

Approved: 10-09-05 Date

## MINUTES OF THE HOUSE CORRECTIONS & JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairman Ward Loyd at 1:30 P.M. on February 10, 2005 in Room 241-N of the Capitol.

All members were present except:

Kathe Decker- excused  
Mike Peterson- absent

Committee staff present:

Jill Wolters, Revisor of Statutes Office  
Diana Lee, Revisor of Statutes Office  
Jerry Ann Donaldson, Kansas Legislative Research  
Connie Burns, Committee Secretary

Conferees appearing before the committee:

Tim Madden, Chief Legal Counsel, KDOC  
Kyle Smith, KBI  
James Martinez  
Melissa Julian

Others attending:

See attached list.

The Chairman provided the committee with two articles from the Nation Criminal Justice Reference Service. (Attachment 1) These articles provide the Web Sites for funding, information and resources available.

### **HB 2051 – Offender release notification**

Chairman Loyd opened the hearing on **HB 2051**.

Tim Madden, Chief Legal Counsel, KDOC, appeared in favor of the bill and the Department recommends amendments. (Attachment 2) The Joint Committee on Correction & Juvenile Justice Oversight recommended this bill and the amendment would enhance public safety by ensuring that the existence of outstanding warrants and the imposition of sentences, though not executed by the Department are brought to the Department's attention, not only as the date of the offender's release approaches, but also throughout the inmate's incarceration, thus enhancing the Department's ability to make appropriate custody classification decisions.

Kyle Smith, KBI, appeared before the committee in support of the concept and the proposed amendments. (Attachment 3) What is needed is training or incentive to get local agencies to enter all their warrants into either NCIC or the misdemeanor hot file or notify the department of corrections directly.

Chairman Loyd closed the hearing on **HB 2051**.

### **HB 2206 – Disposal of abandoned inmate property.**

Chairman Loyd opened the hearing on **HB 2206**.

Tim Madden, Chief Legal Counsel, KDOC, appeared in support of the bill. (Attachment 4) This bill amends KSA 75-5257 so the disposition of unclaimed property of an inmate pursuant to the statute would be consistent with the provisions of KSA 75-52,135 and in conformity with the Disposition of Unclaimed Property Act. The amendment of KSA 75-5257 would not affect the provisions of the law governing the department's obligation relative to the control and preservation of inmate money and property while the inmate is in custody.

Chairman Loyd closed the hearing on **HB 2206**

**HB 2076 – Miki’s Law; establishment of a registry of persons convicted of felonies using a deadly weapon.**

Chairman Loyd opened the hearing on **HB 2076**

Representative John Edmonds introduced and explained the intent of the bill, and introduced his constituent on whose behalf the measure has been advanced.

James Martinez, appeared in support of the bill. (Attachment 5) The bill will notify the public of those criminals and help monitor them without stretching the resources of Law Enforcement.

Melissa Julian, spoke in favor of the bill. (Attachment 6) She feels as law abiding citizens, that they have the right to know if these people are walking around in their neighborhoods.

Stephanie Helms, provided written testimony in support of the bill. (Attachment 7)

Kyle Smith, KBI, appeared as neutral on the bill. (Attachment 8) The bill basically copies the current Kansas Registered Offender Act and is in some ways redundant to that system. If the committee decides to go forward with this legislation the KBI would suggest that the covered crimes be incorporated into the existing system rather than create a redundant program. These addition duties would be under the KBI and there would be a fiscal note.

Chairman Loyd closed the hearing on **HB 2076**.

The meeting was adjourned at 2:40 pm. The next meeting is February 14, 2005.

HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

GUEST LIST

DATE 2-10-05

NAME	REPRESENTING
Caryn Carter Gromar	intern - Rep. Pauls
Richard Smarney	Kearney & Assoc
Jane Rutherford	Littlejohn Relations
Catherine Smith	Washburn University School of Nsg.
Amanda Smith	Washburn University SON
Amanda Snowden	Baker Univ. School of Nursing
Renea Wilton	Washburn University Nursing School
Michelle-Lee Wymer	Washburn University, SON
BRIAN REYNOLDS	WASHBURN UNIV. SCHOOL OF NURSING
Mark Gleeson	Judicial Branch
Stephanie Sloce	Pittsburg State University SON
Danafina	Pittsburg State Nursing School
Alicia Helein	
Danna Parker	GREAT BEND, KS
Julie Huntwick	GREAT BEND KS
Marilyn Hernandez-Lewis	GREAT BEND KS
Kathy Martiny	"Miki" Bill Gt. Bend, KS
Amanda Fricks	"Miki Bill" Great Bend KS
Lindsey Grubb	"Miki Bill" Ellinwood KS
Curtis Holliech	"Miki Bill" Weeping Water, NE
Samuel Martiny	Miki Bill Great Bend KS
Melissa Julian	"Miki Bill" Ellinwood, KS
Jesus Martinez	"Miki Bill" Great Bend KS.
William Martin	"Miki Bill" Great Bend KS.

HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

GUEST LIST

DATE 2-10-05

NAME	REPRESENTING
Cathy Clayton	KDOC
Nancy Paulen	"Miki Bill" (at Board)
Annedra Drexel	"Miki Bill" GB KS
Jimmy & Acclams	Attorney General's office
JEREMY S BARCLAY	KDOC



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 Subject: Justice Information  
 Date: Tue, 01 Feb 2005 17:00:43 -0500  
 List-Unsubscribe: <<mailto:leave-justinfo-341790U@listmanager.aspensys.com>>  
 Reply-To: justinfo@ncjrs.org  
 X-AspenSystemsCorp-MailScanner-Information: Please contact ITS for more information  
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If you have trouble viewing this email, go to <http://www.ncjrs.org/justinfo/text/feb0105.txt> or  
<http://www.ncjrs.org/justinfo/feb0105.html> to view online versions.



# NCJRS Justice Information

National Criminal Justice Reference Service

Administered by the Office of Justice Programs, U.S. Department of Justice

February 1, 2005 • Volume 11, Number 3

<http://www.ncjrs.org>

JUSTINFO, published the 1<sup>st</sup> and 15<sup>th</sup> of each month, highlights information from the [NCJRS sponsoring agencies](#).

