

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on January 18, 2006 in Room 313-S of the Capitol.

All members were present except:

Representative Michael Peterson - excused

Committee staff present:

Jerry Ann Donaldson, Kansas Legislative Research

Jill Wolters, Office of Revisor of Statutes

Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Representative David Huff

Representative Tim Owens

Representative Ward Loyd

Roger Werholtz, Secretary, Kansas Department of Corrections

Representative David Huff requested a bill be introduced which relates to loser pay but would exclude personal injury claims. Representative Kinzer made the motion to have the request introduced as a committee bill. Representative Loyd seconded the motion. The motion carried.

Chairman O'Neal opened the hearing on **HB 2562 - adoption; waiver of home study upon request of a relative of the child.**

Representative Tim Owens appeared as the sponsor of the proposed bill which would allow a family member to petition the court for a waiver for the home study, which can cost up to \$500. This waiver is currently available to grandparents who are seeking to adopt their grandchildren and he would simply like the same options available for any family members. (Attachment 1)

The hearing on **HB 2562** was closed.

Chairman O'Neal opened the hearing on **HB 2555 - criminal justice recodification, rehabilitation and restoration project committee.**

Representative Ward Loyd appeared before the committee in support of the proposed bill. He serves as the Chairperson for the 3Rs Committee. Legislation in 2004 created the Committee and directed them with three statutory charges: recodify the Kansas criminal code, identify ways to rehabilitate offenders, and identify ways to restore the offender into society as a productive member.

The 2004 legislation required that the Committee deliver their final report with recommendations to the 2006 Legislature, by January 9th. The Committee failed to deliver that report due several factors: a special session was called and the committee lost its summer meeting, which was to be its last; it shared staff with interim committees and due to the number of interims staff and legislative members were not available when meetings were to be held; they lost their project coordinator; the volume of information that needed to be collected was more than anyone imagined; and there was inadequate operational funds, but they are meeting on January 20th to review and give final approval of the 2006 Report to the Legislature.

The Recodification Subcommittee notified the 3Rs Committee that their work would not be done by the January 20th date due to its financial limitations and volume of recodification work to be looked at. Therefore, the proposed bill was requested to give the 3Rs Committee another year to complete its charge. (Attachment 2)

Roger Werholtz, Secretary, Kansas Department of Corrections, supported the continuation of the 3Rs Committee. Due to the 3Rs Committee Kansas has emerged as a leader in providing solutions to address problems to successful reintegration of offenders. (Attachment 3)

The hearing on **HB 2555** was closed.

The committee meeting adjourned at 4:15 p.m. The next meeting was scheduled for 3:30 p.m. on Thursday, January 19, 2006 in room 313-S.

STATE OF KANSAS
HOUSE OF REPRESENTATIVES

THOMAS C. (TIM) OWENS
REPRESENTATIVE, 19TH DISTRICT
7804 W. 100TH Street
Overland Park, Kansas 66212
(913) 381-8711



COMMITTEE ASSIGNMENTS
Vice-Chair: Corrections & Juvenile Justice
Taxation
Judiciary

STATE CAPITOL, ROOM 446-N
Topeka, Kansas 66612-1504
(785) 296-7685

January 18, 2006

CHAIRMAN O'NEAL, MEMBERS OF THE JUDICIARY COMMITTEE,

THANK YOU FOR THE OPPORTUNITY TO PRESENT HOUSE BILL 2562 FOR YOUR CONSIDERATION. THIS BILL CONCERNS HOME STUDIES FOR ADOPTIONS UNDER KSA 59-2132 AND SPECIFICALLY THAT PORTION OF THE STATUTE FOUND IN SECTION (h).

VERY SIMPLY, THE ISSUE ADDRESSED HAS TO DO WITH ADOPTIONS THAT ARE PETITIONED FOR BY FAMILY MEMBERS BEYOND THE CURRENT STATUTORY ALLOWANCES FOR GRANDPARENTS. AS THE STATUTE NOW STANDS, THE COURT MAY ONLY GRANT A WAIVER OF A HOME STUDY FOR GRANDPARENTS WHO PETITION THE COURT TO ADOPT A GRANDCHILD. ANYONE ELSE MUST HAVE A HOME STUDY DONE TO PRESENT TO THE COURT FOR CONSIDERATION BEFORE AN ADOPTION WOULD BE GRANTED. WITH THE PRIORITIZATION SCHEDULE FOLLOWED BY THE KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES (SRS), FAMILY PLACEMENTS ARE SOUGHT WHENEVER POSSIBLE AND WHENEVER THERE IS A FAMILY MEMBER AVAILABLE TO ASSUME THOSE RESPONSIBILITIES. OFTENTIMES, A CHILD MAY IN FACT ALREADY BE RESIDING WITH THE PETITIONING FAMILY MEMBER.

THIS BILL WOULD ALLOW THE FAMILY MEMBER TO PETITION THE COURT FOR A WAIVER OF THE HOME STUDY, WHICH OFTEN COSTS UPWARDS OF \$500 TO HAVE COMPLETED. THIS WOULD BE THE SAME PROCEDURE AND PRIVILEGE CURRENTLY ALLOWED BY STATUTE FOR GRANDPARENTS WHO ARE SEEKING TO ADOPT THEIR GRANDCHILDREN. THE COURT RETAINS THE DISCRETION TO ORDER A HOME STUDY IN ANY INSTANCE UPON A SHOWING OF SOME NEED. BUT IT GIVES THE BROADER FAMILY AND THE COURT MORE FLEXIBILITY TO NOT REQUIRE A HOME STUDY WHEN IT IS OBVIOUS THAT ONE IS NOT NEEDED. THIS IS A FAMILY FRIENDLY BILL, AND I WOULD GREATLY APPRECIATE THE SUPPORT OF THE COMMITTEE.

Respectfully submitted,

A handwritten signature in cursive script that reads "Thomas C. Owens".

