

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on February 2, 2006 in Room 313-S of the Capitol.

All members were present except:

Michael Peterson- excused
Mike Kiegerl- 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 Virginia Beamer
Chuck Simmons, Kansas Department of Corrections
Cindy Vaught, Self

Representative Yoder requested three bill introductions:

1. Prohibiting the supreme court from establishing emergency surcharge fees
2. Setting term limits for supreme court to 10 years
3. Railroad immunity

He made the motion to have the requests introduced as committee bills. Representative Pilcher-Cook seconded the motion. The motion carried.

Representative Hutchins requested a bill which would exempt public and county hospitals from paying docket fees and service of process fees. She made the motion to have her request introduced as a committee bill. Representative Pilcher-Cook seconded the motion. The motion carried.

Representative Crow made the motion to have a bill introduced that would give judges discretion on felony domestic battery. Representative Pilcher-Cook seconded the motion. The motion carried.

Representative Ward requested a bill be introduced that would increase the law library fund to \$4.00. Representative Ward made the motion to have the request introduced as a committee bill. Representative Garcia seconded the motion. The motion carried.

Chairman O'Neal received a bill request from Representative Decker which would amend the obscenity statute which was ruled unconstitutional by the Atchison County District Court. Representative Kinzer made the motion to have the request introduced as a committee bill. Representative Pilcher-Cook seconded the motion. The motion carried.

Chairman O'Neal opened the hearing on **HB 2557 - offenders required to be registered for certain crimes involving minors shall not reside within 1,500 feet of a school and 1,000 feet of a licensed child care facility.**

Representative Virginia Beamer received a letter from a private school in Oakley concerned that a sex offender had moved two block from their school and one block from a public school. She researched the issue and found that Kansas does not have any residency restrictions with regard to how close a sex offender can live to schools. The proposed bill is patterned after Iowa's residency requirements. Enacting this legislation would keep our children safe from those individuals who would more than likely commit another sexual crime. (Attachment 1)

Chuck Simmons, Kansas Department of Corrections, believes that the proposed law does not benefit the public or enhance the safety of children. Studies show that 93% of sex offenses are committed by those who actually know and have a relationship with the child. A Minnesota study shows that most sex offenders are more likely to travel to another neighborhood to seek victims as to avoid being recognized. The passage of this bill would force individuals to live outside metropolitan areas and farther away from social support groups and employment opportunities. (Attachment 2)

CONTINUATION SHEET

MINUTES OF THE House Judiciary Committee at 3:30 P.M. on February 2, 2006 in Room 313-S of the Capitol.

The Office of Attorney General provided the committee with a copy of the S.A.F.E. Kansans Task Force Report which focused on improving Kansas criminal statutes and appropriate sentencing provisions for criminals who victimize children. (Attachment 3)

Cindy Vaught, advocated for juvenile sex offenders to be excluded from the bill. She was concerned that this would limit the ability of families and young adults from finding affordable residences. (Attachment 4)

The hearing on **HB 2557** was closed.

HB 2611 - child passenger safety act, booster seats

Representative Loyd made the motion to report HB 2611 favorably for passage. Representative Davis seconded the motion. The motion carried.

The committee meeting adjourned at 5:30 p.m. The next meeting was scheduled for 3:30 p.m. on February 6, 2006 in room 313-S.

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HOUSE OF REPRESENTATIVES

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VIRGINIA B. BEAMER
118TH DISTRICT

Testimony on **HB2557**
before the
House Judiciary Committee

February 2, 2006

Chairman O'Neal and Members of the House Judiciary Committee

Thank You for allowing me the opportunity to appear before you today and tell you why I am concerned that there are no residency restrictions in Kansas Statutes concerning offenders required to register their residence.

This past Fall, I received a letter from a private school in Oakley, telling me an offender had moved to Oakley into an house two blocks from the private school and one block from the public school. Law enforcement told them there were no prohibitions in Kansas law concerning residence of offenders and they should contact their legislators with their concerns..

First I checked to find residency restriction for offenders in Kansas and found none. Then I checked to see if there was proposed legislation and found none.

Continued research led me to residency laws for sex offenders in Iowa. In 2002, Iowa enacted laws prohibiting sex offenders from residing within 2000 feet of property on which any school or child care facility is located. This law was challenged in Iowa's courts by three convicted sex offenders and was certified as a class action suit, where the court declared the law unconstitutional. It was appealed to the 8th Circuit U.S. Court of Appeals, where the lower court's decision was overturned.

Yesterday you heard graphic testimony on Florida's "Jessica Law" and why that law was proposed. Many, many other such similar tragic stories could be related, but I know you already know the urgency of enacting laws to reign in predators so these horrible crimes will cease. This law is really a companion law to "Jessica's law."

