$37,181.00
18th JD	Mental Health Association of South Central KS – Pathways to Reducing Anger	\$60,000.00
18th JD	Rainbows United, Inc. – Promise of Hope Project	\$31,948.00
26th JD	Parents as Teachers Community Outreach	\$17,540.00

The Juvenile Justice Information System

With the launch in FY 2003 of the Juvenile Justice Information System (JJIS), another important element of juvenile justice reform in Kansas is on line to better serve juvenile offenders and those who oversee them.

The JJIS is an incredible tool that has given the JJA capabilities that far surpass what we'd been able to do before. Previously, caseworkers in one district might have made decisions about programming, not realizing that the youth in question had prior involvement in the juvenile justice system in a different part of the state.

Planning for the four-phase project began shortly after the creation of the Juvenile Justice Authority in 1997. The programs were in development for two years, and were completed and functional by July 1, 2003.

The first of the four phases, the Juvenile Justice Intake and Assessment Management System (JJLAMS) has been operational since January 2002. It replaced the Juvenile Intake and Assessment Centers' (JIACs) laborious manual process of capturing and assembling information using paper. It creates a historical database of intake information that can be researched and reported on by county, judicial district, and statewide. Reported information can address the types of intakes that occur (law offense versus child in need of care), the number of intakes, intakes categorized by the juveniles' age or sex, etc. This data is accessible to not only the JIAC, but to any JJA employee who needs it. In addition, the Admissions/Classification/Evaluation system utilized by the state's four juvenile correctional facilities was automated.

Phase II of the project is the Community Agency Supervision Information Management System (CASIMS), an information-processing tool designed for ease of information access, data entry, and information viewing. It is in this database application that Community Supervision Officers will be able to record and track the juveniles' supervision. Information collected includes a supervision plan (based on the Balanced and Restorative Justice [BARJ] model), and contact made with and about the youth. It can also track services and interventions provided to youth, such as group and family counseling, drug therapy, remedial education, job readiness, youth and family mediation and mentoring programs. Information is available to communities and JJA Central Office.

Juvenile justice professionals will be able to access demographic information — where the youth has lived, past and current addresses, date of birth, etc. — as well as information about the youth's offenses and services and interventions which have been tried.

This has eliminated a lot of redundancies. When someone working in the field has contact with the juvenile, they no longer have to ask for the basic demographic information. The existing information populates the new screens, and data entry is limited to changes and updates.

Phase III of the project incorporates several modules which are used by juvenile correctional facility staff and JJA Central Office. In addition to the existing admissions, classifications, and evaluations modules, additional modules addressing sentence calculation, disciplinary, program and treatments, contacts, movements, and release modules are being developed and implemented. Again, accessibility to the information is of key importance, in part because juvenile offenders are transferred from one juvenile correctional facility to another, and because the information is shared with communities when a JO is conditionally released.

The fourth and final phase of the project is a program known as the Juvenile Information File (JIF). This phase ties all of the applications together, allowing information to be shared between applications and to provide a central program that presents a composite of the juvenile's information through a secure Internet connection. Agencies and professionals associated with the JJA can use the JIF to query for information across all three applications. While the information included in the JIF is not all-inclusive, it does provide enough information to direct a user to more comprehensive information.

In addition to being such an exciting tool for the management and supervision of juvenile offenders, the data collected through JJIS is easily queried for other purposes, such as mandatory quarterly reporting on Adoption and Foster Care (AFCARS).

Another exciting aspect of JJIS is that the JJA will now have a data warehouse for research purposes. JJA personnel can query to find out how many juvenile offenders have a specific diagnosis, or how many youth have committed a specific crime, for example. This data can be used to make decisions about community-based programming.

Kansas Juvenile Justice Authority

Statutory Mandates

Detailed report on the
agency's compliance with the
Juvenile Justice Reform Act

**STATUTORY MANDATES -
COMMUNITY**

AGENCY RESPONSE

K.S.A. 75-7021(b) All expenditures from the Kansas juvenile delinquency prevention trust fund **shall** be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the commissioner of juvenile justice or by a person or persons designated by the commissioner.

JJA is in compliance with this provision.

K.S.A. 75-7021(c) The commissioner of juvenile justice **may** apply for, receive and accept money from any source for the purposes for which money in the Kansas juvenile delinquency prevention trust fund may be expended. Upon receipt of any such money, the commissioner **shall** remit the entire amount to the state treasurer in accordance with the provisions of K.S.A. 75-4215.

JJA is in compliance with this provision.

K.S.A. 75-7024(a)

• The commissioner of juvenile justice **shall** establish divisions which include the following functions:

• Operations and **shall**:

- Operate the juvenile intake and assessment system as it relates to the juvenile offender;
- Provide technical assistance and help facilitate community collaboration;
- License juvenile correctional facilities, programs and providers;
- Assist in coordinating a statewide system of community based service providers;

The Juvenile Justice Authority has positions in place to carry out the duties as mandated by K.S.A. 75-7024(a).

K.S.A. 75-7024(b) The Commissioner **shall** adopt rules and regulations necessary for the administration of this act.

K.S.A. 75-7024(c) The Commissioner **shall** administer all state and federal funds appropriated to the juvenile justice authority and may coordinate with any other agency within the executive branch expending funds appropriated for juvenile justice.

K.S.A. 75-7024(d) The Commissioner **shall** administer the development and implementation of a juvenile justice information system.

K.S.A. 75-7024(e) The Commissioner **shall** administer the transition to and implementation of juvenile justice system reforms.

An attorney has been hired specifically for the purpose of promulgating rules and regulations as intended by statute. Staff currently relies on policies, which can be modified more easily in order to take into account things previously not foreseen.

The agency administers federal funds (Title II Formula, Title II Challenge, Native-American Pass-Through, Title V and JAIBG) and coordinates with the Kansas Advisory Group on Juvenile Justice & Delinquency Prevention (with the exception of JAIBG), as well as funding received from the State.

The Juvenile Justice Information System (JJIS) is a multifaceted system which includes the Juvenile Justice Intake and Assessment Management System (JJIAMS), the Community Agency Supervision Information Management System (CASIMS), and the Juvenile Correctional Facility System (JCFS). All phases of JJIS are now operational.

Agency oversight provided for a smooth transition and continues to examine the Juvenile Justice Code to identify areas of concern.

K.S.A. 75-7024(n) The Commissioner **shall** adopt rules and regulations necessary to encourage the sharing of information between individuals and agencies who are involved with the juvenile.

An attorney has been hired specifically for the purpose of promulgating rules and regulations as intended by statute. Currently the agency facilitates information sharing through policy, procedure, and memorandums of understanding with agencies as needed.

K.S.A. 75-7024(o) The Commissioner **shall** designate in each judicial district an entity which shall be responsible for juvenile justice field services not provided by court services officers in the judicial district. The commissioner shall contract with such entity and provide grants to fund such field services.

Prior to completion of the community planning process and submission of comprehensive strategic plans, JJA contracted with individual community based agencies (community corrections, community mental health, private companies) for the operation of JIAS, JISP, and CCMA. With implementation of comprehensive plans, communities receive grants and determine who will operate these programs in accordance with the Conditions of Grant, JJA Financial Rules and Guidelines, applicable program standards and law. The agency effectively designates by approval of the annual Block Grant funding request and has not at this time moved to override a local decision in this area.

K.S.A. 75-7024(p) The Commissioner **shall** monitor placement trends and minority confinement.

The monitoring of placement trends of minority confinement is being accomplished through a contract with Juvenile Justice Associates and in collaboration with the Kansas Advisory Group (KAG) as per federal requirements.

K.S.A. 75-7033(c) The commissioner, or the commissioner's designee **shall** service as an *ex officio* member of the each community planning team.

K.S.A. 75-7033(h) Each juvenile justice program **shall** include, but not be limited to, local prevention services, juvenile intake and assessment, juvenile detention and attendant care, immediate intervention programs, aftercare services, graduated sanctions programs, probation programs, conditional release programs, sanctions for violations of probations terms or programs, sanctions for violations of conditional release programs and out-of-home placements.

K.S.A. 75-7033(i) Each juvenile justice program **shall** demonstrate a continuum of community-based placement options with sufficient capacity to accommodate community needs.

K.S.A. 75-7033(j) Each juvenile justice program **shall** participate in the juvenile justice information system, intake and assessment system and the utilization of a standardized risk assessment data.

The Commissioner complied with this statute.

All judicial districts operate these services per statutory requirement.

The agency works with local communities to insure compliance.

Each of the 29 districts operates juvenile justice intake and assessment service on a full-time or as-needed basis, and utilizes one of two standardized risk assessment tools, the MAYSI II or the POSIT. The work done in each of the districts is tied together by the Juvenile Justice Intake and Assessment Management System (JJIAMS), which was launched in January 2002. With the July 2003 full implementation of the Juvenile Justice Information System, each district in the state now utilizes this electronic system in the management of juvenile offenders.

K.S.A. 75-7041(b) K.S.A. 75-7038 through 75-7053 **shall** be administered by the commissioner of juvenile justice or by officers and employees of the juvenile justice authority designated by the commissioner but the authority to adopt rules and regulations **shall not** be delegated.

Agency staff administer both program and financial aspects of these provisions with support from legal, information technology, etc. Administration at the local level is achieved by Administrative Contacts, who are employees of the Administrative Counties, based on the direction provided by JJA staff acting under the commissioner's approval of the county comprehensive plan and compliance oversight authority and the approval and funding of grants.