## Announcements

### Discover the Newly Redesigned NIC Web Site

The National Institute of Corrections (NIC) Web site has been completely redesigned and reorganized to provide you with better navigation options, richer content, consistent formatting, and access to the Digital Resource Library for more relevant search results. (NIC)

To view the new Web site, go to:

<http://www.nicic.org/>

### Justice Department Announces AMBER Alert Awareness Campaign

The Department of Justice has asked broadcasters to air public service announcements promoting awareness of AMBER Alert. Additional information can be found in the "Report to the White House on AMBER Alert," available on the AMBER Alert Web site. (OJJDP)

Access the press release at:

<http://www.ojp.usdoj.gov/pressreleases/OJJDP05005.htm>

Access the report at:

<http://amberalert.gov/>

## Funding Opportunities

### \$70 Million Available for Community Coalitions

Deadline: March 11, 2005 (New applicants)

Deadline: April 5, 2005 (Renewals)

The Substance Abuse and Mental Health Services Administration (SAMHSA) and ONDCP announce the availability of FY 2005 funds for Drug-Free Communities Support Program grants to improve community efforts to plan, promote, and deliver effective substance abuse prevention strategies. (ONDCP)

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**For more information, visit:**

[http://drugfreecommunities.samhsa.gov/news/rfa\\_jan11\\_05.htm](http://drugfreecommunities.samhsa.gov/news/rfa_jan11_05.htm)

**Funding Available for Research on Human Trafficking**

**Deadline:** March 24, 2005

NIJ has issued a solicitation for proposals for "Research on Trafficking in Human Beings." NIJ seeks proposals that will inform policy and practice at the local, state, and national levels. NIJ is particularly interested in the following areas: detecting and measuring trafficking, investigating and prosecuting traffickers, and meeting victim needs and preventing repeat victimization. (NIJ)

**For more information, visit:**

<http://www.ncjrs.org/pdffiles1/nij/sl000699.pdf>

**Sex Offender Management Grant Announced**

BJA has released the FY 2005 grant announcement for the Comprehensive Approaches to Sex Offender Management Program to help state, local, and tribal jurisdictions improve their adult and/or juvenile sex offender management policies and practices. (BJA)

**For more information, visit:**

<http://www.ojp.usdoj.gov/BJA/grant/05CASOMsol.pdf>

**Publications****2004 HIDTA Annual Report Released**

"National Drug Control Strategy: HIDTA 2004 Annual Report" (195 pp.) (NCJ 207693) provides an overview of the high intensity drug trafficking area (HIDTA) program and a summary of each HIDTA's program, achievements, and mission. (ONDCP)

**Available online only at:**

<http://www.whitehousedrugpolicy.gov/publications/policy/hidta04/hidta04.pdf>

**College Students Violent Victimization Report Updated**

"Violent Victimization of College Students, 1995-2002" (7 pp.) (NCJ 206836) examines the incidence of college student victimization and compares the findings to persons of similar ages in the general population. (BJS)

**Access full text at:**

<http://www.ojp.usdoj.gov/bjs/abstract/vvcs02.htm>

**Crimes Against the Elderly Detailed**

"Crimes Against Persons Age 65 or Older, 1993-2002" (4 pp.) (NCJ 206154) presents data from the National Crime Victimization Survey and the Uniform Crime Reports comparing crimes against persons age 65 or older with those in younger age groups. (BJS)

**Access full text at:**

<http://www.ojp.usdoj.gov/bjs/abstract/cpa6502.htm>

**Effective Responses to Open-Air Drug Markets Detailed**

"Drug Dealing in Open-Air Markets" (80 pp.) (NCJ 208503), a new COPS POP Guide, describes the problem of drug dealing in open-air markets and reviews the factors that contribute to it. It then identifies a series of questions to help analyze a local problem and reviews responses to the problem. (COPS)

**Access full text at COPS Online:**

<http://www.cops.usdoj.gov/mime/open.pdf?Item=1423>

**First Law Enforcement Training Academies Study Released**

"State and Local Law Enforcement Training Academies, 2002" (27 pp.) (NCJ 204030), the first survey of training academies ever conducted by BJS, presents data on personnel, facilities and resources,

- [Satellite Videoconference Will Focus on Truancy \(OJJDP\)](#)
- [Save the Date for NIJ's R&E Conference \(NIJ\)](#)

**Ordering Instructions**

Resources are available for ordering at the [NCJRS Online Store](#)

**NCJRS Online Resources**

- Consult the NCJRS Web site at <http://www.ncjrs.org>
- Ask NCJRS at [askncjrs.ncjrs.org](mailto:askncjrs.ncjrs.org)
- Share your comments at [tellncjrs.ncjrs.org](mailto:tellncjrs.ncjrs.org)

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trainees, and training curricula of law enforcement academies in the United States, from the 2002 Census of Law Enforcement Training Academies. (BJS)

Access full text at:

<http://www.ojp.usdoj.gov/bjs/abstract/slleta02.htm>

#### **Re-Entry Recommendations Offered**

"Report of the Re-Entry Policy Council" provides a comprehensive analysis of elements essential to the successful return of individuals released from prison or jail to the community, a review of relevant research, and a look at programs and policies that illustrate how policymakers and practitioners in jurisdictions across the country have implemented a particular recommendation. (NIC)

Not available from NCJRS. For more information, go to:

<http://www.reentrypolicy.org/>

#### **Weed and Seed: The Strategy You Need**

"The Weed and Seed Strategy" (16 pp.) (NCJ 207498) is an easy-to-read reference for anyone new to Weed and Seed and is a great resource for new sites promoting their local initiative. (CCDO)

Access full text at:

<http://www.ojp.usdoj.gov/ccdo/pdfxt/strategy.pdf>

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#### **Online Resources**

##### **Web Site Features Information on Female Delinquency**

OJJDP's Girls Study Group Web site enhances understanding of female juvenile offending and identifies effective strategies to prevent and reduce female involvement in delinquency and violence. The site describes research activities and offers resources for further information. (OJJDP)

Access information at:

<http://girlsstudygroup.rti.org/>

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#### **Conferences and Trainings**

##### **Conference to Focus on SART Training**

The Third National SART Training Conference will be held June 1-3, 2005, in San Francisco, California. Funded by OVC and administered by the Sexual Assault Resource Service of Minneapolis, the SART Training Conference is designed to strengthen SANE and SART programs. Scholarships for 4-member SART teams and law enforcement officers are available. (OVC)

For more information, visit:

<http://www.sane-sart.com>

##### **Satellite Videoconference Will Focus on Truancy**

OJJDP's satellite videoconference "Strategies, Programs, and Resources To Prevent Truancy" will air February 23, 2005, 1:30 to 3:00 p.m. EST. The videoconference, which can also be viewed online, will feature evidence-based approaches to truancy and related issues. Registration is free. (OJJDP)

Register or view online at:

<http://www.trc.eku.edu/jj/conference.asp?confid=25>

##### **Save the Date for NIJ's R&E Conference**

The NIJ Annual Conference on Research and Evaluation will be held July 18-20, 2005, in Washington, DC. This year's focus is evidence-based policies and practices. Hear what criminal justice practitioners around the country are doing to make their systems more effective by using evidence-based programs. (NIJ)

Registration information will be forthcoming.