The safety of our children is the obvious reason to enact this law. Also to be considered is the offender, who perhaps is tempted to commit another crime just by being able to see children walking to and from school. His proximity to school perhaps could enable him to develop a relationship with a child and lead to yet another tragedy - that of another child being molested and perhaps even murdered.

House Judiciary

Date 2-2-06
Attachment # 1

After some consideration it was my decision to write the bill to make the law read, "it shall be unlawful for an offender to reside within 1,000 feet of a licensed day care facility or registered day care home or 1,500 feet of the real property of any school upon which is located a structure used by a unified school district or an accredited nonpublic school for students."

Thank You for your consideration in this important matter and I'll be glad to stand for questions at the appropriate time.

KANSAS

KANSAS DEPARTMENT OF CORRECTIONS
ROGER WERHOLTZ, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

Testimony on HB 2557
to
The House Judiciary Committee

By Roger Werholtz
Secretary
Kansas Department of Corrections

February 2, 2006

The department has testified in support of SB 334 and HB 2576 due to the increased prison sentences and electronic monitoring provisions for sex offenders contained in those bills. If the residential restrictions contained in HB 2557 enhanced public safety, the department would likewise support it. However, the research does not indicate that residency restrictions as proposed by HB 2557 improve public safety. The Department of Corrections does not support HB 2557.

HB 2557 imposes residential prohibitions against persons required to register pursuant to K.S.A. 22-4902 for an offense against a victim under the age of 18 or that involved a person under the age of 18. Such persons are prohibited from residing within 1,000 feet of a licensed child care facility or registered family day care home or within 1,500 feet of a public or private school or property used for extracurricular activities for students kindergarten through 12th grade.

Several studies indicate that restrictions such as contained in HB 2557 do not serve public safety. Additionally, these studies and statements of law enforcement officials in states that have such restrictions indicate that the burdens and consequences of HB 2557 are detrimental to public safety.

The department is committed to the protection of public safety through correctional practices that are based upon research. The Kansas Department of Corrections was a national leader in the development of sex offender treatment using polygraph and plethysmograph technology which resulted in litigation before the United States Supreme Court. The department continues to provide extensive sex offender treatment in its correctional facilities as well as to offenders under supervision in the community.

The department also uses specialized sex offender supervision units. The department's management of the supervision and treatment of released sex offenders is based upon their

individual risks and deviant cycle behaviors. The case management of those offenders includes their employment and residential plans.

HB 2557 provides that despite the existence of a supervision plan for an offender to reside in a home where he or she has support, that plan is prohibited if located within a restricted zone. This restriction would also apply to overnight stays in motels, homeless shelters, halfway houses, hospitals, and visits with relatives. The department is unaware of any data that supports the proposition that such restrictions enhance public safety. In contrast, research from 3 states (Florida, Minnesota, and Colorado) indicates that public safety is not related to such blanket restrictions and that wholesale residence restrictions are counterproductive.

- In Minnesota, sex offenders' proximity to schools or parks was not a factor in recidivism, nor did it impact community safety. (Minnesota Department of Corrections, 2003). In fact, the opposite was found to be true, sex offenders were more likely to travel to another neighborhood to seek victims to avoid being recognized.
- Last year Iowa adopted a residence restriction and now the Iowa County Attorneys Association is calling for its repeal, stating "[the restriction] does not provide the protection that was originally intended and that the cost of enforcing the requirement and the unintended effects on families of offenders warrant replacing the restriction with more effective protective measures." ; and "the law was directed at stranger offenses. Up to 90 percent of sex offenses against children are perpetrated by people already in the home or that have legitimate access to children. Their residency has nothing to do with access to children." (Des Moines Register, January 24, 2006).
- While residence restrictions are based upon a threat by strangers by removing them from neighborhoods, 93% of child abuse victims knew their abuser; 34% were family members, and 58.7% acquaintances. (Bureau of Justice Statistics, 2000 cited by Levenson, Ph.D. Report to Florida Legislature, 2005).
- The listing of day care facilities maintained by the Department of Health and Environment has restrictions regarding its' dissemination to protect the locations of those facilities but which render it impossible for a person who is required to register but not under postrelease supervision from knowing whether his/her residence is within a prohibited zone. K.S.A. 65-525.
- Residency restrictions aggravate the scarcity of housing options for sex offenders, forcing them out of metropolitan areas and farther away from the social support, employment opportunities, and social services that are known to aid offenders in successful community re-entry. (Minnesota Department of Corrections, 2003).
- Having such restrictions in the cities of Minneapolis and St. Paul would likely force level three offenders to move to more rural areas that would not contain nearby schools and parks but would pose other problems, such as a high concentration of offenders without ties to the community; isolation; lack of work, education, and treatment options; and an

increase in the distance traveled by agents who supervise offenders. (Minnesota Department of Corrections, 2003).