K.S.A. 75-7043(a) The commissioner of juvenile justice **must** approve the county's or cooperating counties' comprehensive plan before the county or counties are qualified to receive grant funds under K.S.A. 75-7038 through 75-7053.

The commissioner did approve all comprehensive plans in 1998.

K.S.A. 75-7043(b) The commissioner of juvenile justice **shall** adopt rules and regulations establishing:

- additional requirements for receipt of grants under K.S.A. 75-7038 through 75-7053,
- Standards for the operations of the correctional services described in K.S.A. 75-7038, and
- Standards for performance evaluation of the correctional services described in K.S.A. 75-7035.

The county or counties must substantially comply with the operating standards to remain eligible for grants.

An attorney has been hired specifically for the purpose of promulgating rules and regulations as intended by statute. The agency has provided guidance as necessary through policy, procedures and guidelines.

K.S.A. 75-7049(e) If a county does not expend the full amount of the grant received for one year, the county shall retain the unexpended portion to be expended in the ensuing year and the commissioner of juvenile justice **shall** reduce the grant for the ensuing year in an amount equal to the unexpended amount **unless** the commissioner determines the amount is needed and will be expended

Prior to the completion of the comprehensive planning process and implementation of block grants (FY2000) the agency did on occasion retain funds to offset unexpended balances and did then redistribute via a application process (JIAS and JISP programs). From 2000 to 2003 districts received their annual allocations and retained unexpended funds at the local level. The exception was use of unexpended Prevention funding in December 2003 to meet the final allotment of the Graves administration.

Beginning for FY2004 the agency has reduced 2nd quarter allocations by the amount of unexpended funds and provided a process for local communities to request and the agency to review those requests to determine if they are needed and will be expended at the local level. With this new step the agency is now in compliance with this law.

This process has been impacted by the mandated reallocations which were the result of budget shortfalls at the state level.

K.S.A. 38-1664(b) When a juvenile offender has been placed in the custody of the commissioner, the commissioner **shall** notify the court in writing of the initial placement of the juvenile offender as soon as the placement has been accomplished.

K.S.A. 38-1664(c) During the time a juvenile offender remains in the custody of the commissioner, the commissioner **shall** report to the court at least each six months as to the current living arrangement and social and mental development of the juvenile offender and document in writing the reasonable efforts that have been made and the progress made to finalize the permanency plan.

K.S.A. 38-1664(d) Referring to permanency hearing requirements – The juvenile justice authority **shall** notify the foster parent or parents of the foster parents' or parent's duty to submit a report to the court in regard to the juvenile offender's adjustment, progress and condition on a form provided by the juvenile justice authority.

K.S.A. 38-1673 [Responsibilities and procedural requirements for release of a juvenile offender on conditional release upon having satisfactorily completed the offender's term of incarceration at a juvenile correctional facility.]

K.S.A. 38-1691(e) The Kansas juvenile justice authority or the authority's contractor **shall** have authority to review jail records to determine compliance with the provisions of this section [near total prohibition to placing or detaining juveniles in jails].

This does not apply to any youth who is committed to a juvenile correctional facility by the court. Although the juvenile is in the commissioner's custody, it is the commissioner's local representative at the Community Case Management Agency who is responsible for making those notifications and providing the periodic reports as required. A Case Management Procedure Manual was implemented in May 1998 to provide guidance to local communities in the supervision of juvenile offenders placed in the custody of the Commissioner.

This is an issue that has great visibility at the OJJDP. The commissioner does monitor jail records to insure compliance through contracted services with Juvenile Justice Associates.

STATUTORY MANDATES - FACILITIES

K.S.A. 38-1664(c)-the Commissioner shall report to the court at least each six month as to the current living arrangement and social and mental development of the juvenile offender...

K.S.A. 76-3201, 76-3203(a), 76-2101(b), 76-2201, 76-3203, HB 2314 New Section 1.(b) Commissioner's appointment of superintendents, Commissioner's powers, duties and functions related to the institutions.

K.S.A. 38-1673, 38-1675, 38-1677, 38-16,111 Responsibilities and requirements for the release of offenders from the facilities on conditional release, the discharge of offenders from the facilities upon reaching age 23, notification to the school district during the planning of the offenders release. Requirements imposed upon the Commissioner with regard to juveniles held in juvenile facilities who are in the custody of KDOC.

K.S.A. 38-16,130 A system shall be developed whereby good behavior by offenders is the expected norm and negative behavior will be punished. Each facility has a Behavior Management System that addresses this mandate. Good time may not be used to reduce a sentence below the minimum time specified in the sentencing matrix.

K.S.A. 76-3203(d) Commissioner shall not issue a pass, furlough, or leave to an offender except for medical services or community integration.

K.S.A. 76-3203(e) Commissioner shall implement an institutional security plan to prevent escapes, prohibit contraband and unauthorized access and within the appropriate limits install perimeter fencing as required by the institutional security plan.

JJA is in compliance with this provision.

JJA is in compliance with this provision.

JJA is in compliance with this provision.

The agency currently has an internal operating policy for rewarding good behavior. The establishment of regulations to govern the Offender Good Time Program is underway and is scheduled to be submitted to the Department of Administration by March 2004.

Each facility has a policy that governs this

Each facility has an institutional security plan. A proposed policy to consolidate these policies is under review.

STATUTORY MANDATES - TRANSFER

K.S.A. 75-7002(e) All rules and regulations of the department of social and rehabilitation services or the secretary of the department of social and rehabilitation services concerning juvenile offenders in existence on the effective date of this section **shall** continue to be effective and shall be deemed to be duly adopted rules and regulations of the commissioner of juvenile justice established by this act until revised, amended, revoked or nullified pursuant to law.

K.S.A. 75-7002(f) All orders and directives of the department of social and rehabilitation services or the secretary of the department of social and rehabilitation services concerning juvenile offenders in existence on the effective date of this section **shall** continue to be effective and shall be deemed to be orders and directives of the juvenile justice authority established by this act until revised, amended or nullified pursuant to law.

K.S.A. 75-7034(a) Except as otherwise provided by K.S.A. 75-7034 through 75-7037, all of the powers, **duties** and functions of the department of corrections and the secretary of corrections concerning juvenile community correctional services are hereby transferred to and conferred and **imposed** upon the juvenile justice authority and the commissioner of juvenile justice.

These six statutes are those that transferred authority from other agencies to the Juvenile Justice Authority. An attorney has been hired specifically for the purpose of promulgating rules and regulations as intended by statute. In the meantime, the agency has relied on formal JJA policy statements, contractual obligations and procedural manuals.

Gerald W. Woolwine, President
 Christine Kenney, Vice-President
 Thomas J. Drees, Secretary/Treasurer
 Steve Kearney, Executive Director
 John M. Settle, Past President



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TO: Senate Judiciary Committee

From: John P. Wheeler, Jr., Finney County Attorney

Re: House Bill 2602

Date: March 18, 2004

I thank the Chair for allowing me to supplement the record on House Bill 2602 with this written testimony. I am appearing here today on behalf of the Kansas County and District Attorneys Association to testify as a proponent of this bill.

The purpose of House Bill 2602 is to amend K.S.A. 38-1635 to remove certain of the restrictions disallowing certain juvenile offenders from consideration for immediate intervention programs. As a matter of prevention of future juvenile misconduct there are times where immediate intervention programs better serve the needs of a child, rather than adjudication as a juvenile offender. Under K.S.A. 38-1635 the prosecutor's discretion on use of intermediate intervention is unduly restricted.

In 1996, the legislature passed sweeping legislation to overhaul the juvenile justice system to be effective July 1, 1997. Prior to 1997, K.S.A. 38-1635 was titled "Diversion". It

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provided that diversion programs could be established by the local court by which a respondent child could avoid juvenile adjudication. With the availability of these programs, prosecutors had the discretion to decide which juveniles should be given the opportunity to avoid adjudication as a juvenile offender by completing the diversion program. Even then, juveniles charged with off-grid or severity level 1, 2 or 3 non-drug crimes and severity level 1 or 2 drug offenses were ineligible for diversion. There were also restrictions on diversion for Driving Under the influence of alcohol or Drugs. Essentially, prior to 1997, the juvenile diversion statute mirrored the restrictions in the adult diversion statutes found at K.S.A. 22-2906 *et seq.*, except there was an additional prohibition that any juvenile with a prior adjudication for **any** juvenile offense was thereafter ineligible to participate in a diversion program.

In 1997, K.S.A. 38-1635 was re-titled "Immediate Intervention Programs". Any reference to or authority for "diversion programs" was eliminated. Further, a juvenile offender is now disqualified from participation in an intervention program if charged with an off-grid felony, **any person felony**, or any level of offense committed while in possession of a firearm. Restrictions on Driving Under the Influence of Alcohol or Drugs remain restricted, as well as the prohibition against any offender with a prior adjudication of any juvenile offense.

The legislature, in revamping the Juvenile Justice Code, focused upon three (3) components: prevention, intervention and punishment. The new code requires all offenders coming into the system to undergo an intake and assessment evaluation. Prosecutors working in the juvenile justice field are acutely aware that not all juvenile offenders are not what some may commonly categorize as "criminals". The disparity between presented offenders is dramatic. For example, how does one compare a 10 year old to a 17 year old? When determining the best action to take on a juvenile offender, prosecutors will be considering more than just the crime

charged. Family matters, school issues, peer groups, drug or alcohol use, mental issues and prior law enforcement contact are all matters to consider. That was and remains the intent behind the created Juvenile Justice Authority. I respectfully suggest that local prosecutors, courts and youth services are in the best position to evaluate the needs of the child and make the balancing decisions for the protection of our communities.