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WINTER 2005

# Justice Resource UPDATE

NCJRS: Connecting You to Justice Information

## Helping Victims of Identity Theft



For victims of identity theft, one of the most frustrating aspects of their victimization is that it is difficult to prove that they are the victims—not the criminals who are using their names. But victims who live in Ohio now carry a “passport” card to prove their victim status, thanks, in part, to funding from the Office for Victims of Crime (OVC).

**Ohio’s solution.** Under the Ohio Attorney General’s Identity Theft Verification Passport program, victims who report identity theft to law enforcement personnel have their victimization entered into a statewide database and receive the “passport” card. The passport program provides identity theft victims added assurance and protection from further identity crimes and safeguards these victims from false accusations by positively identifying and “verifying” them as victims using biometric technology to electronically capture the victim’s thumbprint, signature, and photograph.



In addition, this database system forwards the information to the department of motor vehicles and other agencies that are in a position to spot individuals using identification information that is not their own. Victims also receive step-by-step instructions about how to alert creditors and simple fill-in-the-blank affidavits to send to them.

**Evaluation.** The first-of-its-kind program will be evaluated by both OVC and the National Institute of Justice, and, if successful, may be recommended as a model for other States to replicate. Other sponsors of the project include the Federal Trade Commission, Buckeye State Sheriffs’ Association, Ohio Association of Chiefs of Police, Ohio Department of Public Safety, and the National Notary Association.

For more information, go to [http://www.ag.state.oh.us/site\\_map/id\\_theft.htm](http://www.ag.state.oh.us/site_map/id_theft.htm)

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## Featured Resources

### COPS zeroes in on identity theft

Identity theft is a new crime, aided by established crimes such as forgery and check and credit card fraud, among others. Its salient feature is the repeated victimization of a single person. The Federal Trade Commission estimates that identity theft struck nearly 10 million Americans in 2003, with an estimated total annual cost of \$48 billion to consumers and \$5 billion to businesses. COPS has created a series of Problem-Oriented Policing Guides to help police departments best address specific problems. The *Identity Theft* guide helps police departments to analyze their local problems, measure the effectiveness of police response, and formulate coordinated community approaches to the issue.

#### *Identity Theft, Problem-Specific Guides*

Series No. 25, 78 pages

<http://www.cops.usdoj.gov/mime/open.pdf?Item=1271>

### Examining underage drinking in local communities

Minimum-age drinking laws have been very effective in reducing many of the harms associated with underage drinking, such as traffic fatalities and alcohol-related injuries. This Problem-Oriented Policing Guide describes the problem of underage drinking and reviews the factors that contribute to it. It then identifies a series of questions to help police departments and those who work with them analyze local underage drinking problems. Finally, the guide reviews responses to the problem and what is known about it from evaluative research and police practice.

#### *Underage Drinking, Problem-Specific*

*Guides Series No. 27, 90 pages*

<http://www.cops.usdoj.gov/mime/open.pdf?Item=1360>

### Analysis of FBI data reveals drop in juvenile arrest rates

In 2002, the juvenile violent crime arrest rate reached its lowest level since 1980. The rate, which grew substantially during the late 1980s and peaked in 1994, has decreased for 8 consecutive years. In 2002, it was nearly half its 1994 peak level. The juvenile arrest rates for murder, forcible rape, robbery, and aggravated assault have declined steadily since the mid-1990s; for murder, the rate fell 72 percent from its 1993 peak through 2002. This bulletin provides a summary and an analysis of national and State juvenile arrest data presented in the FBI report *Crime in the United States 2002*.

#### *Juvenile Arrests 2002, 12 pages*

<http://www.ncjrs.org/pdffiles1/ojdp/204608.pdf>

### For missing children, NISMART reveals no increase in problem areas

This bulletin presents results of an analysis comparing selected findings from the second National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children (NISMART-2) and its predecessor, NISMART-1. The analysis, which is based on household surveys of adult caretakers and covers victims of family abductions, runaways, and children categorized as "lost, injured, or otherwise missing," highlights trends from 1988 to 1999. The most important finding is the absence of increases in any of these problems. For some types of episodes, the incident rates decreased.

#### *National Estimates of Missing Children: Selected Trends, 1988-1999, 8 pages*

<http://www.ncjrs.org/pdffiles1/ojdp/206179.pdf>

### FBI data show patterns for child pornography offenses

This bulletin examines pornography crime and exploitation involving children and juveniles,

based on analysis of data from the FBI's National Incident-Based Reporting System (NIBRS). The authors provide a rudimentary profile of the nature and extent of this crime as known to police. NIBRS data suggest that approximately 2,900 crime incidents of pornography with juvenile involvement were known to State and local police in 2000; these offenses most often were committed by a lone adult male offender, occurred in a residence, and did not involve a computer.

#### *Child Pornography: Patterns From NIBRS, 8 pages*

<http://www.ncjrs.org/pdffiles1/ojdp/204911.pdf>

### Helping youthful offenders reenter school

For youth offenders leaving custody, a return to school is integral to their successful reentry into the community. The Center for Alternative Sentencing and Employment Services (CASES) in New York City has developed a model for helping youth returning from confinement overcome the barriers to reentering school. This fact sheet describes how three CASES programs (the Committee on Court-Involved Students, the School Connection Center, and the Community Prep High School) help court-involved youth continue their education and reenter their communities.

#### *Overcoming Barriers to School Reentry, 2 pages*

<http://www.ncjrs.org/pdffiles1/ojdp/fs200403.pdf>





## New Online

### Screening juvenile offenders for mental health and substance use disorders

This guide is a basic tool for juvenile justice professionals who screen and assess youth for mental health- and substance use-related disorders at various stages of the juvenile justice process. It includes profiles of more than 50 instruments, guidelines for selecting instruments, and best practice recommendations for diverse settings and situations. Once identified, these youth can receive the services required to improve their lives, reduce recidivism, and promote community safety.