REPRESENTATIVE TIM OWEN House Judiciary
19TH DISTRICT

Date 1-18-06
Attachment # 1



**KANSAS CRIMINAL JUSTICE
RECODIFICATION, REHABILITATION & RESTORATION
PROJECT COMMITTEE**

**300 SW 10TH STREET, ROOM 545-N
TOPEKA, KS 66612**

Chair

REP. WARD LOYD
Garden City

Vice-Chair

KEVIN GRAHAM
Topeka

Acting Project Coordinator

ATHENA ANDAYA
Topeka

Members

JOHN BADGER
Topeka

EDWARD G. COLLISTER
Lawrence

MARILYN COOK
Wichita

NOLA T. FOULSTON
Wichita

SEN. DAVID HALEY
Kansas City

L. CHRISTIAN HAUCK
Hays
Chair, Reentry Subcommittee

ACTING COMM. DON JORDAN
Topeka

REP. LANCE Y. KINZER
Olathe

CHIEF ED KLUMPP
Topeka

HON. CHRISTEL MARQUARDT
Topeka

PROF. WILLIAM RICH
Topeka
Chair, Behavioral Health Sub

SEN. DEREK SCHMIDT
Independence

HON. RICHARD M. SMITH
Mound City

PROF. TOM STACY
Lawrence
Chair, Recodification Sub

REP. JIM WARD
Wichita

SEC. ROGER K. WERHOLTZ
Topeka

Reporter - Recodification

Hon. David S. Knudson

Committee Secretary

Connie Burns

TO: THE HONORABLE MIKE O'NEAL, CHAIRMAN
& MEMBERS, HOUSE JUDICIARY COMMITTEE

FROM: WARD LOYD

RE: TESTIMONY IN SUPPORT OF HOUSE BILL 2555

DATE: JANUARY 18, 2006

Chairman O'Neal and Committee Members,

Thank you for the opportunity to provide testimony in support of House Bill 2555, extending by one year the sunset of what we commonly refer to as the "3Rs Committee." [The legislative change in HB 2555 is found on page 4, at the end of line 33.]

The 3Rs Committee exists by virtue of the enactment of 2004 H. Sub. for S.B. 45, most of which is now embodied in law at Kansas Statutes Annotated 2004 Supp. 22-5101, which became effective July 1, 2004. Attached to this testimony are copies of the statute detailing the project's responsibilities, as well as legislative findings identifying its compelling need. This information will be of interest to those new to the Legislature. It is hard to believe it has been only 17 months since the organizational meeting of the committee.

3Rs has as its statutory charge the responsibility to

- (1) recodify the Kansas criminal code,
- (2) identify ways to rehabilitate offenders and work with offenders on community-based supervision, including programs to reduce prison population and recidivism, programs which modify criminogenic behavior, enhance education, and provide job training and substance abuse treatment, programs for mental health, drug abuse and alcohol abuse, and to provide for collaboration and cooperation among governmental agencies and services to such end,
- (3) identify ways to restore the offender into society as a productive member.

3Rs is not one committee, rather it is five. The project committee is required to be composed of a cross-section of governmental branches, agencies and communities of interest, as specified in the law. The membership is as represented on this letterhead.

Beyond that, having recognized needed areas of attention, the 3Rs Committee has taken advantage of the authority granted in SB 45 that allows the appointment of subcommittees and task forces. Three subcommittees and one task force have been authorized: 1) a Recodification Subcommittee, 2) Behavioral Health Subcommittee (addressing both mental illness and substance abuse), 3) Reentry Subcommittee, and 4) a task force denominated the Kansas Reentry Policy Council.

House Judiciary

Date 1-18-06
Attachment # 2

One aspect of the work of the 3Rs Committee of which we are justly proud is the association and collaboration that has developed with The Council of State Governments Criminal Justice Division, located in New York City. This CSG office has been the coordinating office for such landmark studies and reports as The Consensus Project, targeting the issue of mental illness in the offender population, and The Reentry Project, targeting the topic of its title. To date, CSG has provided the 3Rs Committee, and other state agencies, with invaluable technical assistance. This assistance has Kansas already on the reentry road.

The most visible product to date of the 3Rs work and our collaborations with CSG was the April 18, 2005, Kansas Legislative Policy Conference on Offender Reentry, in Wichita, jointly provided with Wichita State University and CSG. At that conference the results of the initial CSG technical assistance was presented, in the form of the community mapping, and the recommendations for community-based intermediate sanction initiatives. As a result, the community-based recommendations are in the process of being implemented in the Wichita-Sedgwick County reentry program.

Because of the foregoing, the Kansas Reentry Policy Council was created. Its charge and authority have been detailed in the form of a resolution adopted by the 3Rs Committee, and a copy of the resolution is presented for your consideration. An inter-agency agreement has as well been entered into by and among the 3Rs Committee, the Department of Corrections, Department of Social and Rehabilitation Services, Kansas Housing Resources Corporation, Department of Commerce, Department of Health and Environment, and the Kansas Parole Board. It takes, at the least, all of these agencies to insure reentry is done right.

H. Sub for S.B. 45 currently requires that the charge to the 3Rs Committee be completed, and a final report with recommendations be submitted to the 2006 Legislature, by January 9, 2006. We could not meet that deadline, but not because our committee members would not prefer it to be so. There are several fundamental reasons, all of which are about adequacies of time and resources. The reasons are basis for H.B. 2555¹.

First – the unanticipated 2005 Special Session. Given the committee structure, and how we anticipated we would function, we effectively lost the whole of the past Summer during which to meet and bring issues into focus. By October 3Rs was where it had hoped to be last June.

Second – our committee staffing. SB 45 authorized 3Rs to hire staff, but it also authorized members of the Legislative Research and Revisors Office to provide assistance. Athena Andaya is the lead staff member from KLRD, and is joined by Jerry Ann Donaldson and Becky Krahl. From the Revisors Office we are assisted by Jill Wolters, Helen Pedigo, and Diana Lee. In addition, Jeremy Barclay, special assistant to Department of Corrections Roger Werholtz, has assisted greatly. The 3Rs Committee was fortunate to secure the services of

¹An Interim Report dated April 1, 2005, was filed with the Secretary of the Senate, and the Clerk of the House, as well as with both the Legislative Research Department and the Revisor of Statutes, and are there available for review.

Cheryl Kingfisher as Project Coordinator, but sadly for 3Rs, this past August Cheryl accepted a position as a municipal judge for the City of Topeka. 3Rs has had no full-time assistance since that event.

Third – scheduling conflicts. For reasons presently unknown to me, the 3Rs Committee was said not to be a legislative committee, and as such its meeting schedule was not noted or published by Legislative Services or KLRD. The result has been that meetings of other committees have been scheduled on top of meetings of the 3Rs Committee, and not only have committee members not been able to attend our meetings, but staff we depend upon have been unavailable. That has caused much in the way of coordination of the 3Rs effort to be lost.

Fourth – the sheer volume of information that needed to be gathered, but frankly which we discovered now exists, was identified, and is being appropriately and carefully analyzed and fitted to Kansas' needs.

Finally – adequacy of operational funding. In my testimony before the Legislature in support of what was then House Bill 2941, I advised that

We estimate the cost of the 18 to 24-month project to be \$250,000 on the low side, up to a maximum amount of \$500,000 on the high side. We intend to seek funding for this effort on the Federal level, and will carry the request to members of our Congressional delegation.