The legislature has given prosecutors and courts valuable tools to effectively deal with the problematic issue of juvenile crime. The ability to certify a child to stand trial as an adult, with a presumption in favor of the State for children 16 and older, as well as the valuable tool of extended juvenile jurisdiction are among those tools afforded prosecutors in dealing with the serious or violent offenders. Yet the restrictions set forth in K.S.A. 38-1635 present undue obstacles to effective utilization of immediate intervention programs for those children who can benefit before their entry into the chronic or violent levels of criminal activity. Essentially, what we are asking you to approve is making the availability of access to juvenile immediate intervention program the same as adults now have in requesting and accessing the adult diversion programs found at K.S.A. 22-2906 *et seq.* Why should we be treating our youth differently?

I appreciate the opportunity to appear before the committee and for your time and attention in listening to both my views and the views of my organization, the Kansas County and District Attorneys Association.

John P. Wheeler, Jr.
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KANSAS

JUVENILE JUSTICE AUTHORITY
DENISE L. EVERHART, COMMISSIONER

KATHLEEN SEBELIUS, GOVERNOR

SENATE JUDICIARY COMMITTEE March 23, 2004

Testimony on House Bill 2602

If enacted, HB 2602 will have a negligible effect, if any, on juvenile correctional facility populations and, at the community level, may require a redistribution of funds within accounts controlled by JJA in some communities to adjust for the consequent increase or decrease, as applicable, of offenders supervised by different entities within the community.

K.S.A. 38-1635 provides authority for establishing and conducting immediate intervention programs either through the county or district attorney or through district court rules pursuant to K.S.A. 20-342. Immediate intervention programs are unique to the juvenile justice code but are similar to and often indistinguishable from diversion programs out of which they were created in 1996 (see L. 1996, ch. 229, § 66). House Bill 2602 would restore the criteria for ineligibility that existed in K.S.A. 38-1635 prior to 1996 and reestablish for juveniles the same ineligibility criteria for immediate intervention as are applicable to adults for diversion (see K.S.A. 22-2908(b)). The immediate effect will be that more juveniles alleged to have committed a crime can be considered candidates for immediate intervention. Under the expanded eligibility criteria and had the proposed criteria been in effect at the time of their adjudication, a number of juveniles presently sentenced to incarceration could, in fact, have been considered for immediate intervention.

But, eligibility for consideration does not automatically lead to being offered the opportunity to participate in immediate intervention. Indeed, whether or not to provide an otherwise eligible juvenile the chance to participate in an immediate intervention program is ultimately and exclusively an exercise of prosecutorial discretion. Prosecutors are not likely to offer immediate intervention to juveniles that are considered to be or who have demonstrated themselves a menace or threat to their communities. Similarly, is it not likely a prosecutor would offer immediate intervention to a juvenile that, because of the nature of the offense and the juvenile, the prosecutor plans to seek a sentence to incarceration subsequent to a successful adjudication.

Senate Judiciary

To: Judiciary Committee
Kansas Senate

From: Robert D. Hecht, District Attorney
Third Judicial District, Topeka, Shawnee County, Kansas

Date: March 23, 2004

TESTIMONY IN OPPOSITION TO HOUSE BILL 2602

Thank you for allowing this office to present our recommendations, opinions and conclusions in regards to House Bill 2602 by written testimony.

As this office understands House Bill 2602, it removes certain restrictions and prohibitions on granting Immediate Intervention and/or diversion in certain juvenile cases. It removes the restriction or prohibition and permits Immediate Intervention or diversion even if the juvenile offender:

1. Has previously been adjudicated to be a juvenile offender; or
2. Has pending charges of a person felony or a felony or misdemeanor committed when the respondent was illegally possessing a firearm or using a deadly weapon in the commission of such crime, except for severity level 1, 2, or 3 felony non-drug crimes; severity level 1 or 2 felony drug crimes or off grid crimes.

The wisdom of permitting immediate intervention or diversion for someone who already has been "convicted", but not for someone who has "pending" charges escapes me.

I agree with comments by others that local authorities are in the best and most informed position to make decisions in individual cases.

- Whether the evidence establishes the offenses to the necessary burden of proof standard is the prosecutor's discretionary call.
- Whether filing charges is in the best interest of the community and the furtherance of justice is the prosecutor's discretionary call.

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- Whether alternative remedies are available and best suited for a particular case is the prosecutor's discretionary call.

This office's concern is that drafting a statute that makes certain offenders with rather significant anti-social behavior records for their age eligible for the grace of immediate intervention or diversion sends the wrong message and may lead to a great disparity in the treatment of juveniles in those jurisdictions that are overburdened and those jurisdictions of light cases loads.

The suggestion that these amendments are necessary in order to preserve "bed space" overlooks the reality of a thirty million dollar (\$30,000,000.00) facility setting empty in Shawnee County with utility costs of \$600,000 per year that is more than adequate to deal with this issue.

This office fervently believes that immediate intervention and/or diversion, whether pre or post charging, is a most valuable tool in dealing with juvenile offenders. We have found that through immediate intervention programs seventy percent (70%) of first time offenders do not come back into the system.

At the same time it is clear that alcohol and drug related offenses, sexual offenses and other crimes of violence are occurring at ever younger ages. Juveniles who commit serious offenses must know and experience consequence.

The protocol followed by this office is as described in the attached "Guideline for the Juvenile Immediate Intervention" program which has worked well.

I know from many telephone calls that the citizens of this community do not want to be told that repeat juvenile offenders or juveniles who commit DUI and/or felonies are placed on diversion. Of course, prosecutors and courts always have the discretion and responsibility to consider an offender's age, education, level of maturity, social issues, family matters, available support systems, addiction issues, etc. in determining how best to proceed at disposition [sentencing].

Allowing for Immediate Intervention programs or diversions as proposed in House Bill 2602 conveys the message that the conduct is not insignificant, that society does not repudiate such conduct and deterrence is not effectively present.

This office would urge you to discourage passage of House Bill 2602.

I appreciate the opportunity of expressing our concerns and for your consideration.



Robert D. Hecht
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DISTRICT ATTORNEY FOR THE THIRD JUDICIAL DISTRICT
Topeka, Kansas

Guidelines for the Juvenile
Immediate Intervention Program

July, 2003

In recognition of the common goals of serving the interests of justice and the protection of the community, and in an effort to improve communication with law enforcement agencies, this protocol has been prepared to insure compliance with and fulfillment of the prosecutor and law enforcement agency reciprocal duties and responsibilities.

The District Attorney's Office of the Third Judicial District recognizes that its primary obligation is to do justice with due regard to the safety of persons and property, the general welfare of the community at large and, in juvenile cases, with due regard for the welfare and best interest of the juvenile seeking to turn a young life into that of a productive and contributing member of the community.

We have learned that 70% of first-time juvenile offenders do not repeat. Our efforts should be devoted to assuring that even that high percentage is improved. Juveniles who engage in anti-social or criminal conduct need to learn and experience consequences for such conduct. Such consequences should firmly implant in the juvenile's psychology society's repudiation of such conduct, assist the juvenile in recognition and acceptance of the wrongfulness of the conduct. Yet the juvenile and his/her family should be provided such services that will assist in overcoming the emotional, psychological or addictive problems and to resolve family/parenting issues as assure conduct is not repeated and the influences that impede growth, responsibility, maturing, and commitment are removed.

Although many juvenile offenders are involved in serious, violent crimes of homicide, aggravated assaults and batteries, sex offenses and armed robberies, most juvenile offenses are minor, mostly property crimes, and result from immaturity, lack of responsibility and/or family guidance and involvement, going along with a group, not criminal malice. However, such does not excuse the conduct or forestall the appropriateness of consequences.

HOW BEST TO RESPOND

The District Attorney has established an Immediate Intervention Program by which a juvenile offender may avoid prosecution as a juvenile offender and adjudication of having committed a criminal offense.

WHAT IS AN IMMEDIATE INTERVENTION PROGRAM

The IIP provides for immediate and direct referral by law enforcement officers at time of apprehension, or later by the District Attorney's Office, to the intake and assessment center at the Juvenile, Youth, and Families Resource Center located at 400 S.W. Oakley, on the grounds of the former Topeka State Hospital.

There the professional staff of trained and caring social workers, juvenile intake workers, and others will seek to conduct an evaluation and assessment of the juvenile and the contributing and influencing factors leading to the conduct and, to the extent appropriate, the family dynamics.

WHAT HAPPENS TO THE ASSESSMENT RESULTS

The evaluation and assessment done by the professional staff at the Children, Youth and Families Resource Center will be reduced to a report sent to the District Attorney's Office, where it, together with law enforcement investigative reports, will be evaluated and a determination made as to the eligibility of the offender for the program.

ELIGIBILITY REQUIREMENTS

To be eligible for the Immediate Intervention Program, the juvenile offender MUST BE:

- Under the age of eighteen (18) years
- A "first-time offender." Law enforcement, judicial and District Attorney records will be checked to determine if there has been prior offenses.
- Only misdemeanor offenses (not including vehicular homicide or offenses involving a weapon) are considered eligible.
- Person felonies or "off grid" crimes are never considered eligible.
- Non-person felonies of a severity level of 6 or lower are eligible for the program.
- Non-person felonies of a severity level of 5 or above are not immediately eligible for the program, but may be considered on a case-by-case basis as may be appropriate.
- Drug offenses above a level 4D felony are not eligible.
- Class A misdemeanors or a drug felony of a level 4D or lower may be eligible.
- Guidelines set forth in K.S.A. 38-1634 are also adhered to.