**Screening and Assessing Mental Health and Substance Use Disorders Among Youth in the Juvenile Justice System: A Resource Guide for Practitioners, 94 pages, online only**  
<http://www.ncjrs.org/pdffiles1/ojdp/grants/204956.pdf>

### DNA in "minor" crimes yields major benefits in public safety

Offenders who commit property crimes have high recidivism rates. Their crimes and any accompanying violence can escalate. In addition, property crime cases often go unsolved. It has been estimated that among the top 10 percent of burglars, each one commits more than 232 burglaries per year. But several police departments in the United States are changing these trends. When police departments analyze DNA from a burglary, they get evidence that often solves several other cases as well. Police departments are finding that biological evidence collected from property



crime scenes can prevent future property crimes and more serious offenses.

**DNA in "Minor" Crimes Yields Major Benefits in Public Safety, In Short: Toward Criminal Justice Solutions series, 4 pages**  
<http://www.ncjrs.org/pdffiles1/nij/207203.pdf>

## Stay Connected

### Daniels steps down from AAG's Office

In late January, Deborah J. Daniels left her post as Assistant Attorney General for the Office of Justice Programs (OJP), U.S. Department of Justice, to return to the law firm she left upon being confirmed by the Senate in September 2001. U.S. Attorney General John Ashcroft credited her leadership for playing "a vital role in the Department's mission to protect the lives and liberties of the American people by assisting our State and local law enforcement partners in the war on terrorism and the fight against violent crime."

As Assistant Attorney General, Daniels served as the first National AMBER Alert Coordinator. As such, she increased the number of statewide AMBER Alert programs from just 4 in 2001 to 49 today. She also coordinated OJP's role in several other Bush administration activities, such as the President's DNA Initiative, Citizen Corps, and Project Safe Neighborhoods.

In a farewell letter, Daniels told her staff, "Thank you all for the incredible opportunity to have worked with you for a cause greater than all of us—nothing less than the safety and well-being of the American people."



## Balancing post-September 11 caution with community policing

This publication provides guidance to law enforcement officials who want to develop or enhance their intelligence capacity in this post-September 11 world, while preserving their hard-won community policing relationships. The guide addresses the distinction between law enforcement intelligence and national security intelligence; elucidates intelligence-led policing practices; and discusses the importance of critical secure networks based on Internet protocols and threat assessments, among other topics.

**Law Enforcement Intelligence: A Guide for State, Local, and Tribal Law Enforcement Agencies, 298 pages**

<http://www.cops.usdoj.gov/default.asp?Item=1404>



## Looking at childhood abuse as a risk factor for violence against women

Sexual and physical abuse in childhood and adolescence are risk factors for becoming a victim of violence against women as an adult. This report combines results from two studies: one followed college women and men for 4 years, and the other followed low-income, mostly black women who had been victims of childhood sexual abuse. Each study found that child sexual abuse was a risk factor only when combined with adolescent sexual abuse. Although each study examined a narrowly defined population, taken together, both studies came to remarkably similar conclusions.

**Violence Against Women: Identifying Risk Factors, 16 pages**

<http://www.ncjrs.org/pdffiles1/nij/197019.pdf>

## First census of law enforcement training academies results released

The 2002 Census of Law Enforcement Training Academies collected data on personnel, facilities and resources, trainees, and training curricula from law enforcement academies in the United States. About four in five of the 626 academies—accounting for 83 percent of all recruits—trained recruits in response to terrorism. Almost all academies addressed racially biased policing as part of basic training.

**State and Local Law Enforcement Training Academies, 2002, 27 pages**

<http://www.ojp.usdoj.gov/bjs/abstract/slleta02.htm>

### BJS STATISTICAL UPDATES New releases of continuing series

#### Crime

**Violent Victimization of College Students, 1995–2002**

<http://www.ojp.usdoj.gov/bjs/abstract/vvcs02.htm>

**Crimes Against Persons Age 65 or Older, 1993–2002**

<http://www.ojp.usdoj.gov/bjs/abstract/cpa6502.htm>

**Indicators of School Crime and Safety, 2004**

<http://www.ojp.usdoj.gov/bjs/abstract/iscs04.htm>

**Homicide Trends in the United States**

<http://www.ojp.usdoj.gov/bjs/homicide/homtrnd.htm>

#### Courts

**Felony Sentences in State Courts, 2002**

<http://www.ojp.usdoj.gov/bjs/abstract/fssc02.htm>

**Tort Trials and Verdicts in Large Counties, 2001**

<http://www.ojp.usdoj.gov/bjs/abstract/ttvlc01.htm>

#### Corrections

**HIV in Prisons and Jails, 2002**

<http://www.ojp.usdoj.gov/bjs/abstract/hivpj02.htm>

**Capital Punishment, 2003**

<http://www.ojp.usdoj.gov/bjs/abstract/cp03.htm>

**Prisoners in 2003**

<http://www.ojp.usdoj.gov/bjs/abstract/p03.htm>

For more information about BJS periodic reports, visit <http://www.ojp.usdoj.gov/bjs/periodic.htm>.



## New Online

### Most violence against American Indians involves alcohol

Updating a previous BJS report, the current report finds that the rate of violence against American Indians was twice that of the U.S. population, and that 62 percent of violent incidents involved alcohol. *American Indians and Crime* describes victim-offender relationships, the race of those involved in violence against Indians, and the rate of reporting to police by victims. It also discusses the rates of arrest, suspect investigations and charges filed, and incarceration of Indians for violent crimes.

***American Indians and Crime: A BJS Statistical Profile, 1992–2002, 56 pages***  
<http://www.ojp.usdoj.gov/bjs/abstract/aic02.htm>

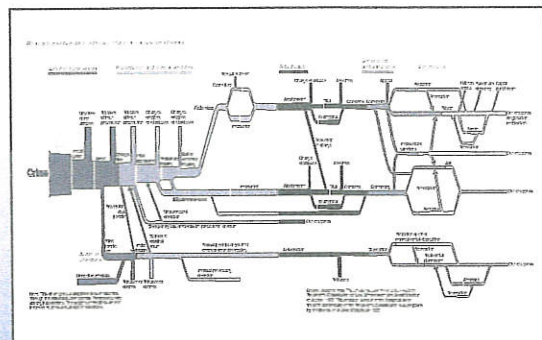


## Own a full-color poster of the criminal justice system

This flowchart of events in the criminal justice system updates the original prepared by the President's Commission on Law Enforcement and the Administration of Justice in 1967. It is a handsome educational tool for anyone who wants to describe the workings of U.S. justice—local and Federal, juvenile and adult. Use it in the classroom or the boardroom. Also available is a full-text description of how cases move from reporting to disposition to exiting the system.