Because the measure came up late in the session, and because of the condition of the state's fiscal resources at the time, we deliberately chose not to request any state general funding, at least beyond the costs associated with the LCC authorizing Kansas Legislative Research Department and Revisor of Statutes staff to be assigned to work with our committee.

Frankly, in becoming acquainted with representatives of the CSG office, who in turn were working closely with members of the Kansas Congressional Delegation to secure the passage of and funding for what is referred to as the Second Change Act, we felt relatively confident that the resources for our committee's work would be available. That was naive, apparently; as the Second Change Act is yet to be passed, much less funded, and 2005 fiscal demands on the Federal government did not allow such an initiative. The measure is now moving forward in Congress, and we continue to work to keep Kansas on the leading edge.

This past Fall we concluded the 3Rs work currently underway could likely be completed with an additional \$125,000 - \$150,000, not considering either the hiring of a Project Coordinator or the value of technical assistance provided by CSG. To complete the work the 3Rs Committee has expressed an interest in doing to date, such as statewide mapping by The Justice Mapping Center at Columbia University, and recommendations regarding social marketing, such as from Dr. Dennis Embry and the PAXIS Institute, might more realistically require \$275,000. At that, that represents a final cost well within the range of our original estimate. But, that is a subject for a separate presentation.

It is anticipated the 3Rs Committee will have recommendations for the Legislature this session, albeit limited in scope, and we look forward to presenting and advocating for those recommendations. The 3Rs Committee will be meeting this coming Friday, January 20th, to review and give final approval of the 2006 Report to the Kansas Legislature. We look forward to your interest in our report, and our work to date.

Our committee, and the Recodification Subcommittee in particular, has been fortunate to secure the services of Judge David S. Knudson as Recorder. Judge Knudson served many years as a District Judge in Saline County, and recently retired as a Judge of the Kansas Court of Appeals. He brings much experience and credibility to our work.

Even with the assistance of Judge Knudson, the financial limitations constricted the volume of recodification work that could be accomplished. It was the Recodification Subcommittee that first recognized the 3Rs Committee could not be finished with its work by this date. Nonetheless, the subcommittee believes in the important task it has been assigned, and is anxious to get on with its work, as exemplified in its subcommittee report, which is the final attachment to this testimony.

However, if we are to take seriously the legislative intent and directives expressed in the passage of SB 45, our committee members want to make certain that the job is done right, and that you do not receive half measure of our efforts.

Consider the following which the 3Rs Committee has identified as issues on which it may be appropriate to make policy recommendations, if not legislative recommendations, but as to which it needs additional information:

- ▶ Victims – ensuring support for; permitting participation in release planning,
- ▶ Offender Evaluation and Risk Assessment,
- ▶ Classification of Inmates,
- ▶ Information Database – access to and sharing of data,
- ▶ Jails – standards, capacity, training (i.e., mental illness, infectious disease),
- ▶ Mapping,
- ▶ Sex Offender – assessment, treatment, management,
- ▶ Kansas Criminal Justice System Resource Directory – compile & maintain,
- ▶ Services and Treatment – education (minimum standards re attainment), job training, cognitive therapy, employment; cost and cost benefit,
- ▶ Educational Attainment and Skills/Interest assessment of all offenders to identify needs,

- ▶ Work release centers – community corrections centers, intermediate sanction facilities, accredited halfway houses, transitional living centers,
- ▶ Problem Solving (Therapeutic Jurisprudence) Courts, such as mental health courts, drug courts, and teen courts,
- ▶ Intermediate and/or Graduated Sanctions – residential treatment, community service, electronic monitors, curfew, counseling, increased drug testing, formal reprimand, etc.
- ▶ Intermediate Sanction Centers – use of (see prior information re work release centers),
- ▶ Sentencing Strategies – community sentencing options, length of stay,
- ▶ Supervision of Offenders – intensive, coordinated and/or specialized,
- ▶ Family Unification – breaking the cycle of crime,
- ▶ Program Performance Accountability Systems – evaluation protocols as a program is designed and implemented that identify what data are to be collected, and what program and comparison groups need to be tracked.

To do the 3Rs job right we need adequate time for thorough deliberation and thought and for formulation of recommendations supported by documented need and cost analysis. We need an opportunity to take the issues to the public, to be vetted as required by SB 45.

The 3Rs Committee recognizes that smart correctional reforms are those that can reduce incarceration without jeopardizing public safety. Those that more effectively manage the risk posed by certain offenders, provided that risk is properly assessed and evaluated. Those that better deploy resources. And, those that provide systems to measure accountability for results. We are working hard to understand how all this might best be accomplished, in the best interests of public safety, and how to formulate appropriate recommendations.

The Kansas Criminal Justice 3Rs Committee asks your favorable consideration of House Bill 2555.

THE ENABLING LEGISLATION

22-5101. Criminal justice recodification, rehabilitation and restoration project; governance committee; duties; reports. (a) There is hereby created the Kansas criminal justice recodification, rehabilitation and restoration project.

(b) The project shall:

(1) Re-codify the Kansas criminal code by:

(A) Analyzing and reviewing all criminal statutes and criminal procedure, making recommendations for legislation that would ensure that the sentences are appropriate and proportionate to other sentences imposed for criminal offenses, with particular emphasis on the sentencing guidelines grid for drug crimes.

(B) Studying and making recommendations concerning the statutory definitions of crimes and criminal penalties and evaluate whether certain criminal conduct may be combined into one criminal statute, thus alleviating any potential problems of having two statutes prohibiting the same criminal conduct.

(C) Reviewing and making recommendations concerning proposed criminal law modifications and amendments.

(D) Reviewing and determining the severity of the Kansas sentencing policies in relation to other states and review possible adjustments which may relieve or eliminate prison capacity issues in Kansas.

(E) Reviewing the enactment of K.S.A. 2004 Supp. 21-4729, and amendments thereto, the nonprison sanction of certified drug abuse treatment programs for certain offenders, and review and recommend how best to enhance the sentence for an offender who is not subject to treatment.

(2) Identify ways to rehabilitate offenders and to work with offenders on community-based supervision by:

(A) For all offenders:

(i) Establishing an assessment and classification system whereby offenders are classified into those who can correct their criminal behavior and have a successful reentry upon release and those who are offenders who continue to be a threat to society and need to be incarcerated or incarcerated for longer periods of time.

(ii) Studying and reviewing programs which hold offenders responsible and accountable for such offender's actions and reduces recidivism.