PARTNERS

The Immediate Intervention Program is a collaborative effort and in furtherance the District Attorney's Office works through the Children, Youth and Families Resource Center and partners with:

- CASA of Shawnee County
- Community Action, DCCA Family Preservation
- Family Service and Guidance Center
- Kansas Children's Service League
- Prairie Advocacy Center
- Battered Women's Task Force
- Shawnee Regional Prevention and Recovery Services
- Shawnee County Health Agency
- Local school districts
- Social and Rehabilitative Services, and
- Success by 6

GUIDELINES

1. To participate in the Immediate Intervention Program, the juvenile offender and his/her parent, guardian, and/or attorney must enter into an agreement that will include and outline that which the offender must agree to do and to sincerely participate in.
2. The juvenile offender's parent or guardian may be required by the District Attorney to be a part of the Immediate Intervention Program.
3. The term of IIP agreement for misdemeanor offenses will be not less than thirty (30) nor more than forty-five (45) days.
4. The term for felony offenses is ninety (90) days.
5. Victim/offender mediation will be utilized as a useful tool to settle disagreements in juvenile cases to assure victims are reasonably compensated for any monetary loss actually sustained.
6. Offenders in the program for drug-related offenses must participate in a drug evaluation by a designated drug and alcohol counselor and follow the resulting recommendations.
7. Community service work may be a condition of the program as a way of encouraging personal and community pride and responsibility and to encourage recognition that there are always others who are struggling with more severe problems.

Guidelines for the Juvenile Immediate Intervention Program

July - 2003

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8. Remaining conditions will be case/individual specific and may require participation of parent, guardian or custodian. Corrective actions taken by parent, guardian, or custodian may be included in the IIP agreement. To be success the whole-hearted participation of parent, guardian or custodian is essential.

FEE

There is a Fifty Dollar (\$50.00) program fee that must be paid to the Immediate Intervention Program Coordinator by the end of the program.

GOAL

It is the goal of the District Attorney's Immediate Intervention Program to cause the juvenile offender to recognize and accept the wrongfulness of his/her conduct, how it may impact others, and how a continuation of such conduct can seriously and adversely impact their life and prevent them from achieving their life's goals and to have and live the life that can be available to all within this land.

MORE INFORMATION

For further information, contact the Children, Youth and Families Resource Center at 400 S.W. Oakley, Topeka, Kansas, 66606, or by calling (785) 357-4763; or by contacting the District Attorney's Office, Family Law Division, (785) 233-8200, ext. 4330 or 4360.

This is a joint program between the District Attorney's Office and the Children, Youth and Families Resource Center dedicated to improving circumstances for young people and helping them to avoid life-long, life-altering consequences resulting from foolish, unthinking acts.

The future can be wonderful, be there to participate in it fully.

Robert D. Hecht, District Attorney
Third Judicial District
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(785) 233-8200, Ext. 4330
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KANSAS

KANSAS SENTENCING COMMISSION

Honorable Ernest L. Johnson, Chairman
District Attorney Paul Morrison, Vice Chairman
Patricia Ann Biggs, Executive Director

KATHLEEN SEBELIUS, GOVERNOR

MEMORANDUM

To: Duane A. Goossen, Director of the Budget
ATTN: Jeff Arpin
From: Patricia Biggs, Executive Director
Date: January 30, 2004
RE: Fiscal Note on HB 2602

SUMMARY OF BILL:

AN ACT concerning juveniles; relating to immediate intervention programs; amending K.S.A. 38-1635 and repealing the existing section.

This bill strikes the requirement that an offender is ineligible for an immediate intervention program if they have previously been adjudicated to be a juvenile offender or have a violation of a person felony, or committed a felony or misdemeanor while illegally possessing a firearm, or used a deadly weapon in commission of such crime. This bill would make an offender ineligible for an immediate intervention program if the offender faces pending charges as a juvenile offender, for committing acts which, if committed by an adult would result be a violation of a severity level 1, 2 or 3 felony for nondrug crimes or drug severity level 1 or 2 felony drug crimes or a violation for driving under the influence.

Section 1 of this bill allows each county or district attorney to adopt a policy and establish guidelines for an immediate intervention program by which a respondent may avoid prosecution as a juvenile offender. In addition to those policies and guidelines for the immediate intervention program, the programs may be developed to (1) Provide direct referral to programs sanctioned by the court. (2) Allow intake and assessment workers to issue a summons, as defined by section (e). (3) Allow intake and assessment centers to directly purchases services for the juveniles and their families. (4) Allow intake and assessment workers to direct the release of a juvenile prior to the detention hearing if they have reason to believe that the juvenile will appear for further proceedings and is not a danger to themselves or others.

(b) strikes the requirement that a juvenile is ineligible for an immediate intervention program if they have already been adjudicated a juvenile offender, and only requires that the a juvenile is ineligible if they face pending charges for committing acts which, if committed by an adult would constitute:

(1) A violation of K.S.A. 8-1567 and amendments thereto and (A) have previously participated in an immediate intervention program instead of prosecution of a complaint alleging a violation of that statute or ordinance (B) has previously been adjudicated of a violation of that statute or a violation of a law of another state or (C) during the time of the alleged violation was involved in a motor vehicle accident or collision resulting in injury or death; or

(2) a violation of an off-grid crime, a severity level 1, 2, or 3 felony for nondrug crimes or drug

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severity level 1 or 2 felony for drug crimes.

Subsections (c) through (f) remain unchanged.

Section 2 of this bill repeals K.S.A. 38-1635.

Section 3 of this bill sets the effective date of this act as its publication in the statute book.

IMPACT ON KANSAS SENTENCING COMMISSION:

Based on the current duties of the Kansas Sentencing Commission, the changes proposed in this bill will have no effect on the following:

1. The current operation or responsibilities of the Commission
2. The current budget of the Commission.
3. The current staffing and operating expenditure levels of the Commission.
4. The long-range fiscal estimates of the Commission.

IMPACT ON JUVENILE FACILITY ADMISSIONS:

Increase by an estimated: _____

Potential to increase but cannot quantify

Decrease by an estimated: 22 to 66 admissions in FY 2005; 24 to 73 admissions in FY 2014

Potential to decrease but cannot quantify

Remain the same

Note:

Of the 587 juvenile facility admissions in FY 2003, 440 appear to be eligible for diversion under the criteria set forth in this bill. The diversions would be carried out at the local level. To estimate the number of offenders diverted, three scenarios are presented. Scenario one assumes that 5% of the eligible pool of offenders are diverted; scenario two assumes 10% of the eligible pool of offenders are diverted; scenario three assumes that 15% of the eligible pool of offenders are diverted.

The expansion of the offender pool eligible for immediate intervention programs for juvenile offenders would divert more juvenile offenders to these programs and, thus, reduce juvenile correctional facility admissions.

The impact of this bill will result in a reduction of 22, 44 and 66 admissions by the year 2005 and 24, 49 and 73 admissions by the year 2014 under each different scenario.

Presented below is the projected decrease in juvenile facility admissions.

Juvenile Correctional Facility Admission Impact Assessment

June of Each Year	Current Policy Unchanged	Scenario #1 5% Divert Admission	Scenario #2 10% Divert Admission	Scenario #3 15% Divert Admission	Scenario #1 5% Divert Admission Reduced	Scenario #2 10% Divert Admission Reduced	Scenario #3 15% Divert Admission Reduced
2005	444	422	400	378	22	44	66
2006	449	426	404	382	23	45	67
2007	453	431	408	385	22	45	68
2008	458	435	412	389	23	46	69
2009	462	439	416	393	23	46	69
2010	467	444	420	397	23	47	70
2011	472	448	425	401	24	47	71
2012	476	453	429	405	23	47	71
2013	481	457	433	409	24	48	72
2014	486	462	437	413	24	49	73

IMPACT ON JUVENILE OFFENDER POPULATION LEVELS:

 X have impact on offender population as noted below: Save 16 to 46 beds by FY 2005; save 16 to 53 beds by 2014

 have the potential to impact offender population as noted below.

 have minimal or no impact on offender population.

 have impact but cannot be quantified with data available.

Note:

This bill proposes expanding the pool of juvenile offenders eligible for an immediate intervention, or diversion, program at the local level. By expanding the pool of eligible offenders for these programs, the population levels at the facilities will decrease. The bed savings estimates are based on 3 scenarios: 5% of eligible offenders are diverted to immediate intervention programs, 10% of eligible offenders are diverted to immediate intervention programs; 15% of eligible offenders are diverted to immediate intervention programs.

Presented below are the assumptions, data findings, and prison bed impact for the changes proposed in this bill.

Key Assumptions:

- The target juvenile inmates as defined in this bill include any person who might be eligible for an immediate intervention program.
- Projected admission to juvenile facilities is assumed to increase by an annual average of one percent. Bed space impacts are in relation to the juvenile correctional facility population forecast produced in January 2004 by the Kansas Sentencing Commission.
- It is assumed that juvenile offenders stay in the facilities 81 percent of their pronounced sentence. This is in consistent with the FY 2003 actual experience and the official projections released in January 2004.
- Bed space impact assessments are based on FY 2003 juvenile facility admission data.