The poster is available in three sizes:

- 30" x 22" with flow chart and text description (NCJ 167894)
- 33" x 20" with flow chart only, no text (NCJ 168630)
- 20" x 14" with flow chart only, no text (NCJ 168629)



Order now from NCJRS for shipping and handling, \$12.25 U.S. and \$20 internationally. For details on how to order the posters, see <http://www.ojp.usdoj.gov/bjs/flowchart.htm#posters>.

# BJS





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## NCJRS: Connecting You to Justice Information

NCJRS is a federally funded resource offering justice and substance abuse information to researchers, policymakers, and others worldwide. Access reference and referral services and one of the largest justice-focused libraries and abstract databases. Learn more about the range of services available and about NCJRS's sponsoring agencies at [www.ncjrs.org](http://www.ncjrs.org). Click on "Customer Services/Subscribe" and follow a few easy steps to join thousands of your colleagues who stay informed through *Justice Resource Update*, JUSTINFO (a biweekly electronic newsletter), and periodic e-mail notices on subjects of interest.

### NCJRS Federal Sponsors

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[www.ojp.usdoj.gov/BJA](http://www.ojp.usdoj.gov/BJA)

Bureau of Justice Statistics (BJS)  
[www.ojp.usdoj.gov/bjs](http://www.ojp.usdoj.gov/bjs)

Community Capacity Development  
Office (CCDO)  
[www.ojp.usdoj.gov/ccdo](http://www.ojp.usdoj.gov/ccdo)

National Institute of Justice (NIJ)  
[www.ojp.usdoj.gov/nij](http://www.ojp.usdoj.gov/nij)

Office for Victims of Crime (OVC)  
[www.ovc.gov](http://www.ovc.gov)

Office of Juvenile Justice and Delinquency  
Prevention (OJJDP)  
[www.ojp.usdoj.gov/ojjdp](http://www.ojp.usdoj.gov/ojjdp)

Office of the Assistant Attorney General  
[www.ojp.usdoj.gov/aag](http://www.ojp.usdoj.gov/aag)

Office of the Police Corps (OPC)  
[www.ojp.usdoj.gov/opclec](http://www.ojp.usdoj.gov/opclec)

Office on Violence Against Women (OVW)  
[www.ojp.usdoj.gov/vawo](http://www.ojp.usdoj.gov/vawo)

National Institute of Corrections (NIC)  
[www.nicic.org](http://www.nicic.org)

Office of Community Oriented Policing  
Services (COPS)  
[www.cops.usdoj.gov](http://www.cops.usdoj.gov)

Office for Domestic Preparedness (ODP)  
[www.ojp.usdoj.gov/odp](http://www.ojp.usdoj.gov/odp)

Office of National Drug Control  
Policy (ONDCP)  
[www.whitehousedrugpolicy.gov](http://www.whitehousedrugpolicy.gov)

NCJRS—Administered by the Office of Justice Programs, U.S. Department of Justice



# KANSAS

KANSAS DEPARTMENT OF CORRECTIONS  
ROGER WERHOLTZ, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

Testimony on HB 2051  
to  
The House Committee on Corrections and Juvenile Justice

By Roger Werholtz  
Secretary  
Kansas Department of Corrections

February 2, 2005

HB 2051 is designed to aid the Department in addressing warrants lodged against inmates shortly before their release that could have been resolved at an earlier time or at least taken into consideration in formulating the inmate's release plan. The Department greatly appreciates the Committee's interest in having the existence of outstanding warrants identified prior to an offender's release. However, the Department is of the opinion that HB 2051 does not provide the best method of accomplishing that goal. Additionally, the Department believes that an alternative to HB 2051 would enhance public safety by ensuring that the existence of outstanding warrants and the imposition of sentences, though not executed by the Department, are brought to the Department's attention, not only as the date of the offender's release approaches, but also throughout the inmate's incarceration, thus enhancing the Department's ability to make appropriate custody classification decisions.

HB 2051 provides that the Department or the Kansas Parole Board is to notify the prosecuting attorney of the county from where the inmate was sentenced six months prior to the inmate's release to enable that prosecutor to decide whether to file detainers against the inmate in unresolved matters. However, this provision does not address charges arising in other counties, warrants in the possession of the sheriff, or issued by municipal courts and does not provide information in a timely manner that can be used throughout the offender's incarceration for custody classification. Additionally, information provided by prosecutors would be a reactive response to a KDOC request concerning a specific inmate and would not disclose relevant pending criminal charges levied against any of the other inmates in the Department's custody. Finally, HB 2051 does not mandate that the information regarding pending charges be provided to the Department or Parole Board by prosecutors.

As an alternative, the Department recommends that the Committee consider the Criminal History Record Information Act (CHRIA) as a vehicle to accomplish these goals. The Criminal History Record Information Act currently requires that all law enforcement agencies report to the Kansas

Bureau of Investigation the issuance of arrest warrants and sentencing dispositions including sentences imposing a term of incarceration. Therefore, the Department recommends that the Criminal History Record Information Act be amended to require that reports of the issuance of arrest warrants for persons committed to a correctional facility currently provided to the KBI's central repository be forwarded to the Department of Corrections on a weekly basis. Utilization of the information mandated to be provided by every law enforcement agency in the state would provide comprehensive information regarding pending criminal charges irrespective of jurisdiction, in a timely and proactive manner. The Department also recommends that reports concerning the imposition of sentences not executed by the Department, which are likewise submitted to the KBI under current law, also be forwarded to the Department. Information disclosing that an offender has a sentence remaining to be served in another jurisdiction after the completion of his KDOC sentence is relevant to both the inmate's custody classification and to ensure that the offender is properly released to the other jurisdiction.

The importance of utilizing the criminal history record information to the fullest extent possible and Department receiving information proactively cannot be overstated. Recently, the public safety interest in having the Department informed of warrants manifested itself in the escape of a minimum custody inmate from a work crew in Kansas City, Kansas. Prior to the inmate's placement on a minimum custody work crew, the Lansing Correctional Facility queried the NCIC "wants and warrant" file. Unfortunately, while a warrant had been issued by the Court for the crimes of aggravated battery, aggravated robbery, kidnapping, criminal possession of a firearm, rape, aggravated criminal sodomy, aggravated kidnapping, aggravated intimidation of a witness, that warrant was not entered into NCIC. The inmate was not a fugitive because he was already in the Department's custody. Since KDOC had not been advised of the issuance of that warrant, KDOC classified the inmate as being minimum custody and placed him on a community work crew. The issuance of a warrant by any law enforcement agency is an event that is to be reported to the KBI. A system that integrates data in a useful format such as proposed by the Department provides public safety relative to preventing improper releases and inappropriate custody classifications while at the same time enhances the Department's release planning for offenders.