(B) For reentry:

(i) Reviewing all correctional programs and study ways to more effectively utilize

the monies being spent on such programs to reduce prison population and recidivism, particularly programs which target nonviolent offenders to earn early release by participating in rehabilitative programs while incarcerated then completing the transition by reintegration into the community and obtaining gainful employment and housing. Such rehabilitative programs may include programs which modify criminogenic behavior, enhance education, and provide job training and substance abuse treatment.

(ii) Reviewing and recommending treatment programs for mental health, drug abuse and alcohol abuse, and to provide any necessary and appropriate collaboration and cooperation among governmental agencies and services to such end.

(C) Reviewing all current research concerning criminal behavior, focusing on rehabilitating criminals in prison and upon reentry into the community and recommend a course of action.

(D) Reviewing and recommending reentry initiatives, for continuity between institutional programs and activities, offenders' reentry plans, and the supervision and services offenders receive once released, and necessary collaboration among corrections, law enforcement, and community service agencies for appropriate offender monitoring to assist in meeting the needs of the offender and the offender's family and ensure that safe communities are maintained.

(E) Make recommendations concerning reentry initiatives for serious, violent offenders based on current research and collaborative opportunities identified.

(F) Consider and harness the resources and experience of faith-based, volunteer, advocacy and community organizations to help returning offenders contribute to society.

(3) Identify ways to restore the offender into society as a productive member:

(A) Reviewing transitional programs such as mentoring, available treatment, supervised and transitional housing, basic job training and placement, and correctional industry and work release programs which assist offenders to reintegrate into the community.

(B) Establishing community networks which would support and assist the offender upon release. Such support may include assisting the offender to learn about parenting and the role of the family, and to have a productive relationship with such offender's family, including being a positive and responsible parent and spouse, providing mentoring for children of prisoners, and plans for the whole family.

(C) Recommending release planning processes that ensure each offender has an individual goal-driven release plan that targets such offender's risks and needs, and which assures the safety of our Kansas communities.

(c) The project shall be governed by a committee made up of the following members:

(1) One legislator shall be appointed by the president of the senate;

(2) one legislator shall be appointed by the minority leader of the senate;

(3) one legislator shall be appointed by the speaker of the house of representatives;

- (4) one legislator shall be appointed by the minority leader of the house of representatives;
 - (5) one member of the judicial branch appointed by the chief justice of the supreme court;
 - (6) one member of the law enforcement community appointed by the attorney general;
 - (7) one defense attorney or public defender appointed by the governor;
 - (8) one county attorney or district attorney appointed by the Kansas county and district attorney association;
 - (9) a professor of law from the university of Kansas school of law and a professor from Washburn university school of law appointed by the deans of such schools;
 - (10) a drug and alcohol addiction treatment provider appointed by the governor;
 - (11) one district court judge appointed by the Kansas district judges association;
 - (12) one member representative of the faith-based community appointed by the governor;
 - (13) one member representative of the criminal justice field appointed by the secretary of corrections; and
 - (14) the attorney general, the secretary of corrections, the secretary of social and rehabilitation services and the commissioner of juvenile justice, or such persons' designees, shall serve as ex officio, nonvoting members of the committee.
- (d) The members of the committee shall elect officers from among its members necessary to discharge its duties. The committee shall receive testimony from interested parties at public hearings to be conducted in the various geographic areas of the state.
- (e) Each member of the committee shall receive compensation, subsistence allowances, mileage and other expenses as provided for in K.S.A. 75-3223, and amendments thereto, except that the public members of the committee shall receive compensation in the amount provided for legislators pursuant to K.S.A. 75-3212, and amendments thereto, for each day or part thereof actually spent on committee activities. No per diem compensation shall be paid under this subsection to salaried state, county or city officers or employees, except that the legislative members shall receive compensation as provided in K.S.A. 75-3212, and amendments thereto.
- (f) The committee shall have the authority to:
- (1) Organize and appoint such task forces or subcommittees as may be deemed necessary to discharge such committee's duties;
 - (2) accept grants, gifts and other appropriation of funds;
 - (3) hire and employ staff persons; and

(4) contract for the services of organizations and agencies in any evaluation or report necessary for the discharge of the committee's duties.

(g) The committee shall work with the Kansas judicial council, the department of corrections, the department of social and rehabilitation services, the juvenile justice authority and the Kansas sentencing commission and review studies and findings of the Kansas sentencing commission concerning proportionality of sentencing.

(h) The committee shall prepare and submit its interim report to the legislature on or before February 1, 2005. A final report and recommendations shall be submitted to the legislature on or before January 9, 2006.

(i) The staff of the office of the revisor of statutes and legislative research department shall provide such assistance as may be requested by the committee and to the extent authorized by the legislative coordinating council.

(j) The provisions of this section shall expire on July 1, 2006.

History: L. 2004, ch. 92, § 1; Apr. 22.

LEGISLATIVE FINDINGS IN 2004 H. SUB. FOR S. B. 45

- ❖ Since the Kansas criminal code was codified in 1993 and through 2003, 50 new felonies have been enacted; 10 felony offenses have increased severity levels; 14 misdemeanor offenses were increased to felony offenses; four crimes were moved to nongrid status; four nonperson crimes were moved to person crime status; the present sentence for nondrug severity level 1 with criminal history A is 219% greater than it was 10 years ago (194 months to 620 months) and for criminal history I, it is 60% greater (97 months to 155 months); the present sentence for nondrug severity level 2 with criminal history A is 219% greater than it was 10 years ago (146 months to 467 months) and for criminal history I, it is 60% greater (73 months to 117 months); and countless new misdemeanors have been enacted and codified throughout the Kansas statutory code, increasing the margin for error in prosecutors appropriately identifying and charging for certain criminal acts.
- ❖ In recent years there have been numerous appellate court decisions, both federal and state, which have impacted determinant sentencing, most especially with regard to departures from the sentencing guidelines, and the enforceability and sentencing severity of enacted criminal legislation.
- ❖ Numerous societal changes have occurred as a result of advances in technology, the advent of terrorism and the need for homeland security, which must be appropriately addressed.
- ❖ The Legislature further finds and declares that a comprehensive review of these new and enhanced offenses should be conducted to determine if the sentences for these offenses are appropriate and proportionate to other sentences imposed under the code.
- ❖ Crime rates have been falling since 1994, with violent and property crime rates nationally being at their lowest level in 30 years. Recidivism as reported in the Corrections Yearbook is rising, and Bureau of Justice Statistics Special Report on Recidivism data indicates that within three years of release 67.5% of released prisoners were re-arrested, 46.9% were reconvicted for new crimes, 35.4% were re-sentenced for new crimes, and 51.8% returned to prison.
- ❖ The inmate population in Kansas grew at a rate of 45.7% over the past 10 years, now exceeds 9,100 people, and is currently projected to increase to a population of 10,131 in 2013, an additional 11% increase.
- ❖ Many of these increased admissions are nonviolent offenders and technical parole violators who have committed no crime or not been reconvicted but have violated a condition of their parole. In Kansas, 53.2% of re-admittees over a three-year period were in this category.