- Proximity restrictions will have the effect of restricting level three offenders to less populated areas, with fewer supervising agents and fewer services for offenders (i.e., employment, education, and treatment). The result of proximity restrictions would be to limit most level three offenders to rural, suburban, or industrial areas. (Minnesota Department of Corrections, 2003).
- Residency restrictions result in greater difficulty in tracking and monitoring sex offenders since they move more frequently or claim homelessness in order to avoid or circumvent the zoning restrictions. (Des Moines Register January 23, 2006)
- A stable residence environment is critical to successful community re-integration. (Colorado Department of Public Safety, 2004)
- In a study of the Denver metropolitan area, the data indicated that sex offenders who have committed a criminal offense (both sexual and non-sexual) while under judicial supervision appear to be randomly scattered throughout the study area—there does not seem to be a greater number of these offenders living within proximity to schools and childcare centers than other types of offenders. (Colorado Department of Public Safety, 2004).
- While such ordinances are designed to limit options available to sexual offenders, in many cases, it is nearly impossible for these offenders to find appropriate housing away from schools, parks, and/or childcare centers throughout metropolitan areas. Ironically, this situation may increase their risk of re-offending by forcing them to live in communities where safe support systems may not exist or in remote areas providing them with high degrees of anonymity. (Colorado Department of Public Safety, 2004)
- The blanket application of residency restrictions without individual consideration of case management would result in its application to persons who have patronized a prostitute or committed adultery with a person over the age of consent but who is under the age of 18. K.S.A. 22-4902.

HB 2557 places a restriction on the residence of offenders irrespective of the nature of the crime which required registration, without consideration of the risk posed by the offender or the nature of the residence relative to it being supportive and suitable for the offender's reentry into the community. In contrast, individual case management of released offenders in a timely and comprehensive manner, including an ongoing assessment of their deviant cycles and treatment, is the most critical element of the successful management of sex offenders in the community. The experience of other states as shown in the research shows that residential barriers that are not related to the case management of an individual offender do not enhance public safety and increase the probability of re-offending behavior.

The department urges that HB 2557 not be passed out of Committee. Rather, the department suggests that consideration be given to HB 2760 and SB 476 which propose to establish a sex offender policy board to advise concerning issues and policies pertaining to the treatment, sentencing, rehabilitation, reintegration, and supervision of sex offenders. This policy board would be in a position to review best practices and concepts that work in order to improve the state's supervision of sex offenders.

S.A.F.E. KANSANS Task Force Report

Security And Firm Enforcement for Kansans



**Phill Kline
Kansas Attorney General**

House Judiciary

Date 2-2-06

Attachment # 3

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EXECUTIVE SUMMARY

In June 2005, Kansas Attorney General Phill Kline ordered an audit of the Kansas Offender Registry to determine the number of registered offenders in compliance with the Kansas Offender Registration Act, K.S.A. 22-4901, *et seq.* The audit revealed that in more than 28% of the sampled cases, offenders had failed to meet at least one of the registration requirements such as providing a current address or current employment information. Based on those findings, Attorney General Kline determined the need existed for a comprehensive review of Kansas laws dealing with offender registry requirements under the Kansas Offender Registration Act as well as statutes dealing with offenders who sexually victimize children.

The Security and Firm Enforcement (S.A.F.E.) for Kansans Task Force was created by Attorney General Kline in the Fall of 2005. The S.A.F.E. Task Force membership was selected by Attorney General Kline to represent Kansans from across the political and geographical landscape. Membership included sheriffs, prosecutors, state legislators, victim advocates and other concerned citizens who agreed to accept Attorney General Kline's challenge to gather information and ideas about the offender registration process and then use that information to develop workable recommendations for the 2006 legislative session.

In order to accomplish its work, the Task Force, under the leadership of Co-chairpersons Senator Karin Brownlee and Pratt County Sheriff Vernon Chinn, divided the membership into two sub-committees. One sub-committee was assigned to work on offender registration issues while the other sub-committee focused its work on improving Kansas criminal statutes and evaluating appropriate sentencing provisions for criminals who victimize children. The full task force met on three separate occasions at various locations across the state and multiple

teleconference meetings took place between task force members and representatives from Attorney General Kline's office assigned to assist the S.A.F.E. Task Force. The result of the hard work and long hours volunteered by the task force members are included within this report.