- **Scenario One:** It is assumed that **5%** of the juvenile offenders would be diverted to the immediate intervention programs.
- **Scenario Two:** It is assumed that **10%** of the juvenile offenders would be diverted to the immediate intervention programs.
- **Scenario Three:** It is assumed that **15%** of the juvenile offenders would be diverted to the immediate intervention programs.

Findings:

- During FY 2003, 587 juvenile offenders were admitted to the juvenile correctional facilities. According to the House Bill 2602's new definitions, 440 juvenile offenders might be eligible for the immediate intervention programs.
 - **Scenario One:** If **5%** of the eligible juvenile offenders are diverted to the immediate intervention programs, by the year 2005, there would be 16 beds saved and by the year 2014, the same incarceration beds would be saved.
 - **Scenario Two:** If **10%** of the eligible juvenile offenders are diverted to the immediate intervention programs, by the year 2005, there would be 32 beds saved and by the year 2014, there would be 35 beds saved.
 - **Scenario Three:** If **15%** of the eligible juvenile offenders are diverted to the immediate intervention programs, by the year 2005, there would be 46 beds saved and by the year 2014, there would be 53 prison beds saved.
- The impact of this bill will result in a reduction of 22, 44 and 66 admissions by the year 2005 and 24, 49 and 73 admissions by the year 2014 under each different scenario.
- The impact of this bill will save 16, 32 and 46 beds by the year 2005 and 16, 35 and 53 beds by the 2014 under each different scenario.

Juvenile Correctional Facility Bed Space Impact Assessment

June of Each Year	Current Policy Unchanged	Scenario #1 5% Divert Beds Needed	Scenario #2 10% Divert Beds Needed	Scenario #3 15% Divert Beds Needed	Scenario #1 5% Divert Beds Saved	Scenario #2 10% Divert Beds Saved	Scenario #3 15% Divert Beds Saved
2005	327	311	295	281	16	32	46
2006	336	318	302	283	18	34	53
2007	336	318	306	287	18	30	49
2008	341	325	304	289	16	37	52
2009	345	330	311	292	15	34	53
2010	348	332	309	298	16	39	50
2011	353	335	317	300	18	36	53
2012	351	336	317	299	15	34	52
2013	355	341	324	307	14	31	48
2014	361	345	326	308	16	35	53

SUMMARY OF HB 2602 IMPACT:

- Juvenile Facility Admissions: The impact of this bill will result in 22, 44, or 66 fewer juvenile facility admissions in FY 2005 and 24, 49, or 73 fewer juvenile facility admissions by FY 2014.
- Juvenile Facility Beds: The impact of this bill will result in 16, 32, or 46 fewer juvenile facility beds needed in FY 2005 and 16, 35, or 53 fewer beds need by FY 2014.

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STATE OF KANSAS
HOUSE OF REPRESENTATIVES

MICHAEL R. (MIKE) O'NEAL

104TH DISTRICT
HUTCHINSON/NORTHEAST RENO COUNTY

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H.B. 2880
Senate Judiciary Committee
March 22, 2004

CHAIRMAN:
JUDICIARY COMMITTEE

MEMBER:
TAX, JUDICIAL, TRANSPORTATION
AND RETIREMENT BUDGET
UNIFORM LAW COMMISSION
KANSAS JUDICIAL COUNCIL

Members of the Committee,

I'm proud of the Legislature's efforts recently in getting out the message that the needs of the Judicial Branch must be addressed. The passage of legislation allowing the Judicial Branch budget to come directly to the Legislature has helped considerably. The expansion of the Court of Appeals is another step forward. The needs of the Judicial Branch are not limited, however, to the Appellate branch. Recently, we've focused additional attention to the needs of our various district courts. The debate over Dist. Mag. Judges, although painful, helped emphasize the role we and the courts have in the allocation of precious judicial resources.

In reviewing the Judicial article in the Kansas Constitution and the various statutes addressing the court system to determine what additional things we might be able to do to improve the system, we've found a need to update some of the statutes and make some of the provisions more consistent. H.B. 2880 is the product of revisor recommendations and specific recommendations concerning the type of information we need to more effectively evaluate the needs of the Judicial branch.

Article 3, Sec. 1 of the Kansas Constitution provides that "...The supreme court shall have general administrative authority over all the courts in this state." K.S.A. 20-101, in Sect. 1 of the bill, provides that "...The supreme court and each justice thereof shall have such specific powers and duties in exercising such administrative authority as may be prescribed by law..."

The current provision regarding the development of the Judicial branch budget, particularly in light of recent legislation allowing that budget to come directly to the

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3-23-04

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Legislature, fails to acknowledge the role of the departmental justices, each of whom have administrative responsibilities with regard to the various judicial districts in the state. It is assumed the budget is developed by the court but the statute is ambiguous in that regard. The proposed language in Sect. 2 of the bill makes clear our intent that the Judicial branch budget will be the product of the supreme court, with such additional assistance from the lower courts and judicial administrator as may be necessary. The new language in the section also clarifies the role of the departmental justices in developing the budgets of the various judicial districts in the state over which they have a supervisory role. (See Sect. 5 (b)(3)).

The changes in Sect. 4(a) of the bill are intended to make consistent the rules regarding appointment of positions by the court. For example, under Art. 3, Sec. 4 of the Kansas Constitution the reporter and clerk of the court are appointed by the “justices of the supreme court”. The appointment of the reporter is codified in K.S.A. 20-201. The amendments in Sect. 4(a) make appointment of the judicial administrator consistent with these provisions and the existing provisions of K.S.A. 20-318 that provide that the judicial administrator “.. shall perform such other duties as are provided by law or assigned...by the supreme court or the chief justice.”

Also, consistent with the provisions in existing law regarding assignments that may by law be given to the judicial administrator, the changes in Sect. 4 (b) of the bill are intended to address our interest in the development of a comprehensive plan for meeting the needs of the various judicial districts, both as to judicial as well as non-judicial personnel, etc.


As explained by our revisor, (see attached memorandum) many of the proposed changes are technical in nature and provide an appropriate updating of the judicial article. Together, the changes outlined in H.B. 2880 will advance our continuing goal to assist the Judicial branch in meeting its needs now and in the future.

I’m pleased that since the passage of the bill in the House the Supreme Court has unanimously endorsed the major provisions in the bill. I understand the Court’s concern over Section 4(b)(1) thru 4(c) in that it may appear to micromanage. You may wish to delete that provision or turn the provision into more of a request rather than a mandate. The same may be true of Section 5(b)(3) dealing with departmental justices.

Office of Revisor of Statutes

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MEMORANDUM

To: House Judiciary Committee
From: Jill Ann Wolters, Senior Assistant Revisor 
Date: February 18, 2004
Subject: Review of HB2880

HB 2880 clarifies and updates judicial branch statutes concerning the duties of the supreme court, the chief justice of the supreme court and the justices of the supreme court.

Several statutes are repealed by this bill. They are attached for the Committee's review.

K.S.A. 20-152, 20-153 and 20-154 were originally part of a joint resolution passed in 1973, concerning a study and survey of the court system prior to unification. The section requesting the study and survey, K.S.A. 20-151, was repealed in 1976, effective January 10, 1977, in the court unification bill. The remaining three sections have remained in the statutes since that time.

K.S.A. 20-161 requires the supreme court to establish a pay plan for the nonjudicial personnel of the supreme court and the court of appeals. This plan was to be submitted to the legislature on or before January 15, 1978.

K.S.A. 20-321, 20-322 and 20-323 were a part of the Judicial Department Reform Act of 1965. K.S.A. 20-321 provided that the chief justice and departmental justices shall adopt rules and regulations to carry out the provisions of the article. The rules and regulations provisions have been placed in K.S.A. 20-319(g). [See page 6, lines 1 through 3.]

The final statute repealed is K.S.A. 20-351a, which requires the chief justice to report to the chairpersons of the House and Senate Judiciary Committees, annually on or before December 1, of district judge positions created or eliminated. In the bill, this information would be provided, along with other information, to the Governor and the chairpersons. [See page 4, lines 23 through 31.]

K.S.A. 20-101 is amended in the bill and is merely a clarifying amendment.

Section 2, K.S.A. 20-158, discusses the preparation of the judicial branch budget. Currently, the chief justice is responsible for the judicial branch budget. Pursuant to the amendments, the chief justice would get the advice and approval of a majority of justices for the budget. The bill further provides that the basis for the district court budget request will be the recommendations established in K.S.A. 20-319, explained later in the memo.

The amendments to K.S.A. 20-162 delete language that was included in the statutes following unification of the courts.

K.S.A. 20-318 and 20-319 are rearranged so that 20-318 deals with the judicial administrator and the office of judicial administration (OJA) and 20-319 deals with the departmental justices of the supreme court. The stricken language in K.S.A. 20-318 (page 3, lines 13 through 19) is moved to K.S.A. 20-319 (page 4, lines 33 through 39). The amendments to K.S.A. 20-318 further establish that the judicial administrator will be appointed by the chief justice, with the advice and approval of the justices and serve at the will of the supreme court. The bill also adds language requiring the judicial administrator to prepare and utilize a comprehensive and uniform nonjudicial personnel plan for the district courts based upon minimum levels of personnel necessary to ensure public access to the district courts and to perform the essential and statutory duties of the courts. This plan shall be the basis on which to determine the placement of nonjudicial personnel for each judicial district. The final subsection of the bill requires OJA to annually publish the caseload of each judicial district, including all classifications and types of cases; the judicial personnel and nonjudicial personnel of each judicial district and district court offices, including the clerk's and court services offices; and the caseloads for any special needs programs of an individual judicial district that are allowed by the plan.