- ❖ There have been new and apparently effective reentry strategies for offenders developed that show much promise for improved public safety and successful reintegration of offenders into communities as productive citizens.
- ❖ The rate of mental illnesses in state prisons and local jails is three times the rate in the general population, constituting more than 21% of inmates, with approximately 75% of these individuals having a co-occurring substance abuse disorder.
- ❖ In most areas of Kansas, the mental health, substance abuse and criminal justice systems offer an uncoordinated system of care or no effective response for individuals with a serious mental illness or co-occurring substance abuse disorder.
- ❖ The use of newer psychotropic medications has resulted in improved response to treatment for individuals with a serious mental illness, and access to these new medications has resulted in restored health and enhanced public safety.
- ❖ Criminal justice, mental health and substance abuse systems that do not provide a coordinated response to individuals with serious mental illness often end up using expensive public safety and emergency services to respond to certain of those individuals.
- ❖ System integration between the mental health, substance abuse and criminal justice system at the county, regional and state levels can provide prompt, appropriate treatment and interventions to break the cycles of decompensation and incarceration to successfully reduce the number of individuals with serious mental illnesses entering into, residing in and reentering the criminal justice system.
- ❖ The system of criminal justice and incarceration in Kansas presently offers substantially diminished opportunities for inmate literacy or marketable skills, or other programs and services that could ameliorate factors which place inmates at higher risk of recidivism after release.
- ❖ The economic burden of recidivism is threefold, being the cost of unemployment in lost income taxes or contributions to the economy, the cost of the crime event itself compounded by police, prosecution and court expenses, and the cost of incarceration.
- ❖ 93% of prisoners in the prison systems of the states are men; 55% have minor children; the average age of these children is eight, and in all, approximately 2% of all children have a parent in prison; one in seven children in our nation, before reaching age 18, will have an incarcerated father; having a father in prison is a powerful predictor of antisocial behavior in general and of criminality in particular, making a child five to six times more likely to end up in prison.
- ❖ The state must learn to spend money more wisely, in order to bring crime down more effectively than to simply imprison, and thereby save moneys to spend on other priorities.

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement (Agreement) is entered into by and between the Chairman and Vice Chairman of the Criminal Justice 3Rs Committee (3Rs Committee), the Kansas Department of Corrections (KDOC), the Kansas Department of Social and Rehabilitation Services (SRS), the Kansas Housing Resources Corporation (KHRC), the Kansas Department of Commerce (Commerce), the Kansas Department of Health and Environment (KDHE) and the Kansas Parole Board (KPB), for the purpose of establishing an independent authority to serve as a task force, to be called the Kansas Reentry Policy Council (KRPC), to focus on reentry and justice reinvestment, to coordinate implementation of reentry recommendations of the 3Rs Committee, and otherwise carry out the functions set forth herein.

WHEREAS the Kansas legislature established a criminal justice recodification, rehabilitation and restoration project and committee, see K.S.A. 22-5101, which resulted in the formation of the 3Rs Committee;

WHEREAS the 3Rs Committee established a Reentry Subcommittee, and Behavioral Health Subcommittee, to address the various issues related to the return of offenders to Kansas communities upon completion of prison sentences, including the risks and needs presented by those offenders, and the impact of returning offenders on the communities, families and offenders;

WHEREAS K.S.A. 22-5101(f)(1) authorizes the 3Rs Committee to organize and appoint such task forces as necessary to carry out the Committee's duties;

WHEREAS a significant focus of the 3Rs Committee on the issue of reentry has been how to increase the likelihood that the return of offenders to the community from prison is safe and successful;

WHEREAS the 3Rs Committee has enjoyed a collaborative relationship with the Council of State Governments (CSG) which has provided significant technical assistance; this technical

assistance has included analyzing data regarding the Kansas prison, parole and probation population; and analyzing the policy impact of changes in state law that have improved practices concerning supervision of offenders and eased the state's prison population to ensure space is available for incarcerating violent offenders;

WHEREAS review of data regarding recidivism by offenders indicates that the majority of offenders who return to prison do so for violation of conditions of supervision (not new crimes), and generally serve only three months upon return to prison; and, without addressing the return of offenders for condition violations it will be difficult for policymakers to keep prison beds available for violent offenders without spending substantial new dollars building prison beds; whereas taking steps now to reduce recidivism and revocations will enhance the ability to preserve prison beds for violent offenders and ensure wise and responsible use of tax dollars;

WHEREAS the 3Rs Committee's Reentry Subcommittee will submit comprehensive recommendations to address offender reentry and recidivism by condition violators; and the successful implementation of these recommendations hinges on (1) intergovernmental collaboration, between branches of government, state and local government and the private sector; (2) new neighborhood-based strategies; and (3) performance measures that hold government and service providers accountable for improved outcomes;

WHEREAS while the 3Rs Committee has been engaged in carrying out its charge, the KDOC has been working to implement reentry strategies; with a federal grant through the Serious and Violent Offender Reentry Initiative (SVORI), KDOC established a reentry program in Shawnee County; through the use of combined state, federal and community dollars, some pilot programs have been established, such as Gracious Promise in Wyandotte County; these programs have provided valuable information on effective reentry practices, but are too small to address the needs of all returning offenders. Partially in response to those efforts, the 2005

Kansas Legislature considered and appropriated funding for two reentry programs in Sedgwick and Wyandotte Counties, subject to a local match and support;

WHEREAS because of the success of the 3Rs/CSG collaboration to date, CSG has extended an offer of continued technical assistance to Kansas related to reentry initiatives; the 3Rs and KDOC desire to maximize the use of this technical assistance and create an opportunity for development of practical, local, neighborhood based reentry initiatives, in addition to those currently being implemented by and through the KDOC;

WHEREAS the 3Rs Committee, whose mandate was to provide the Legislature with recommendations, is neither organized nor equipped to direct or manage the re-engineering of government necessary for implementing reentry recommendations; and the 3Rs Committee recognizes that this work must be accomplished without creating any new government;

WHEREAS the 3Rs Committee has recommended the creation of an intergovernmental task force to permit inter agency oversight, coordination of investment, implementation on a local level with a neighborhood focus, and accountability through monitoring and evaluation;

NOW THEREFORE THE PARTIES HERETO AGREE TO THE FOLLOWING:

1. The parties to this agreement hereby agree to form themselves as a task force to be called the Kansas Reentry Policy Council (KRPC).
2. The responsibilities of the KRPC will be to,
 - a. *Promote interagency collaboration*, by each of the entities represented in this agreement working together in close partnership, with each other, and with local government, to work to reduce current rates of recidivism, including by
 - i. Creating and maintaining forums for project oversight, information sharing, communication and problem-solving;
 - ii. Expanding opportunities for intersystem and interdisciplinary education and training;

- iii. Linking information systems so data for criminal justice, health, commerce, labor and social service populations can be effectively shared and analyzed, as appropriate;
 - iv. Assigning appropriate persons to be responsible for boundary spanning among organizations serving people during and following incarceration;
 - v. Preparing contracts or memoranda of understanding defining the terms of the partnership, including how shared resources will be managed and how accountability will span agencies involved in the initiative;
 - vi. Developing and managing a communicating strategy to educate the public about reentry issues and the shared responsibility multiple agencies are assuming to address the issue
- b. ***Invest in neighborhood based strategies***, to establish comprehensive systems to provide the treatment, employment, housing, and other needs to offenders after their release; working closely with community organizations, including faith, non-profit, service providers, businesses and neighborhood representatives; and by supporting the work of these entities as partners, including by
- i. Commissioning maps illustrating which Kansas neighborhoods are receiving disproportionately large numbers of people released from prison;
 - ii. Soliciting and reviewing proposals from community-based organizations based in these neighborhoods to provide substance abuse treatment, housing, job-training, family counseling, mentoring services and other needed services and support to offenders pre-and-post-release;
 - iii. Developing training and tools to assist these providers in addressing any shortcomings of their proposals, to educate them about working with the criminal justice system and with people who have criminal records, and to

increase their capacity to meet requirements associated with the expenditure of government funds;

- iv. Educating staff in the criminal justice system about adjustments they will need to make as functions historically performed by criminal justice agencies are delegated to community-based providers and organizations.

c. ***Provide accountability***, by establishing overarching policy goals and benchmarks spanning the various agencies involved, which are tracked and measured, to determine whether acceptable or sufficient progress is being made in implementing the recommendations of the 3R Committee and best practices related to reentry, including by,

- i. Developing policy goals and benchmarks common to each of the agencies represented on the task force;
- ii. Assessing progress periodically, determining when and why a particular goal may not be realized and recommending to policymakers corrective action;
- iii. Determining the extent to which changes in policy have generated savings to the state, and ensuring that some of those savings are reinvested in the neighborhood-based activities described at section b. above.

3. To carry out the responsibilities set out at paragraph 2 above, the parties to this agreement agree to:

- a. Work with CSG and KDOC to identify financing for and hire administrative staff for the KRPC;
- b. For each objective in this agreement, develop a work plan that describes the role of each agency to this agreement, identifying which particular recommendations of the 3R Committee Reentry Subcommittee will be the focus of the work, with a long-

range goal of and plan for replicating successful reentry efforts throughout Kansas in metropolitan and rural areas;

- c. Identify a group of community leaders and local officials to serve on a local advisory board, starting in Wichita/Sedgwick County; using the maps prepared through technical assistance from CSG, the local advisory board will retain a Project Developer to review potential sites for a neighborhood-based project, to recommend a site, and to prepare a plan, time line, budget and budget narrative for a neighborhood-based housing-focused justice reinvestment project; the local advisory board will assist the KRPC in identifying a local institution to serve as a fiduciary agent for the local reinvestment initiative; the initiative will be designed to increase the neighborhood's capacity to receive people released from prison, yet be small enough in scope to be manageable and keep expectations reasonable;
 - d. Formalize the commitment of the KRPC to reduce by at least 300 the number of people whose parole or probation is revoked in one county (Sedgwick); this will be done by gathering information (data and anecdotal) about the causes of revocation and demographics of the population being revoked; developing a specific plan to accomplish a reduction in revocations; and setting performance measures and mileposts for implementation of these strategies (which might include policy and practice changes, training, targeted resources such as substance abuse treatment, use of assessments for placement, etc.).
 - e. Establish a method for capturing savings to the state realized through reduced revocations and advocate for the reinvestment of some portion of these savings in neighborhood-based activities.
4. In order to carry out its goal of establishing performance measures and tracking outcomes, the KRPC will, upon obtaining the means to do so, contract with a neutral and

independent body and credible source of data analysis and information about the criminal justice system to gather existing data, establish additional data to be captured, do the necessary programming for data tracking, and capture, review and evaluate data against the performance measures established to determine progress of the work under this agreement. It is recommended by the 3R Committee that the data and evaluation contract be with the Kansas Sentencing Commission (KSC), and that the necessary additional staff and resources be made available to the KSC to do this work.

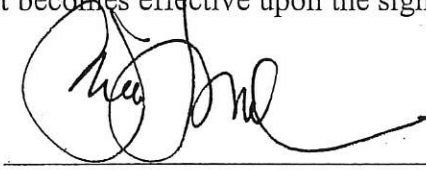
5. The KRPC will develop a budget which includes the cost of implementing the tasks identified in this agreement, and providing the necessary staff to carry out the functions of the KRPC. The KDOC will provide office space for KRPC staff, and the fiscal and administrative support necessary for these staff to carry out their duties. The other agencies to this agreement will make their staff available as necessary to support the work of the KRPC, in the form of an in-kind contribution, and will work closely with KRPC staff to carry out the tasks set out in this agreement.
6. The parties to this agreement all agree to work together to review policies, practices and procedures, laws and regulations, of or impacting each agency to identify those that need to be changed to facilitate and support effective reentry practices statewide; and to work together to implement the necessary strategies, and deploy the necessary resources, to implement effective reentry.
7. The KDOC will serve as the fiscal agent for the KRPC, tracking funds obtained for the work under this agreement separate from other KDOC funds.
8. The parties to this agreement expressly agree that the KRPC is authorized to control and direct the spending of funds received, whether through federal or state government, foundation or other private resources, or otherwise, which are secured by the KRPC, in

collaboration with the CSG, for the reentry and justice investment initiatives identified herein.