Among the detailed recommendations of the S.A.F.E. Task Force you will find the following:

- Adoption of a "Jessica's Law" for Kansas (modeled on the highly successful legislation implemented in the State of Florida) providing for:
 - Tougher "hard" life sentences for offenders who commit sex crimes against children 13 years of age and younger.
 - Requirements of registered offenders to submit to a re-registration and a photograph every six (6) months.
 - Strong penalties for offenders who fail to comply with offender registration requirements.
 - Serious penalties for anyone who knowingly aids an offender who is avoiding registration.
 - Lifetime registration required for offenders who commit sexually violent crimes against children 13 years of age and younger.
- Offenders who have been convicted of two or more "sexually violent crimes" and then commit a murder will be eligible for the death penalty.
- If a registered offender moves into Kansas from another state, that offender must register for the time period provided by Kansas law or the other state's law – whichever is longer.
- An order of a comprehensive study of the potential use of GPS monitoring devices to keep track of registered offenders in the State of Kansas.
- Appropriate funding for resources needed at the local level to track, apprehend, and prosecute sex crime offenders, including funding for the Kansas Bureau of Investigation for DNA processing and tracking registered offenders and funding for a dedicated sex crimes prosecutor within the Criminal Division of Kansas Attorney General Phill Kline's office.
- The task force is also interested in future studies and statistic gatherings referring to rape reporting. For every two rapes reported, there are another 100 committed. The task force

would like to see a reduction in this rate. Recommendations for increasing the number of rapes reported in Kansas consist of the following:

Determine the financial and logical options for implementing a state-wide Sexual Assault Nurse Examiner/ Sexual Assault Response team (SANE/SART) program.

Determine the financial and logical options for implementing state-wide training for Law Enforcement Officers in order to ensure that Law Enforcement Officers who have contact with victims of sexually violent crimes, conduct the forensic interviews properly so as to admit the victims into court.

INTRODUCTION

Since being sworn in as attorney general on January 13, 2003, Phill Kline has continuously worked to identify, support, and enhance resources for Kansas' law enforcement community to better protect our children. Attorney General Kline dedicated funds from his budget to support the assignment a Special Agent from the Kansas Bureau of Investigation to the FBI's Cyber Crimes Task Force located in Kansas City. Since 2003 Attorney General Kline has fought for legislation that would impose tougher criminal penalties for sex offenders who victimize children in Kansas. Under Attorney General Kline's leadership, and working in combination with the Kansas Bureau of Investigation and the federal task force, the Kansas Attorney General's Office has been involved in the investigation and prosecution of over 700 cases involving sexual offenses against children in the past three years. The National Association of Attorneys General (NAAG) recognized Attorney General Kline's leadership in the area of protecting children and asked him to serve as the co-chairman of the NAAG Violent Sexual Predator Task Force.

On June 16th, 2005 Attorney General Phill Kline ordered an audit of the Kansas Offender Registry to determine compliance rates and identify methods of insuring offender registration integrity. This audit was ordered as a follow-up to Attorney General Kline's Operation

PADLOC (Parole Absconder Detection, Location and Capture) effort which began in July of 2003. PADLOC is a partnership between Attorney General Kline's office and federal, state, county, and local law enforcement agencies. Its purpose is to capture and return to state custody those parole violators who fail to register as required by law. Operation PADLOC has focused on those criminals who are long-term absconders convicted of sexual or violent crimes. Since its creation, Operation PADLOC has been responsible for the capture of over 100 absconders in all parts of the country. In April of 2004 the information obtained from these absconders was released on the KASPER website for viewing by the public. This website was assembled with the assistance of the Kansas Department of Corrections and the Kansas Criminal Justice Information System.

In addition to PADLOC, Attorney General Phill Kline began working with the attorneys general of other states to develop model national legislation regarding interstate movement of registered offenders. As Co-Chair of the National Association of Attorneys General Violent Sexual Predator Task Force, Attorney General Kline has continued his efforts to ensure that official notification is made when a registered offender moves from state to state.

The audit of the Kansas Offender Registry ordered by Attorney General Kline was carried out by the staff of the Kansas Bureau of Investigation during the week of July 25th, 2005. The audit studied approximately five percent of all registered offenders who were selected at random for a compliance check by sheriffs in 43 counties. These sheriffs made personal contact with 190 registered offenders. Audited were the offenders' place of residence, place of employment, vehicle registration, and driver's license to ensure that the information these offenders provided to the state on their 90 day registration forms was accurate and current. The findings of this audit were as follows:

54 offenders (28.4%) were non-compliant in at least one focus area:

40 offenders (21%) were not compliant with address requirements.

26 offenders' (13.7%) address records remain unverified as of the close of the audit

55 offenders (28.9%) were not compliant with providing current employment information.

26 offenders' (13.7%) employment records remain unverified as of the close of the audit.

39 offenders (20.5%) were not compliant with providing current drivers license information.

26 offenders' (13.7%) driver's license records remain unverified as of the close of the audit.

45 offenders (23.7%) were not compliant with providing current vehicle information.