The Department has modified its records system in order to provide more information in a more useful format to serve the public and public safety. The Department has created a computer program accessible by the public listing all offenders under supervision by either the Department or Community Corrections. This listing can be sorted by county or judicial district. Daily, the Department transmits electronically to the KBI a listing for every person in the Department's custody so that the KBI's reportable event records concerning incarceration is always up to date. At the request of the Attorney General, the Department lists all parole and community corrections absconders on the public access KASPER system. The alternative to HB 2051 proposed by the Department would provide a comparable exchange of information in a timely and proactive manner.

Since the Criminal History Record Information Act currently requires law enforcement agencies to report to the KBI the issuance of arrest warrants as well as commitments to a correctional facility, the sorting and dissemination of that information to the Department would provide



information relevant at the time of the inmate's release, as well as proactively provide information relevant to the inmate's custody classification throughout his or her confinement. Finally, due to the Bureau's authority to impose sanctions against agencies that fail to provide required information to the central repository, the Criminal History Record Information Act already provides a mechanism to enhance the comprehensive nature of the system's information.

The Department recommends that HB 2051 be amended to strike the amendments to K.S.A. 22-3717 and instead amend K.S.A. 22-4705 to require the forwarding to the Department at least weekly, criminal history record information regarding the issuance of arrest warrants and other sentencing dispositions for persons who have been committed to a correctional facility. Additionally, the Department recommends amendment of K.S.A. 22-4704 to prohibit the charging of a fee for this information. A proposed balloon amendment to HB 2051 is attached for the Committee's consideration.

The Department appreciates the opportunity to express its concerns and recommendations regarding HB 2051.

W/attachment

Cc: Legislation file w/attachment



## 22-4704

### Chapter 22.--CRIMINAL PROCEDURE KANSAS CODE OF CRIMINAL PROCEDURE Article 47.--CRIMINAL HISTORY RECORD INFORMATION

**22-4704. Rules and regulations.** (a) In accordance with the provisions of K.S.A. 77-415 *et seq.*, and amendments thereto, the director shall adopt appropriate rules and regulations for agencies in the executive branch of government and for criminal justice agencies other than those that are part of the judicial branch of government to implement the provisions of this act.

(b) The director shall develop procedures to permit and encourage the transfer of criminal history record information among and between courts and affected agencies in the executive branch, and especially between courts and the central repository.

(c) The rules and regulations adopted by the director shall include those: (1) Governing the collection, reporting, and dissemination of criminal history record information by criminal justice agencies;

(2) necessary to insure the security of all criminal history record information reported, collected and disseminated by and through the criminal justice information system;

(3) necessary for the coordination of all criminal justice data and information processing activities as they relate to criminal history record information;

(4) governing the dissemination of criminal history record information;

(5) governing the procedures for inspection and challenging of criminal history record information;

(6) governing the auditing of criminal justice agencies to insure that criminal history record information is accurate and complete and that it is collected, reported, and disseminated in accordance with this act;

(7) governing the development and content of agreements between the central repository and criminal justice and noncriminal justice agencies;

(8) governing the exercise of the rights of inspection and challenge provided in this act.

(d) The rules and regulations adopted by the director shall not include any provision that allows the charging of a fee for information requests for the purpose of participating in a block parent program, including but not limited to, the McGruff house program. \_\_\_\_\_

(e) Rules and regulations adopted by the director may not be inconsistent with the provisions of this act.

**History:** L. 1978, ch. 118, § 4; L. 1979, ch. 102, § 1; L. 1993, ch. 208, § 1; April 22.

; or for providing information to the Department of Corrections.

## 22-4705

### Chapter 22.--CRIMINAL PROCEDURE KANSAS CODE OF CRIMINAL PROCEDURE Article 47.--CRIMINAL HISTORY RECORD INFORMATION

**22-4705. Reportable events; establishment of criminal justice information system central repository; reports; method of reporting.** (a) The following events are reportable events under this act:

- (1) Issuance of an arrest warrant;
- (2) an arrest;
- (3) release of a person after arrest without the filing of a charge;
- (4) dismissal or quashing of an indictment or criminal information;
- (5) an acquittal, conviction or other disposition at or following trial, including a finding of probation before judgment;
- (6) imposition of a sentence;
- (7) commitment to a correctional facility, whether state or locally operated;
- (8) release from detention or confinement;
- (9) an escape from confinement;
- (10) a pardon, reprieve, commutation of sentence or other change in a sentence, including a change ordered by a court;
- (11) judgment of an appellate court that modifies or reverses the lower court decision;
- (12) order of a court in a collateral proceeding that affects a person's conviction, sentence or confinement, including any expungement or annulment of arrests or convictions pursuant to state statute; and
- (13) any other event arising out of or occurring during the course of criminal justice proceedings declared to be reportable by rule or regulation of the director.

(b) There is hereby established a criminal justice information system central repository for the collection, storage, and dissemination of criminal history record information. The central repository shall be operated by the Kansas bureau of investigation under the administrative control of the director.

(c) Except as otherwise provided by this subsection, every criminal justice agency shall report criminal history record information, whether collected manually or by means of an automated system, to the central repository, in accordance with rules and regulations adopted pursuant to this act. A criminal justice agency shall report to the central repository those reportable events involving a violation of a county resolution or city ordinance only

when required by rules and regulations adopted by the director.

~~(d)~~ Reporting methods may include:

(1) Submittal of criminal history record information by a criminal justice agency directly to the central repository;

(2) if the information can readily be collected and reported through the court system, submittal to the central repository by the administrative office of the courts; or

(3) if the information can readily be collected and reported through criminal justice agencies that are part of a geographically based information system, submittal to the central repository by the agencies.

~~(e)~~ Nothing in this section shall prevent a criminal justice agency from maintaining more detailed information than is required to be reported to the central repository. However, the dissemination of that criminal history record information is governed by the provisions of this act.

~~(f)~~ The director may determine, by rule and regulation, the reportable events to be reported by each criminal justice agency, in order to avoid duplication in reporting.