9. To the extent legislative action is taken to create and authorize a permanent statewide release and reentry authority, it is intended that the functions of the task force named the KRPC be assigned and transferred to any such entity in order that the projects and initiatives undertaken by the task force might be completed and sustained.
10. This agreement will be subject to review on an annual basis to determine if modifications are necessary, including modifications to the make up of the KRPC.
11. This agreement becomes effective upon the signing of it by all parties hereto, as indicated

below.
12.15.05

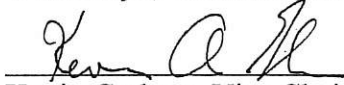
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Ward Loyd, Chairman, 3Rs Committee

12/15/2005

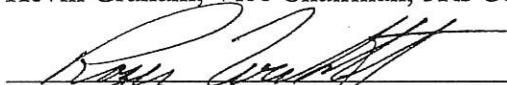
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Kevin Graham, Vice Chairman, 3Rs Committee

12/13/05

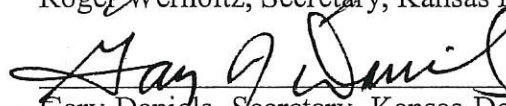
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Roger Werholtz, Secretary, Kansas Department of Corrections

12/19/05

Date



Gary Daniels, Secretary, Kansas Department of Social and Rehabilitation Services

12/29/05

Date



Steve Weatherford, President, Kansas Housing Resources Corporation

1/4/06

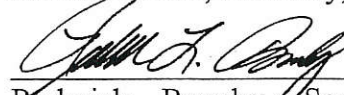
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Howard Fricke, Secretary, Kansas Department of Commerce

12.15.05

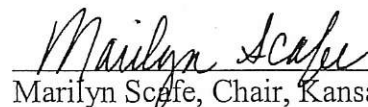
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Roderick Bremby, Secretary, Kansas Department of Health & Environment

12/14/05

Date



Marilyn Scafe, Chair, Kansas Parole Board

Kansas Criminal Justice
Recodification, Rehabilitation and Restoration
Project

RECODIFICATION SUBCOMMITTEE REPORT
December 15, 2005

Introduction

The Kansas legislature has commissioned the 3Rs committee to: (1) recodify the Kansas Criminal Code (2) identify practical and cost-effective methods for the rehabilitation of offenders and (3) identify offenders who must be incarcerated to protect the citizenry. (K.S.A. 22-5101). The re-codification subcommittee submits the following summary of its work and requests for additional time and adequate funding to meet the legislative mandate.

The Mandate

The Kansas Criminal Code was comprehensively codified in 1969. Since then, it has grown haphazardly without adequate attention regarding (1) organization (2) coherency of its parts and (3) proportionality of sentences. These problems have resulted in protracted criminal proceedings to ascertain legislative intent regarding definitions, overlapping offenses, and punishment. The legislature wisely concluded these and other shortcomings require re-codification to accomplish the following:

1. Clarify the definitions of culpability and the elements of criminal offenses;
2. Eliminate duplicative statutes prohibiting the same criminal conduct;
3. Simplify the code and make it more coherent; and
4. Provide for criminal sentences appropriate for each crime and proportionate to sentences for other crimes.

Implementation

The first task of the subcommittee was to extensively study the Kansas Criminal Code, the Model Penal Code, and the codes of other jurisdictions to identify issues and possible solutions. This painstaking task has required many hours of research followed by thoughtful and deliberative discussion within the subcommittee. The committee's work in progress has then been shared with other interest groups. Thereafter, further refinements have been made and will be made to re-codification drafts.

Major Shortcomings of the Existing Code

The subcommittee has identified numerous problems with the existing code that should be addressed through recodification. Those problems include:

1. Drug convictions account for approximately 25% of our prison population, but drug offenses are not in the criminal code. This is more a problem of substance than form. One only need to look at the definitions in K.S.A. 65-4101 to realize plain and simple terms understandable to prosecutors, defense attorney, judges, and jurors, have been abandoned in favor of terminology familiar only to pharmacists and chemists. There is no reason conduct considered criminal must comport with highly technical definitions understood by chemists and pharmacists. Moving the drug offenses to the criminal code and providing traditional and readily understandable definitions of criminal conduct would go a long way toward modernizing our drug laws;

2. The code lacks standardized, consistent, culpability concepts. This failure is confusing and often requires the courts to divine legislative intent. As examples, consider: K.S.A. 21-3436 ("intentional, malicious, and repeated"); 21-3608 ("intentionally and unreasonably"); 21-3608a (intentionally and recklessly"); 21-3737 ("willfully and maliciously"; 21-3761 ("maliciously or wantonly"); 21-3832(a) (knowingly and maliciously"); 21-3848 ("negligently failing"); 21-3902 ("maliciously cause harm"); 21-4005 ("maliciously circulating"); 21-4005 ("for the purpose of"); 21-4006 ("maliciously exposing"); 21-4102 ("for the purpose of"); 21-4219 ("malicious, intentional, and unauthorized"). Many of these terms lack meaningful definition and the specific crimes compound confusion by conjoining undefined terms. It is no wonder the courts are increasingly required to search for legislative intent and jurors are given incoherent definitions to consider in deliberations;

3. The code is poorly organized and incomplete. Forty-two years of ad hoc legislation has led to increasing problems in determining which statute or penalty is to be applied (general law versus specific law; two or more laws proscribing the same conduct or overlapping application). Once again, this has required the Kansas Supreme Court to search for legislative intent or order the imposition of the lesser of two potential penalties. This result is partly because of result oriented legislation over a long period of time that fails to consider the broad view and issues such as proportionality and coherence within the code. Similarly, words or phrases have been given judicial construction that may or may not be consistent with legislative intent. This problem could be rectified by appropriate legislative action rather than defaulting to the courts for a necessary solution;

4. Many offenses have been added to the code that criminalizes both a completed offense and an attempt to commit the offense despite the code's general attempts provision, K.S.A. 21-3301. See, for examples, K.S.A. 21-3428 (blackmail), 21-3815 (attempting to influence a judicial officer); and 21-4403 (deceptive commercial practices). Such redundancies, but with differing penalties, unduly complicate the code and invite judicial construction to determine legislative intent;

5. Over the past forty-two years, crimes have been added to the code that are separate offenses but clearly subsets of the general crime. Examples are fraud offenses (welfare fraud, workers compensation fraud, securities fraud); battery offenses (battery against a law enforcement officer, domestic battery, battery against firefighter, battery against a school official); and a multitude of endangerment laws. This has resulted in a patchwork of disparate sentencing provisions that challenges the goal of a crimes code to be coherent in the punishments provided for various offenses; and

6. Within the code are numerous outdated and unused criminal statutes that should be

considered for repeal.

The Work Accomplished

The subcommittee has met monthly since being formed. Our reporter is David S. Knudson, a retired judge of the Kansas Court of Appeals. Tom Stacy, a professor of law at the University of Kansas School of Law, chairs the subcommittee. For a list of the distinguished members of the subcommittee, please see the Appendix attached to this report. These individuals have devoted countless hours of time to this project. In addition, the subcommittee has had the unfailing support of staff members from the offices of the Revisor and Legislative Research. Finally, through the efforts of Professor Stacy and the University School of Law, the subcommittee has had the invaluable assistance of research and memorandums from seven law students enrolled in a "Criminal Re-codification Workshop."