26 offenders' (13.7%) vehicle access status remains unverified as of the close of the audit

As a result of these disturbing findings, Attorney General Phill Kline recognized the need for a broad-based review of Kansas laws dealing with offender registration and criminal statutes and sentences for offenders may seek to prey on Kansas children. Attorney General Kline acted swiftly to create a task force comprised of sheriffs, county and district attorneys, and members of the Kansas Legislature, who would examine the procedures, methods, and policies necessary to implement a better way of tracking these offenders and protecting Kansas children.

The task force created by Attorney General Kline was given the name "Security and Firm Enforcement (S.A.F.E.) for Kansans" to reflect the comprehensive scope of the mission taken on by the task force members. The S.A.F.E. task force is comprised of 26 volunteer members including: Eight county sheriffs, five county or district attorneys, nine members of the Kansas Legislature, and four members with a primary emphasis in victim's rights and victim's issues. Co-Chairs of this task force are Senator Karin Brownlee of the 23rd Kansas Senate District and Pratt County Sheriff Vernon Chinn. The priorities of the task force consist of providing offender registration integrity and appropriate offender sentencing. Based on these priorities, two sub-committees were formed to allow for a division of the workload and close study of the issues. The Offender Registration sub-committee focused on the strengths and weaknesses of the current Kansas Offender Registration Act and ways the Act could be improved upon in order to achieve

goals of increased compliance with registration requirements by offenders as well as enhancing the ability of state and local officials to track the movement of offenders. The Sentencing and Penalties sub-committee focused its efforts on identifying weaknesses in current sentencing statutes for sex crime offenders and those who violate the requirements of the Offender Registration Act.

[For additional information regarding the chairs, co-chairs, and members of these sub-committees, please refer to Appendix A].

S.A.F.E. KANSANS TASK FORCE ENDEAVORS

The Attorney General's S.A.F.E. task force conducted three meetings of the full task force in 2005. Each of the meetings were open to the public and were well attended by members of the task force, members of the public and interested individuals from amongst the criminal justice and victim's rights communities.

The first meeting of the task force was held on November 15th, 2005 at the University of Kansas Student Union in Lawrence, Kansas. This meeting was a public hearing where the members of the task force received testimony and information from a variety of presenters, with the main focus of the meeting being issues of appropriate options for sex offender sentencing and penalties. Sponsorship for the meeting was provided by the KU Students Protect organization, and both students and the public at large were encouraged to attend.

The second meeting of the task force was held on December 3rd, 2005 at the Kansas State University Student Union in Manhattan, Kansas. This meeting was scheduled as a "work" day for the task force members to review the information they had gathered from the first meeting and begin composing legislative initiatives to be presented during the 2006 legislative session.

Sponsorship was provided by the K.S.U. Director's Office. The task force members received presentations from Senator Derek Schmidt and Secretary of Corrections Roger Werholz regarding options for increasing Kansas prison space in addition to discussions the task force engaged in on proposed legislation.

The third meeting of the full task force took place on December 13th, 2005, at Wichita State University's Eugene M. Hughes Metropolitan Complex in Wichita, Kansas. The facilities for the meeting were donated by Wichita State University. This meeting began with a second working session of the task force members, then expanded to a public hearing focusing on the issues of offender registration and ideas for strengthening Kansas offender registration laws. Amongst the speakers at the public hearing was Mark Lunsford, the father of Jessica Lunsford, a twelve year old girl whose death at the hands of a registered sex offender in the State of Florida inspired the creation of Florida's "Jessica's Law" and prompted the implementation of similar laws designed to deal firmly and decisively with sex offenders across the country.

[For Agendas and speaker information for each meeting, please see Appendix B.]

S.A.F.E. KANSANS TASK FORCE DETERMINATIONS

Any violent crime committed against any person in our State is a crime against the immediate victim and also a crime against the people of our State as a whole. With the possible exception of homicide, rape is the most invasive and emotionally devastating crime that can be committed. This is especially true in any case where a young child is victimized. The S.A.F.E. Task Force has determined that the State of Kansas must act aggressively to protect Kansas children from the extreme dangers of sex offenders who would prey on our children, both by imposing serious, meaningful prison sentences for criminal convicted of sex offenses against

young children and by enhancing the Kansas Offender Registration Act to mandate stricter reporting requirements for offenders required to register to aid our law enforcement authorities in monitoring the offenders and preventing them from re-offending.