K.S.A. 20-319 is amended to reflect the departmental justices and their duties. An additional duty of such justice's is to oversee the development of the budget for each judicial district and make a report and recommendation on the budget requests to the chief justice. Subsection (g) is added for the rules and regulations authority of the justices.

The remaining amendments are an attempt to clarify and update the judicial branch statutes.

wells to prevent pollution of existing water. Any contractor who fails to properly seal any exploratory wells drilled in search of a water supply and abandoned by him shall be subject to the penalties set out in this act.

Sec. 14. Any person who shall willfully violate any lawful rule or regulation of the board relating to water well contracting, or who shall engage in the business of constructing, reconstructing or treating water wells without first having obtained a license as in this act required, or who shall knowingly violate any provisions of this act, shall be guilty of a class B misdemeanor and subject to the penalties therefor as provided by law.

Sec. 15. If any word, phrase, sentence or provision of this act is determined to be invalid, such invalidity shall not affect the other provisions of this act and they shall be given effect without the invalid provision, and to this end the provisions of this act are declared to be severable.

Sec. 16. This act shall take effect and be in force from and after its publication in the statute book.

Approved March 31, 1973.

RESOLUTIONS

CHAPTER 418

Senate Joint Resolution No. 2

A JOINT RESOLUTION requesting the Kansas supreme court, in cooperation with the judicial council, to make a survey and study of the Kansas court system; authorizing appointment of an advisory committee; providing for clerical and staff assistance; and requiring a report thereon to the judiciary and the legislature.

Be it resolved by the Senate of the State of Kansas, the House of Representatives agreeing thereto:

Section 1. The supreme court, in cooperation with the judicial council, is hereby requested to make a survey and study of the Kansas court system including municipal courts. Such study and survey shall include: (1) Unification and restructuring of the courts; (2) administrative supervision of the courts; (3) selection, tenure, compensation and retirement of judges and court personnel; (4) appellate review; (5) financing of courts; and (6) such other areas assigned to it by the chief justice. The chief justice shall report to the judiciary and the 1974 legislature on such part of the study that is completed during 1973.

Sec. 2. The supreme court may appoint a judicial study advisory committee to assist in conducting the judicial study and survey and to make recommendations to the judiciary and the legislature. The judicial study advisory committee shall be considered a regular committee of the judicial council for the purpose of receiving per diem allowances.

Sec. 3. The judicial council is authorized to procure such supplies and fix compensation of such clerical and other assistance, and enter into contracts for employment of such consulting and technical groups, as may be necessary to carry out the provisions of this resolution. Under direction of the supreme court, the judicial administrator shall participate in the judicial survey and study and shall cooperate with the judicial council in this project. Upon request of the chief justice, the legislative coordinating council may make available such of the council's staff services as may be necessary to assist the chief justice in the preparation of any legislation necessary to implement any recommended statutory changes resulting from the survey and study.

Sec. 4. Any funds appropriated by the legislature to the judicial council or the supreme court may be used to match any moneys available from federal or private sources to assist in the conduct of the judicial survey and study.

Sec. 5. This resolution shall take effect and be in force from and after its publication in the official state paper.

Approved March 17, 1973.

Published in the official state paper March 23, 1973.

CHAPTER 419

Senate Resolution No. 11

A RESOLUTION approving Executive Reorganization Order No. 1, relating to the department of social and rehabilitation services.

Be it resolved by the Senate of the State of Kansas: That Executive Reorganization Order No. 1 is hereby approved.

Be it further resolved: That the secretary of state shall transmit a copy of this resolution to the governor.

Adopted April 4, 1973.

See chapter 367 and governor's message.

CHAPTER 420

House Resolution No. 1037

A RESOLUTION approving Executive Reorganization Order No. 1, relating to the department of social and rehabilitation services.

Be it resolved by the House of Representatives of the State of Kansas: That Executive Reorganization Order No. 1 is hereby approved.

Be it further resolved: That the secretary of state shall transmit a copy of this resolution to the governor.

Adopted April 5, 1973.

See chapter 367 and governor's message.

6-9

Attorney General's Opinions:

Supreme court nominating commission; applicability of title 7; 1964 civil rights act, Americans with disabilities act and Kansas acts against discrimination. 93-69.

CASE ANNOTATIONS

1. Cited; non-lawyer remaining on Supreme Court nominating commission following issuance of temporary permit to practice law examined. State ex rel. Stephan v. Adam, 243 K 619, 622, 760 P.2d 683 (1988).

20-139. Conferences of supreme court justices and certain judges; expenses. From time to time, the chief justice of the Kansas supreme court may order conferences of justices of the supreme court and judges of the district court and court of appeals on matters relating to the administration of justice. The actual and necessary expenses of the justices of the supreme court and judges of the district court and court of appeals incurred in connection with attending such conferences shall be paid, subject to the provisions of K.S.A. 75-3216.

History: L. 1963, ch. 202, § 1; L. 1973, ch. 128, § 1; L. 1976, ch. 146, § 4; Jan. 10, 1977.

Research and Practice Aids:

Judges = 24.

C.J.S. Judges § 40 et seq.

20-140 to 20-144.

History: L. 1963, ch. 425, §§ 1 to 5; Repealed, L. 1965, ch. 212, § 6; May 1.

20-145.**Revisor's Note:**

Rules of the supreme court relating to the supreme court, court of appeals and appellate practice are published by the Supreme Court Reporter, Kansas Judicial Center, 301 West 10th, Topeka, Kansas 66612-1507.

20-146.

History: L. 1965, ch. 212, § 1; Repealed, L. 1975, ch. 178, § 32; Jan. 10, 1977.

20-147.

History: L. 1965, ch. 212, § 2; L. 1967, ch. 169, § 1; Repealed, L. 1975, ch. 178, § 32; Jan. 10, 1977.

20-148.

History: L. 1965, ch. 212, § 3; L. 1972, ch. 95, § 1; Repealed, L. 1975, ch. 178, § 32; Jan. 10, 1977.

20-149, 20-150.

History: L. 1965, ch. 212, §§ 4, 5; Repealed, L. 1975, ch. 178, § 32; Jan. 10, 1977.

20-151.

History: L. 1973, ch. 418, § 1; Repealed, L. 1976, ch. 145, § 246; Jan. 10, 1977.

20-152. Judicial study advisory committee; appointment; expenses. The supreme court may appoint a judicial study advisory committee to assist in conducting the judicial study and survey and to make recommendations to the judiciary and the legislature. The judicial study advisory committee shall be considered a regular committee of the judicial council for the purpose of receiving per diem allowances.

History: L. 1973, ch. 418, § 2; March 23.

20-153. Same; supplies, clerical assistance, contracts; duties of judicial administrator; staff services of coordinating council. The judicial council is authorized to procure such supplies and fix compensation of such clerical and other assistance, and enter into contracts for employment of such consulting and technical groups, as may be necessary to carry out the provisions of this resolution. Under direction of the supreme court, the judicial administrator shall participate in the judicial survey and study and shall cooperate with the judicial council in this project. Upon request of the chief justice, the legislative coordinating council may make available such of the council's staff services as may be necessary to assist the chief justice in the preparation of any legislation necessary to implement any recommended statutory changes resulting from the survey and study.

History: L. 1973, ch. 418, § 3; March 23.

20-154. Same; use of judicial council and supreme court funds for matching purposes for study and survey. Any funds appropriated by the legislature to the judicial council or the supreme court may be used to match any moneys available from federal or private sources to assist in the conduct of the judicial survey and study.

History: L. 1973, ch. 418, § 4; March 23.

20-155. Supreme court law library; law librarian and other personnel. There is hereby established the Kansas supreme court law library, which shall provide law library services to the judicial, legislative and executive branches of state government and to members of the bar under such rules as the supreme court may prescribe. The Kansas supreme court law library shall be under the supervision and control of the Kansas su-

changes in such budget as the director deems necessary and appropriate.

History: L. 1976, ch. 146, § 42; L. 1978, ch. 108, § 5; L. 1979, ch. 290, § 1; L. 1980, ch. 94, § 1; July 1.

20-159. Reproduction and preservation of court records; minimum standards. The supreme court may provide for and authorize any administrative judge of a judicial district, to photograph, microphotograph or reproduce or to have photographed, microphotographed or reproduced on film any of the court records, papers or documents which are by law placed in the courts of that judicial district and to acquire necessary facilities and equipment and to acquire, maintain and use all such appropriate containers and files as shall be necessary to accommodate and preserve the photographs, microphotographs or films so obtained. The photographing, microphotographing or filming may be so authorized for the reproducing of court records, where to do so will promote efficiency in the office, or as a method of preserving old or worn records, papers or documents. The photographic films and prints or reproductions therefrom, shall comply with federal standard no. 125a, dated April 24, 1958, or the latest revision thereof, issued pursuant to the federal property and administrative services act of 1949, and any amendments thereto. The device used to reproduce such records on such film shall be one which accurately reproduces the original thereof in all details.

History: L. 1977, ch. 104, § 1; July 1.

20-160. Court may adopt rules relating to court records. The supreme court may adopt rules to govern the reproduction, preservation, storage and destruction of court records of this state, not inconsistent with this act [*].

History: L. 1977, ch. 104, § 4; July 1.

* "This act," see, also, 19-254, 19-256, 20-159, 20-357 and 60-465a.