The subcommittee has studied the majority of the criminal code and has identified numerous reasons to support recodification. We have already produced or extensively discussed memoranda addressing the code's general provisions, homicide offenses, person offenses, sex offenses, family offenses, property offenses, government function offenses, and animal offenses. Preliminary drafts of these various articles within the code are being prepared and incorporate the following:

1. Standardizing terms of culpability;
2. Eliminating duplicative or redundant laws;
3. Consolidating laws wherever practicable; and
4. Penalty provisions that are proportionate.

In addition to recommending that drug offenses be placed in Chapter 21 rather than Chapter 65 (and that the nomenclature be revised), the subcommittee also is persuaded:

1. The overlap between the definition of drug distribution and drug manufacture must be eliminated;
2. The penalty for drug distribution should be increased from severity level III to severity level II;
3. The penalties for manufacturing, distribution, or use of narcotics or stimulants should carry more severe penalties than similar crimes regarding marijuana; and
4. Guidelines for severity level I offenses should be reviewed as there is an 80% departure rate from the presumptive sentence provided in the drug grid. This is an unusual anomaly not repeated in any categories.

The Remaining Task

The 1969 codification of the code was more than four years in the making. Understandably, the present effort to recodify the code will take considerably more time than presently proposed by the legislature. The subcommittee has not completed a preliminary review of the entire code. Drafts of discrete articles of the code are in an early stage of development. The subcommittee has before it the complex and contentious issue of recommending proposals to mitigate prison overcrowding and real world alternatives to provide for nonviolent offenders and the re-entry of inmates into our communities. The subcommittee is committed to finishing the task given to it by the legislature, but needs both time and funds to complete the mission.

Every member of the subcommittee volunteers his or her expertise and time. Professor Stacy and the student researchers from the University of Kansas Law School provide invaluable assistance at no cost to the endeavor. However, all of the countless hours of dedicated volunteers will not permit completion of this most worthy task. The 3R's present funding from private grants will be exhausted by December 31, 2005.

Representative Ward Loyd, chairperson of the 3R's committee, summed up the need for additional financial resources in his written testimony to the Committee on Corrections and Juvenile Justice Oversight on October 14, 2005. Chairman Loyd concluded, "the 3Rs work current underway could likely be completed with an additional \$125,000 to \$150,000."

Included in Chairman Loyd's estimate is the cost of the Reporter for the recodification effort. The Reporter charges a rather modest rate of \$100 per hour plus expenses. The subcommittee is at a juncture where its proposals need to be placed in a working draft of a recodification document. This is an effort that will require intense and immediate efforts by the Reporter. Thus there is an urgency in the committee's request for appropriate funding. Without funding, the work of the subcommittee cannot be completed.

A comparison with the costs of recodification efforts in other States support the subcommittee's belief that its request for necessary funding is clearly cost-effective. For example, Illinois has had a recodification effort that began in 2001 and lasted for almost three years. The Illinois' Reporter was paid \$100,000 with three full-time attorneys and a secretary, all of whom were paid. In Kentucky, a two-year effort to recodify its code required the hiring of a Reporter, attorney, and a part-time consultant.

Conclusion

The time is now for recodification of the Kansas Criminal Code. The legislature recognizes the need. The subcommittee in place has the expertise and dedicated members needed to complete the task, but it will not happen without adequate funding and a reasonable extension of time given by the legislature. This opportunity to recodify the code should not be squandered nor the work of the subcommittee wasted. The pieces are in place to complete this project. All that is missing is the infusion of necessary funding allowing the work to go forward to a successful conclusion. The subcommittee would request that this report be brought to the attention of Governor Sebelius and the legislature in order that recodification may be completed.

Respectfully submitted,

Tom Stacy, Chairperson
3R's Recodification Subcommittee

KANSAS

KANSAS DEPARTMENT OF CORRECTIONS
ROGER WERHOLTZ, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

Testimony on HB 2555
to
The House Judiciary Committee

By Roger Werholtz
Secretary
Kansas Department of Corrections

January 18, 2006

The Department of Corrections supports HB 2555. HB 2555 extends the existence of the Kansas Criminal Justice Recodification, Rehabilitation and Restoration Committee for one year.

The "Criminal Justice 3Rs Committee" is a bipartisan committee comprised of representatives from the legislative, judicial, and executive branches of government as well as prosecutors, law enforcement officers, criminal defense bar, law schools, corrections field, substance abuse treatment providers, and faith based service providers with ex officio involvement of the Attorney General, Secretary of Corrections, Juvenile Justice Commissioner and the Secretary of Social and Rehabilitation Services. The committee is tasked to review and make recommendations regarding the criminal code, rehabilitation of offenders, and offender reentry into society.

The committee has provided a forum for the bipartisan discussion and study of public safety policies involving the risk management and reentry of offenders. The committee's work has served as a catalyst for changes in the department's policies and programs regarding mentally ill offenders, substance abuse treatment, employment and housing needs and opportunities for offenders returning to their home communities. The department believes that additional work remains and that greater accomplishments can be achieved through the committee's continued efforts.

Attention to reentry issues facing the criminal justice system is now on the national stage due to the efforts of such persons as U.S. Senator Brownback. The national interest in the cost savings and public safety benefits obtained through successful reentry of offenders and the reduction of recidivism has generated a significant potential for financial and research assistance from the federal government, private foundations and victim advocacy groups. Due in great part to the existence of the Criminal Justice 3Rs Committee, Kansas has emerged as a national leader in providing innovative solutions to address problems and barriers to the successful reintegration of offenders. As secretary, I continually hear about the value of Kansas having a bipartisan

committee using the expertise of officials from all branches of government and the community to address the important issues facing corrections. In my discussions with private foundations about financial resources they could provide to Kansas, the continued existence of the Criminal Justice 3Rs Committee and the sustained effort that committee provides are significant factors in their interest in providing resources to Kansas and the future status of Kansas as a leader in addressing offender reentry.

In addition to the positive benefits of the Criminal Justice 3Rs Committee expressed by those outside of the department, I must also point out that in the training and policy changes undergone by the department's staff regarding reentry initiatives to date, corrections staff appreciate the broad based professional support and expertise provided by the committee. I recommend that the Criminal Justice Recodification, Rehabilitation and Restoration Committee continue to be a valuable resource to the State.

I strongly urge favorable consideration of SB 2555.