One of the foremost responsibilities of the government is to ensure the safety of its citizens. In light of this maxim, the members of the S.A.F.E. Task Force are resolved that the State of Kansas must not allow concerns over the costs of a prison bed be the most important factor when determining the just and appropriate length of the sentence to be imposed for a serious felony crime. The development and maintenance of good public policy must be the driving factor when determining budgets for law enforcement and corrections resources instead of allowing fiscal constraints to dictate how much justice a victim is entitled to receive or how much punishment a criminal should face. The task force strongly believes that prison bed space should be used as a tool for justice and not as a budgetary tool. The severity of a crime must be defined by its impact on victims and society and not by budgetary issues in isolation. The task force recognizes there are a variety of options available to the State of Kansas regarding the enhancement of available prison bed space that may be required in future years. While the task force has not singled out any one option for procuring additional future prison bed space, the task force was presented with information on a variety of prison bed space expansion options by Secretary of Corrections Roger Werholz and by Senate Majority Leader Derek Schmidt which would address this concern.

[Information gathered from the testimony of Senator Schmidt and Secretary Werholz is available in the Office of the Attorney General and can be relayed to interested parties who contact the Office of the Attorney General at (785) 291-3765.]

The members of the S.A.F.E. Kansans Task Force have sought to identify areas of Kansas law that require change in order to accomplish the goal of better protecting the children

of our state. Working within the existing framework of the Kansas criminal code, the Kansas Sentencing Guidelines Act and the Kansas Offender Registration Act, the task force developed realistic proposals designed to effectively deal with offenders who commit severe sexual offenses against children under the age of 14 and offenders who knowingly refuse to abide by the requirements of the Kansas Offender Registration Act. A key component of the legislative proposals developed by the S.A.F.E. Task Force is the adoption of “Jessica’s Law” for Kansas. This legislation, tailored to fit Kansas law, requires life sentences for certain sex offenders who victimize young children, imposes substantive penalties for violations of the Offender Registration Act and enhances requirements to be met by offenders released back into society. The task force also recognized that in order to accomplish the goal to better protect our State from these dangerous offenders, there must be enhanced funding provided to State law enforcement and prosecutorial agencies to enable them to track down, monitor and effectively prosecute sex offenders. Further, the task force has included proposals for detailed studies to be conducted of offenders, the crimes committed by offenders, and evolving technology for tracking the movements of offenders.

[For full text of the legislation proposed by the S.A.F.E. Task Force, please see attached House Bill No. 2576].

LEGISLATIVE RECOMMENDATIONS

Proposed “Jessica’s Law” for Kansas:

1. Impose Kansas’ “Hard 25” Life Sentence for a first offense for any of the following crimes committed against a victim who is less than 14 years old:
 - a. Rape, KSA 21-3502
 - b. Aggravated Indecent Liberties with a Child, KSA 21-3504
 - c. Aggravated Criminal Sodomy, KSA 21-3506
 - d. Aggravated Trafficking, KSA 21-3447
 - e. Sexual Exploitation of a Child, KSA 21-3516 (a)(5) or (a)(6).

2. Impose Kansas' "Hard 50" Life Sentence for a second offense for any of the following crimes committed against a victim who is less than 14 years old:
 - a. Rape, KSA 21-3502
 - b. Aggravated Indecent Liberties with a Child, KSA 21-3504
 - c. Aggravated Criminal Sodomy, KSA 21-3506
 - d. Aggravated Trafficking, KSA 21-3447
 - e. Sexual Exploitation of a Child, KSA 21-3516 (a)(5) or (a)(6).

3. Impose a "True Life" sentence for offenders convicted of a third or subsequent "sexually violent crime." Any offender convicted of a "sexually violent crime," as defined by K.S.A. 22-4902(c), and amendments thereto, who has two or more prior convictions for a sexually violent crime, as defined by K.S.A. 22-4902(c) shall be sentenced to imprisonment for the remaining lifetime of the offender, with no eligibility for parole and no deduction for good time credits.

4. When an offender is sentenced to probation for any misdemeanor offense, the court services or community corrections entity supervising the offender's probation will be required to conduct a check of the registered offender database maintained by the KBI to determine whether the offender is also an offender required to register pursuant to the Kansas Offender Registration Act for any past crime.

5. Amend the "Aggravating Circumstances" statute for Capital Murder prosecutions to allow the fact that a defendant had previously been convicted two or more times of a "sexually violent crime" as per K.S.A. 22-4902(c) to serve as an "Aggravating Circumstance" that may be considered when determining whether to impose the death penalty.

6. Require all offenders mandated to register under the Kansas Offender Registration Act, KSA 22-4901, *et seq.*, to:
 - a. Re-register every 6 months with the sheriff's office in the county where the offender lives or resides;
 - b. Submit to being photographed by the sheriff's office as part of the re-registration process every 6 months; and
 - c. Pay a twenty (\$20) registration fee to the sheriff's office every time the offender re-registers.

7. Strengthen the penalty for failure to register as required by the Kansas Offender Registration Act (KORA), K.S.A. 22-4901, *et seq.* Increase the criminal penalty for failure to comply with all of the statutory registration requirements from the current Severity Level 10, nonperson felony, to a Severity Level 5, person felony. Additionally, if an offender fails to comply with the requirements of the KORA and the registration violation continues for more than thirty (30) consecutive days, the

offender shall be guilty of a second offense and shall be guilty of an additional offense every 30 days thereafter so long as the violation continues.