Attorney General's Opinions:

Rules of supreme court; reproduction and disposition of court records. 79-296.

20-161. Supreme court to establish pay plan, personnel plan and affirmative action plan for certain nonjudicial personnel; contents of plans; copy submitted to legislature. The supreme court shall establish for the nonjudicial personnel of the supreme court and the court of appeals a formal pay plan, a personnel

plan and an affirmative action plan for the hiring of minority persons. Such pay plan and personnel plan shall include, but not be limited to, job descriptions, qualifications of employees, salary ranges, vacation, sick and other authorized leave policies. A copy of such pay plan, personnel plan and affirmative action plan shall be submitted to the legislature on or before January 15, 1978.

History: L. 1977, ch. 296, § 2; July 1.

20-162. Supreme court to establish judicial personnel classification system; contents; submission to legislative coordinating council. (a) The supreme court shall establish by rule a judicial personnel classification system for all nonjudicial personnel in the state court system and for judicial personnel whose compensation is not otherwise prescribed by law. Said personnel classification system shall take effect on July 1, 1979, and shall prescribe the compensation for all such personnel. No county may supplement the compensation of district court personnel included in the judicial personnel compensation system. Such compensation shall be established so as to be commensurate with the duties and responsibilities of each type and class of personnel. In establishing the compensation for each type and class of personnel, the supreme court shall take into consideration: (1) The compensation of such personnel prior to January 1, 1979; (2) the compensation of personnel in the executive branch of state government who have comparable duties and responsibilities; and (3) the compensation of similar personnel in the court systems of other states having comparable size, population and characteristics.

(b) The following personnel shall not be included in the judicial personnel classification system:

- (1) County auditors,
- (2) coroners,
- (3) court trustees and personnel in each trustee's office, and
- (4) personnel performing services in adult or juvenile facilities used as a place of detention or for correctional purposes.

The compensation for the above personnel shall be paid by the county as prescribed by law.

(c) The judicial personnel classification system also shall prescribe the powers, duties and functions for each type and class of personnel, which shall be subject to and not inconsistent with

(1) With the help and assistance of the judicial administrator, make a survey of the conditions of the dockets and business of the district courts in the justice's department and make a report and recommendations on the conditions and business to the chief justice.

(2) Assemble the judges of the district courts within the justice's department, at least annually, to discuss such recommendations and other business as will benefit the judiciary of the state. When so summoned, the judges of the district courts in the various departments shall attend such conferences at the expense of the state. Such judges shall be entitled to their actual and necessary expenses while attending such conferences and shall be required to attend the conferences unless excused by the departmental justice for good cause.

(b) Departmental justices shall have authority within their departments to assign any district judge or district magistrate judge to hear any proceeding or try any cause, within the judge's jurisdiction, in other district courts. Any departmental justice may request the assistance of any district judge or district magistrate judge from another department.

(c) The departmental justices shall supervise all administrative matters relating to the district courts within their departments and require reports periodically, covering such matters and in such form as the supreme court may determine, on any such matter which will aid in promoting the efficiency or the speedy determination of causes now pending. Departmental justices shall have the power to examine the dockets, records and proceedings of any courts under their supervision. All judges and clerks of the several courts of the state shall promptly make such reports and furnish the information requested by any departmental justice or the judicial administrator, in the manner and form prescribed by the supreme court.

In order to properly advise the three branches of government on the operation of the juvenile justice system, each district court shall furnish the judicial administrator such information regarding juveniles coming to the attention of the court pursuant to the Kansas code for care of children as is determined necessary by the secretary of social and rehabilitation services and the director of the statistical analysis center of the Kansas bureau of investigation, on forms approved by the judicial administrator. Such information shall be confidential and shall not be disseminated or publicly

disclosed in a manner which enables identification of any individual who is a subject of the information.

The departmental justice shall assign to each administrative judge in the justice's department such duties as are necessary to carry out the intent of just, speedy and inexpensive litigation for the litigants of the state.

History: L. 1965, ch. 215, § 2; L. 1976, ch. 146, § 6; L. 1982, ch. 182, § 123; L. 1983, ch. 140, § 4; L. 1986, ch. 115, § 35; Jan. 12, 1987.

Cross References to Related Sections:

Juvenile offender information system, *see* 35-1617 et seq.

Law Review and Bar Journal References:

"Practicing Law in a Unified Kansas Court System," Linda Diane Henry Elrod, 16 W.L.J. 260 (1977).

CASE ANNOTATIONS

1. Cited; whether court had jurisdiction to order pen register and wiretap when component located in adjacent county examined. *State v. Gibson*, 255 K. 474, 482, 874 P.2d 1122 (1994).

20-320. Same; duties of chief justice; records and report. The chief justice shall analyze and study such reports as are submitted to him and promptly submit a summary thereof, and the recommendations of the judicial departments and judicial administrators, and shall cause a copy of all recommendations to be filed as public record in the office of the clerk of the supreme court and shall, at the beginning of every legislative session, submit a written report to the governor of the state, and to the judiciary committees of both houses of the legislature.

History: L. 1965, ch. 215, § 3; June 30.

20-321. Same; rules and regulations; assistants. The chief justice of the supreme court and each judicial department justice shall adopt such rules and regulations as they may deem necessary to carry out the provisions of this article, and shall assign such duties and shall appoint such assistants to the judicial administrator as they deem necessary, to promptly and efficiently carry out the intent of just, speedy, and inexpensive litigation for the litigants of the state.

History: L. 1965, ch. 215, § 4; June 30.

20-322. Same; name of act; citation. This act shall be known and may be cited as the "judicial department reform act of 1965."

History: L. 1965, ch. 215, § 5; June 30.

CASE ANNOTATIONS

1. Act does not violate any provision of Kansas Constitution. *State v. Schroeder*, 201 K. 811, 823, 443 P.2d 284.

20-323. Same; act supplemental to existing laws. This act shall be construed as supplemental to existing statutes pertaining to the selection or appointment of a judge pro tem of the district court.

History: L. 1965, ch. 215, § 6; June 30.

CASE ANNOTATIONS

1. Act does not violate any provision of Kansas Constitution. *State v. Schroeder*, 201 K. 811, 823, 443 P.2d 254.

20-324.

Revisor's Note:

Rules of the supreme court relating to the supreme court, court of appeals and appellate practice are published by the Supreme Court Reporter, Kansas Judicial Center, 301 West 10th, Topeka, Kansas 66612-1507.

JUDICIAL REAPPORTIONMENT ACT (1968)

Cross References to Related Sections:

Establishment of judicial districts, see 4-202 et seq.

20-325. Terms of court fixed by supreme court. The terms of the district courts of the judicial districts created by this act [°] shall be held in the counties of the districts at such times as shall be determined and fixed by the supreme court.

History: L. 1968, ch. 385, § 31; March 30.

* "This act," see, also, 4-201 to 4-230, 20-327 to 20-333.

20-326.

Revisor's Note:

Rules of the supreme court relating to district courts are published by the Supreme Court Reporter, Kansas Judicial Center, 301 West 10th, Topeka, Kansas 66612-1507.

20-327. Terms of judges. All judges of district courts elected under the provisions of this act [°] shall be elected for terms of four years and until their successors are elected and qualified.

History: L. 1968, ch. 385, § 32; March 30.

* "This act," see, also, 4-201 to 4-230, 20-325, 20-328 to 20-333.

20-328. Pending actions and proceedings. All actions and proceedings pending in the district court of any county at the time any judicial district is abolished and a new district established under the provisions of this act [°], whether the issues are joined or not, shall proceed in the district court of the judicial district in which said county is placed by the provisions of this act in the same manner as if said actions and proceedings had been commenced in said district, except when an action or proceeding pending in such a district court has been tried by the judge of said court,

and by him taken under advisement, and is still undecided at the time the judicial district is established, then it shall be the duty of the judge who tried said cause to make and render his findings and judgment thereon, and to determine all motions therein in all respects as though said county had not been placed in such judicial district.

History: L. 1968, ch. 385, § 33; March 30.

* "This act," see, also, 4-201 to 4-230, 20-325, 20-327, 20-329 to 20-333.

20-329. Administrative judge; designation by supreme court; duties. In every judicial district, the supreme court shall designate a district judge as administrative judge who shall have general control over the assignment of cases within the district, subject to supervision by the supreme court. Within guidelines established by statute, rule of the supreme court or the district court, the administrative judge of each district court shall be responsible for and have general supervisory authority over the clerical and administrative functions of such court.

History: L. 1968, ch. 385, § 34; L. 1976, ch. 146, § 28; L. 1980, ch. 94, § 5; L. 1986, ch. 115, § 36; Jan. 12, 1987.

Cross References to Related Sections:

Provision of office space for supreme court justices and court of appeals judges, see 20-163.

Law Review and Bar Journal References:

"Practicing Law in a Unified Kansas Court System," Linda Diane Henry Elrod, 16 W.L.J. 260 (1977).

Attorney General's Opinions:

Classes of judges of district court. 85-183.

Alcohol and drug safety action program. 89-4.

20-330. Powers, rights and authority of district judges in districts with more than one district judge. Each of the district judges in judicial districts having more than one district judge shall have all the rights, powers and authority throughout said district possessed by district judges, the same as if each judge was the sole judge of such district, and such powers, rights and authority may be exercised by each of said district judges in the same or different counties in their district at the same time.

History: L. 1968, ch. 385, § 35; L. 1976, ch. 146, § 29; Jan. 10, 1977.