**History:** L. 1978, ch. 118, § 5; L. 1982, ch. 151, § 1; July 1.

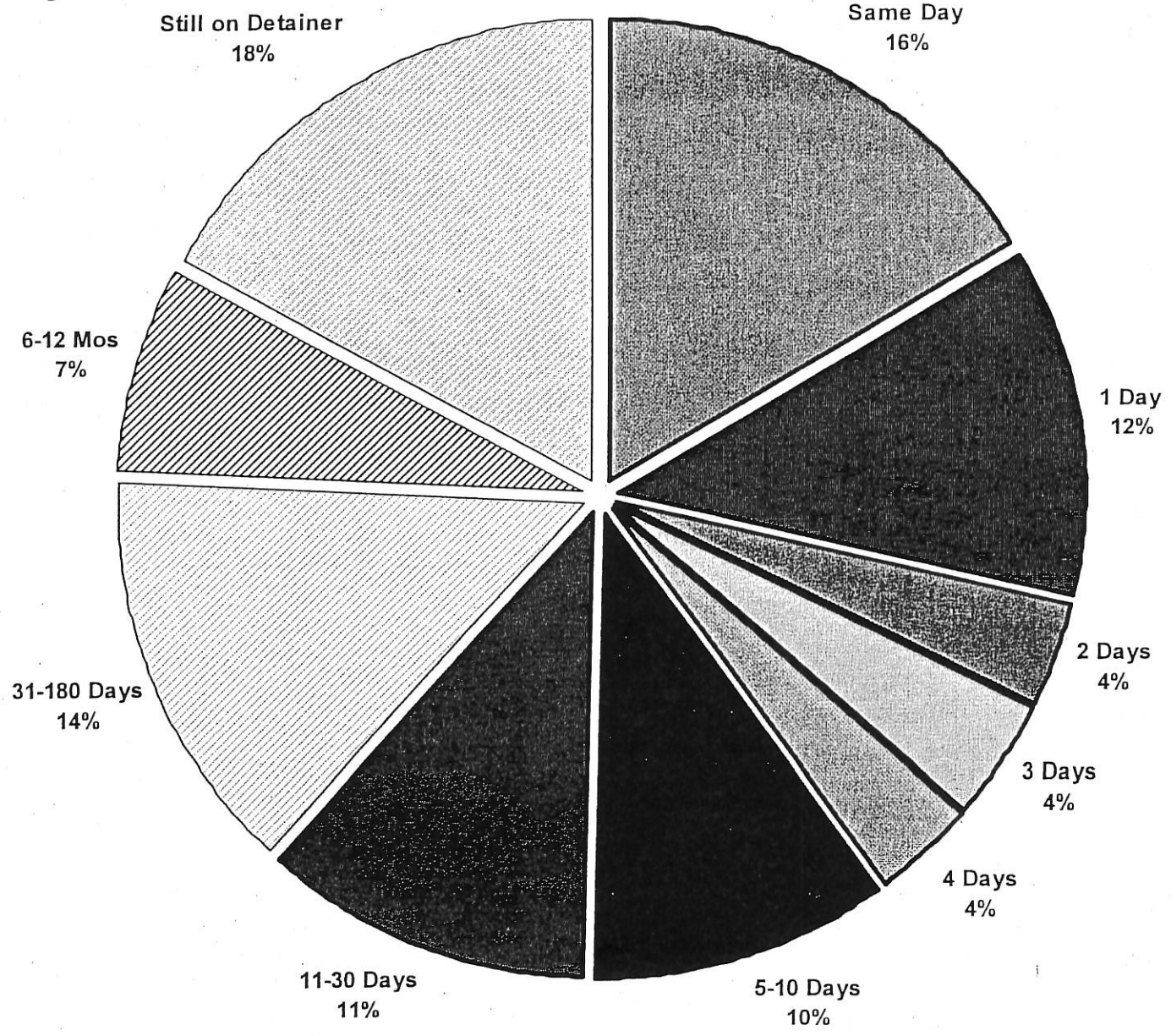
(d) The central repository shall identify those persons committed to a correctional facility and report the issuance of an arrest warrant or the imposition of a sentence for such persons to the Kansas Department of Corrections within 7 days of the repository receiving those reportable events.

(e)

(f)

(g)

# Number of Days Before Detainers Resolved (n=760)







## Kansas Bureau of Investigation

Larry Welch  
*Director*

Phill Kline  
*Attorney General*

**Testimony in Support of HB 2051**  
Before the House Corrections and Juvenile Justice Committee  
Kyle G. Smith  
Kansas Bureau of Investigation  
February 10, 2005

Chairman Loyd and Members of the Committee,

I appear today on behalf of the Kansas Bureau of Investigation in support of the concept that is driving HB 2051 and the proposed amendments. The problem identified this summer is real and a waste of the very limited resources available to parolees.

As I understand it, there are outstanding arrest warrants for inmates in the custody of the department of corrections that are not being entered into any databases available to DOC. So when a parole plan, including housing and treatment, is set up for a parolee, the planning and allotment of resources goes for naught when the parolee is suddenly arrested on these previously unknown charges.

Unfortunately the solution isn't as clear. I've met with the Secretary and his staff and understand that they are proposing that there be a regular crosscheck between their list of inmates, or at least those approaching the end of their sentences, against the outstanding warrants that are supposed to be submitted to the KBI under the criminal history information act. The problem is that some agencies do not give us their warrants. There may be reasons for that on the local level. Notwithstanding what the statute says, there are liability concerns as there have been several expensive cases where a person has been incorrectly identified as having being the person wanted and an agency may not want to take that risk. And law enforcement agencies all have resource issues and if they think that it is 'just a misdemeanor' on a local offender, they'll not 'waste' the time entering the warrant in NCIC or the misdemeanor hot file. And I do know that occasionally felony warrants are intentionally not entered NCIC as you have to agree to extradite and all the prosecutor wants to do is to keep the suspect out of state.

The bottom line is that every warrant that the KBI currently receives, felony or misdemeanor, is currently available to the department of corrections electronically over the KCJIS network. What is needed is either training or some incentive to get local agencies to enter all their warrants into either NCIC or the misdemeanor hot file or notify the department of corrections directly. If I had a solution for the committee I'd certainly propose it, but we've not found the right carrot of stick yet.

# KANSAS

KANSAS DEPARTMENT OF CORRECTIONS  
ROGER WERHOLTZ, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

Testimony on HB 2206  
to  
The House Committee on Corrections and Juvenile Justice

By Roger Werholtz  
Secretary  
Kansas Department of Corrections

February 10, 2005

HB 2206 amends K.S.A. 75-5257 so that the disposition of unclaimed property of an inmate pursuant to that statute would be consistent with the provisions of K.S.A. 75-52,135 and in conformity with the Disposition of Unclaimed Property Act. Currently, K.S.A. 75-5257 provides that money and property of persons who die in custody, if unclaimed within a year, shall be applied to the department's revolving fund. In contrast, K.S.A. 75-52,135 provides that such property, if unclaimed within 90 days, is to be reported to the State Treasurer and disposed of in accordance with the Disposition of Unclaimed Property Act. The department follows the provisions of K.S.A. 75-52,135 in regard to the disposition of unclaimed property.