8. Amend K.S.A. 21-3812, Aiding a Felon or Misdemeanant, to create a distinct offense for individuals who aid an offender required to register under the Kansas Offender Registration Act in evading registration or evade capture or punishment for failure to comply with the requirements of the registration act. The penalty for a violation of this subsection is a Severity Level 5, person felony.
9. Create a new special sentencing rule under the Kansas Sentencing Guidelines Act, KSA 21-4701, *et seq.*, to allow a judge to decrease the duration and/or disposition of the sentence for an offender convicted of Aiding a Registered Offender (K.S.A. 21-3812(d)) or Failure to Register (K.S.A. 22-4903) if the judge makes specific findings of fact on the record at the time of sentencing. The findings made by the judge would be required to include that either: (1) An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism, and the recommended treatment program is available and the offender can be admitted to such program within a reasonable period of time; or (2) the nonprison sanction will serve community safety interests by promoting offender reformation. Note: This special sentencing rule would only be available to offenders who at the time of sentencing have no prior conviction for a person felony.
10. Offenders convicted of any of the following offenses shall be required to register under the Kansas Offender Registration Act for the offender's lifetime:
 - a. Aggravated trafficking, pursuant to K.S.A. 21-3447(c), and amendments thereto;
 - b. rape, pursuant to K.S.A. 21-3502(a)(2), and amendments thereto;
 - c. aggravated indecent liberties with a child, pursuant to K.S.A. 21-3504(a)(3), and amendments thereto;
 - d. aggravated criminal sodomy pursuant to K.S.A. 21-3506(a)(1) or (a)(2), and amendments thereto;
 - e. promoting prostitution pursuant to K.S.A. 21-3513(b)(4), and amendments thereto; or
 - f. sexual exploitation of a child pursuant to K.S.A. 21-3516(a)(5) or (a)(6), and amendments thereto.
11. Any person moving to the state of Kansas who has been convicted in another state, and who was required to register as an offender under that state's laws, shall register for the same length of time required by that state or Kansas, whichever is longer.
12. Require the State Board of Education to appoint a task force to conduct a study and issue a report regarding the feasibility of all Kansas school districts adopting a policy that prior to any unescorted, non-instructional personnel being permitted to be on school grounds while students are present, a check must be made of the registered offender database maintained by the Kansas Bureau of Investigation (accessible via the Internet.)

13. Require the Kansas Department of Corrections to issue an annual report detailing any of the following listed crimes committed by individuals who were on parole or post-release supervision at the time of the offense:
 - a. Any “sexually violent crime” as defined by KSA 22-4902(c);
 - b. Any other person felony.
14. Require the Kansas Department of Corrections to identify, assess and monitor “high-risk” sex offenders when those offenders are released on parole or post-release supervision; prior convictions for crimes including domestic violence, a history of substance abuse or sex crimes may be among the factors considered by the KDOC when making a determination on the risk status of the offender.
15. Require the Kansas Criminal Justice Coordinating Council to form a task force made up of members of the criminal justice community who will be charged with collecting information and research concerning the potential utilization of electronic monitoring devices, specifically including devices capable of utilizing global positioning satellite (GPS) technology, for the purposes of monitoring and tracking the locations of offenders placed on bond, probation, parole, post-release supervision and/or individuals subject to civil commitment who have been placed on conditional or transitional release.

S.A.F.E. KANSANS TASK FORCE CONCLUSIONS

It is clear that there is a need for the enactment of the legislation designed to impose stern, meaningful punishment for criminals who commit sexual offenses against children. Also clear is the need to strengthen the Kansas Offender Registration Act to provide for more effective means of tracking registered offenders, maintaining accurate, up-to-date information on all registered offenders and enforcing decisive disciplinary measures against offenders who violate the terms of the act. The S.A.F.E. Task Force received testimony and information from experts in the field which overwhelmingly supports the necessity for the legislation proposed by the task force. Simply put, we can no longer allow the violent exploitation of our children to continue unpunished.

Through the adoption of the legislative initiatives proposed in this report, a policy of tough yet appropriate penalties and sentencing for these criminals will be guaranteed. Additionally, this legislation will ensure the integrity of the registration procedure in order to further protect Kansas from these violent criminals. To facilitate the protection of the people of Kansas, we must make this legislation a statutory and financial priority of the state. Let us not attach a price tag to the children and future of Kansas. The life of a child far outweighs the cost of the prevention of these crimes.