20-331. Residence requirements of judges of the district court. (a) Except as provided in subsection (b), any person who has the qualifications prescribed for a district judge by K.S.A. 20-334 shall be eligible for nomination,

the manner provided by K.S.A. 20-2801 and amendments thereto, and the state treasurer shall deposit the same in the state treasury to the credit of the state general fund, except as provided in K.S.A. 74-7336, and amendments thereto.

(b) The administrative judge may invest any moneys on deposit in the district court account if the moneys are not immediately required for the purposes for which they were collected or received. Such moneys may be invested in: (1) Time deposits, open account or certificates of deposit, for periods not to exceed six months, or savings deposits, in commercial banks located in the county, except that amounts invested which are not insured by the United States government shall be secured in the manner and amounts provided by K.S.A. 9-1402 and amendments thereto; (2) United States treasury bills or notes with maturities not to exceed six months; or (3) savings and loan associations located in the county. No investment of more than the amount insured by the federal deposit insurance corporation shall be made in any one savings and loan association. Interest received from the investment of moneys pursuant to this subsection shall be paid to the state treasurer in the manner provided by K.S.A. 20-2801 and amendments thereto, and the state treasurer shall deposit the same in the state treasury to the credit of the state general fund.

(c) Upon application of a party to an action in which such party claims ownership of moneys held by the district court, the administrative judge may invest such moneys in the same manner as provided by subsection (b). Interest received from the investment of moneys pursuant to this subsection shall become the property of the person found to be the owner of the moneys.

History: L. 1976, ch. 146, § 45; L. 1977, ch. 109, § 16; L. 1978, ch. 108, § 9; L. 1981, ch. 134, § 1; L. 1989, ch. 239, § 2; L. 1990, ch. 94, § 1; July 1.

Revisor's Note:

Section was amended twice in 1989 session, see also 20-350a.

Attorney General's Opinions:

Release prior to trial; local court rule. 94-25.

CASE ANNOTATIONS

1. Clerk of district court and administrative judge bound to pay to state treasurer all fines and forfeitures for violations of county resolutions. Board of Sedgwick County Comm'rs v. Noone, 235 K. 777, 783, 785, 682 P.2d 1303 (1984).

20-350a.

History: L. 1976, ch. 146, § 45; L. 1977, ch. 109, § 16; L. 1978, ch. 108, § 9; L. 1981, ch. 134, § 1; L. 1989, ch. 48, § 82; Repealed, L. 1990, ch. 94, § 3; July 1.

20-351.

History: L. 1976, ch. 146, § 43; L. 1976, ch. 380, § 8; L. 1977, ch. 112, § 4; Repealed, L. 1978, ch. 350, § 17; Jan. 1, 1979.

20-351a. Elimination or addition of judgeships; report to legislature. On or before December 1 of each year, the chief justice of the supreme court shall submit to the chairpersons of the committees on judiciary of the house of representatives and of the senate a report of all district magistrate judge positions created or eliminated, and all district judge positions created, pursuant to K.S.A. 20-352, 20-353, 20-354 or 20-355, and amendments thereto, during the twelve-month period ending the preceding October 1.

History: L. 1982, ch. 130, § 20; L. 1986, ch. 115, § 44; Jan. 12, 1987.

20-352.

History: L. 1976, ch. 146, § 23; Repealed, L. 1983, ch. 105, § 13; April 28.

20-353. Conversion of district magistrate judge positions to new district judge positions; procedure. If, upon the death, resignation, retirement or removal of a district magistrate judge in any judicial district, the supreme court determines that, in order to effectively expedite the business of the district court in the judicial district, the district magistrate judge position should be eliminated and that an additional position of district judge or an additional division of the district court of the judicial district should be created, the supreme court shall certify to the secretary of state the elimination of the district magistrate judge position and the creation of an additional position of district judge or division of the district court. If the position or division is to be created in a judicial district in which the proposition of nonpartisan selection of district court judges has been approved, as provided in K.S.A. 20-2901 and amendments thereto, the certification also shall be made to the chairperson of the district judicial nominating commission of the judicial district. When the certification has been made, the position or division shall be deemed created and the judgeship therefor shall be deemed vacant, to be filled in the manner pro-

Robert W. Fairchild, Judge

Jacob J. Murphy, Judge

Jean F. Shepherd, Judge

Michael J. Malone, Judge

Paula B. Martin, Judge

Linda Koester-Vogelsang
Court Administrator
785-832-5264

Douglas A. Hamilton
Clerk of the District Court
785-832-5256

DOUGLAS COUNTY DISTRICT COURT

Seventh Judicial District
Judicial Center, 111 E. 11th St.
Lawrence, Kansas 66044-2966



Ron Stegall
Chief Executive Probation Officer
785-832-5587

Michelle Roberts
Chief Court Services Officer
785-832-5218

Barry Urbanek
Community Corrections, ISP II
785-832-5350

Katy Nitcher
Court Trustee
785-832-5315

Heather Kruse-Minnick
Citizen Review Board Director
785-832-5219

March 8, 2004

Justices of the Kansas Supreme Court
Kansas Judicial Center
301 S.W. 10th Ave.
Topeka, KS 66612-1507

HB 2880

Dear Justices:

Enclosed is a letter from Judge Steve Tatum and myself. I apologize that the letter is a copy of a faxed letter and not an original. Because of time constraints, Judge Tatum could not get the original to me in time for your Wednesday meeting.

Thank you for your consideration of the concerns expressed in the letter.

Very truly yours,

Robert W. Fairchild
Chief Judge

Senate Judiciary

3-23-04

Attachment 7

DOUGLAS COUNTY DISTRICT COURT
Seventh Judicial District
Judicial Center, 111 E. 11th St.
Lawrence, Kansas 66044-2966



Ken Siegel
Chief Executive Probation Officer
785-832-5383

Michelle Roberts
Chief Court Services Officer
785-832-5318

Barry Urbaniak
Community Corrections, ISP II
785-832-5386

Katy Nader
Court Justice
785-832-5308

Heather Kause-Mitnick
Chief of Revenue & Fund Director
785-832-5318

March 5, 2004

Justices of the Kansas Supreme Court

Dear Justices:

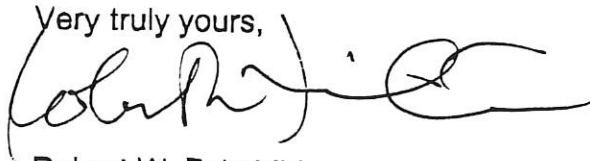
We are writing concerning some provisions of House Bill 2880 that we believe raise some important issues. Section 4 (b) provides that every four years the judicial administrator will prepare a comprehensive and uniform nonjudicial personnel plan for the district courts. The plan is to be based on statistically sound objectives, historical caseloads and other factors. It appears to us that such a plan has a great deal of merit and will provide a logical means to assure that the highest quality justice is provided uniformly throughout the state.

We are concerned that the present statistics used by the judicial administrator may not provide the best information for allocation of our judicial resources. Clearly, complicated civil and criminal cases take much more of a judge's time than limited civil and traffic cases. On the other hand, the limited civil cases require a great deal of effort on the part of the personnel in the court clerk's office. The number of divorce/child custody trials and the number of jury trials conducted in a district may tell us much more about the need for a district judge than raw caseload figures.

The rapidly growing counties have different needs than the counties that are not experiencing the same growth rates. It seems to us that when compared to the growth rates of the counties the judicial and nonjudicial personnel resources available to Johnson and Douglas Counties have remained relatively static over the past few years. A system of resource allocation that takes as many factors into consideration as possible seems to make good sense if our goal is to provide a uniform level of justice throughout the State.

We are not in a position to evaluate whether the best way to accomplish this goal is through a legislative enactment or through an internal Supreme Court policy or rule change; however, we do hope you will consider the merits of the proposal for a critical analysis of the allocation of resources that is contained in this bill.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert W. Fairchild", with a large, stylized flourish extending to the right.

Robert W. Fairchild
Chief Judge
Seventh Judicial District

A handwritten signature in black ink, appearing to read "Stephen R. Tatum", with a large, stylized flourish extending to the right.

Stephen R. Tatum
Chief Judge
Tenth Judicial District

TWELFTH JUDICIAL DISTRICT

Cloud, Jewell, Lincoln, Mitchell, Republic and Washington Counties

THOMAS M. TUGGLE
Chief Judge
(785) 243-8125
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judget@kscourt.net

Cloud County Courthouse
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March 19, 2004

Hon. Michael O'Neal, Chair
House Judiciary Committee
State Capitol
Room 170-W
Topeka, KS 66601

Re: H. B. 2880.

Dear Representative O'Neal and Committee Members:

I am writing in support of that portion of H.B. 2880 that provides the judicial administrator will be appointed by the Chief Justice with the advice and consent of the Justices of the Supreme Court and will serve at the will of the Supreme Court.

I have been a chief judge for fifteen years and for approximately ten years I have been a member of the executive committee of the Kansas District Judges' Association. Through this experience I have a good understanding of the governance of the judicial branch.

Under current law the Chief Justice does the hiring and firing of the judicial administrator; the judicial administrator works only for the Chief Justice. As a result the judicial branch is run by two people, the Chief Justice and the judicial administrator.

In my view this arrangement has not served the judicial branch well for at least the last fifteen years.

What the Constitution intended and what I think is preferable is that the judicial branch be governed an oligarchy, that is all of the members of the Supreme Court.

Sincerely,



Thomas M. Tuggle

TMT/jr

Senate Judiciary
3.23.04
Attachment 8