The amendment of K.S.A. 75-5257 by HB 2206 would not affect the provisions of that law governing the department's obligations relative to the control and preservation of inmate money and property while the inmate is in custody. The Department urges favorable consideration of HB 2206.

*To Chairman Loyd and Committee members;*

*My name is James Martinez. House Bill #2076 is named The Miki Bill after my daughter, whom was taken away from us by the evils of this world.*

*I support The Miki Bill because I believe if given the oppurtunity, it will save lives. I'm not saying it will save every life, but if it saves one life it's worth the time and effort. The goal of any law is protection, and this law gives us the right to know whom our neighbors are, and protect us, and that we might be able to stop a crime before it happens.*

*I ask that you give it a chance to prove that it will work. By notifying the public of thos kinds of criminals we can help monitor them so that law enforcement won't have to stretch their resources. It may also detour some and change their ways, because they know we know who they are.*

*I want to thank you for taking the time to read my testimony and I hope that you believe as I do, and vote to pass the Miki Bill*

*May God Bless You*

*James Martinez*

(6)

Dear Chairman Lloyd and Members  
Testimony of Melissa R. Julian  
Bill # 2076

I knew Mikiala Martinez since 1995, and she was a wonderful friend to me for all the 9 years we were together. Miki was the type of person who would drop everything she was doing just to help someone else. She was funny, respectful, and not a day goes by when I don't think of the laughter in her voice and the sparkles in her eyes. But Miki is not the only reason we are here today. The question we must ask ourselves today is whether we are willing to let the horrible atrocities that happened to Miki happen to more of our children, parents, loved ones, and friends. For me, that is a risk no person, anywhere, should be willing to take.

There are thousands of men and women who, at this very moment, are sitting in jail serving sentences for the second, third, fourth, fifth, or even sixth time. These people are repeat offenders those who do not learn from previous mistakes, but rather travel on a vicious cycle hurting everyone around them. We, as law-abiding citizens, have the right to know if these people are walking around in our neighborhoods. We have the right to know if they are our neighbors, customers, or our delivery person. Once again, it is not worth the risk to not take this small step in the safety and comfort in our lives.

Some may argue that this bill deprives former convicts of their privacy and/or freedoms. This, however, is simply not true. The fact is these people will have exactly the same rights and freedoms they had before. Nothing will be taken away from them. Their privacy, as well, will not be challenged. Nobody is asking them to air their entire lives on national television. We are simply asking to maintain our own comfort and peace of mind.



In a time where we are faced with war and terrorism in our everyday lives, why would we not take every possible precaution to keep our lives as safe as possible? The Miki Bill is a small, nearly effortless step to ensure the integrity of Kansas. Miki's fate was a tragedy for everyone involved, but we have a chance today to take that tragedy and not only learn from it, but turn it into a positive, life saving message.

Melissa Julian

February 9, 2005

Dear committee chairman Lloyd and committee members,  
My name is Stephanie Helms. I live in Ellinwood Kansas. Below is a letter I wrote to the Great Bend Tribune in support of House Bill number 2076.

I've been reading the various opinions about the Miki Bill. First of all, I can't imagine the strength it takes to get up every day and take action for something you believe in after losing a child. I can't fathom the fortitude it requires to hear negative comments about the child you just lost while you continue to press on for what you think is just. It really made me stop and think. If this guy has the energy and drive to introduce this bill after what he's been through, I think I have the energy and drive to at least consider it. Is it an easy choice? No. But I tend to go with my gut.

Call me insensitive, but I don't lose much sleep at night worrying about the rights of violent offenders. I do, however, worry about the ramifications of their actions. I worry about the impact they could have on my children, my friends, and my loved ones. What about the rights of the victims? What about the rights of a community? What about the rights of citizens to live free from fear? These are the rights I am concerned about. Does a violent offender have the right to be anonymous at the expense of everyone else's safety? I've heard people dismiss the Miki Bill. They say this type of legislation would not have prevented her death. They say the bill will not make a difference. How can they be so sure? If there is the slightest possibility that this bill could prevent another tragedy, isn't it worth considering? An attitude of indifference hurts us all. We can activate change. The Miki Bill warrants consideration. I support it. I think of my daughter. I think of my son.

Finally, I would like to commend Mr. Martinez for his grace, dignity, and perseverance under the worst possible circumstances. We all talk about what we believe in but we don't always put actions behind our talk. When times get rough we like to point fingers and assign blame. It's human nature. I think it's noble to rise above these tendencies and actually try to make the situation better. Putting blame and anger and hatred aside in order to find a solution to a problem is not an easy task. It is the difficult path. We live in an "easy is better" world. We want everything to be effortless. We want everything to be simple. It takes tremendous courage to travel down the difficult path. Mr. Martinez, I applaud you.

Stephanie Helms  
Ellinwood

  
Stephanie Helms



## Kansas Bureau of Investigation

Larry Welch  
*Director*

**Testimony on HB 2076**  
Before the House Corrections and Juvenile Justice Committee  
Kyle G. Smith  
Kansas Bureau of Investigation  
February 10, 2005

Phill Kline  
*Attorney General*

Chairman Loyd, and Members of the Committee,

I am here today on behalf of the KBI and in support of the Martinez family and HB 2076. Violent crime takes a terrible toll on society at large but most painfully on families and friends who are left to deal with the sudden loss. Mr. Martinez would like the pain and agony that they have gone through to never happen to another family. To make some efforts toward that difficult goal, they have proposed Miki's law to require the registering of all persons convicted of a felony involving a deadly weapon. Currently, the registered offender act covers sex offenses, murder and kidnapping.

HB 2076 basically copies the current Kansas Registered Offender Act and is in some ways redundant to that system. If the committee does decide to go forward with this legislation we would suggest that the covered crimes be incorporated into the existing system rather than create a redundant program. And, of course, the KBI would have these additional duties and there would be a fiscal note. The KBI has never received any general funds for operating the offender registration program and is having difficulty keeping up with current caseload. An expansion as in HB 2076, or the bills to be heard next week, would have to be accompanied by appropriations for any such bill to actually be enforced.

Thank you for your time and consideration. I would be happy to respond to any questions.

House C & JJ  
2-10-05  
Attachment E