As members of the S.A.F.E. Kansans task force, we will forward this report to Attorney General Phill Kline. We recommend that Attorney General Kline, in turn, forward this report to Governor Kathleen Sebelius and the members of the Kansas Legislature for expedited approval. Any additional information regarding supporting documents and written testimony from meeting presenters, concerned citizens, victims, and other experts are available for review. To view this information please see Ashley Heidrick or Cade Butler on the third floor of the office of the Attorney General.

APPENDIX A

SAFE Task Force Members

Last Name	First Name	Title	Representation	Sub-Committee
Ariagno	Julie	Attorney at Law		Sentencing and Penalties
Barnett	Sandy	Executive Director, KCSDV		Sentencing and Penalties
Barta	Richard	Shawnee County Sheriff		Sentencing and Penalties
Branson	Charles	Douglas County District Attorney		
Brownlee	Karin	Kansas Senator; Task Force Co-Chair	23 rd District	Registration chair
Brunk	Steven	Kansas Representative	85 th District	Registration
Chinn	Vernon	Pratt County Sheriff; Task Force Co-Chair		Sentencing and Penalties Chair
Denning	Frank	Johnson County Sheriff		Registration
Drees	Thomas	Ellis County Attorney		Registration
Green	LeRoy	Wyandotte County Sheriff		Sentencing and Penalties
Hecht	Robert	Shawnee County District Attorney		
Kilpatrick	Patricia	Kansas Representative	29 th District	
Kinzer	Lance	Kansas Representative	14 th District	Registration Co-Chair
Kochanowski	Glen	Saline County Sheriff		Registration
Mah	Ann	Kansas Representative	53 rd District	Sentencing and Penalties
Mast	Peggy	Kansas Representative	76 th District	
McGovern	Ken	Douglas County Sheriff		Sentencing and Penalties
Motter	Byron	Harvey County Sheriff		Sentencing and Penalties
Opat	Steven	Geary County Attorney		Sentencing and Penalties Co-Chair
Petersen	Mike	Kansas Senator	37 th District	
Schmidt	Vicki	Kansas Senator	20 th District	
Steed	Gary	Sedgwick County Sheriff		
Stauffer	Jeanette	Victims' Rights Coordinator		Registration
Thompson	Kirk	KBI Assistant Director		Registration
Witteman	Douglas	Coffey County Attorney		
Yoder	Kevin	Kansas Representative	20 th District	Sentencing and Penalties

APPENDIX B

Agenda for Public Hearing
November 15th 5:30 – 7:30 pm
Big XII Room, 5th Floor, KU Union
Lawrence, KS

- I. Attorney General Phill Kline
 - Short welcome and initiate the members' introduction of themselves
 - 3 minutes

- II. Task Force members Introduction
 - Task Force members will very briefly introduce themselves
 - Name, position, and county/district they represent
 - Co-Chairs DO NOT introduce themselves (Gen. Kline will introduce)
 - 5 minutes

- III. Co-Chair Senator Karin Brownlee Welcome Speech
 - Sen. Brownlee introduced by General Kline
 - Welcome members, speakers, audience
 - Personal comments
 - 5 minutes total

- IV. Co-Chair Sheriff Vernon Chinn Welcome Speech
 - Sheriff Chinn introduced by General Kline
 - Welcome members, speakers, audience
 - Personal comments
 - 5 minutes total

- V. Attorney General Phill Kline Welcome Speech
 - Speech on the purpose of the Task Force and PowerPoint
 - 5 minutes for speech, 7 minutes for PowerPoint

- VI. Introduction of First Speaker
 - Senator Brownlee will Introduce Roger Kemp
 - 3 minutes

- VII. Roger Kemp
 - Subject: Personal experience , victim's issues – longer and/or stiffer sentences and penalties
 - 10 minutes

- Father of Ali Kemp, a 19-yr. old Kansas State student who was killed in Leawood, Kansas on June 18, 2002 at a swimming pool where she worked, one mile from her home. Benjamin Appleby, the 30-yr. old accused of killing Kemp, pleaded not guilty to the charges of attempted rape and first-degree capital murder on October 27, 2005. A jury trial has been set for July 10, 2006 in Johnson County District Court. If found guilty, the prosecution will seek a life sentence in prison with no opportunity for parole for at least 50 years for Appleby. The death penalty will not be sought in this case for it does not meet the criteria under Kansas Law, according to Paul Morrison, Johnson County District Attorney.

Roger Kemp is very outspoken about the light sentencing and penalties received by Kansas sex offenders. Following is a quote from Mr. Kemp that appeared in the Kansas City Star:

“If the Kansas laws don’t protect their innocent women and children, what good are they?” he said. “Ali hasn’t taken a breath since June 18, 2002, when this man killed her and yet he gets to keep on breathing. Where’s the justice in this? I want to know.”

VIII. Questions from Task Force to Roger Kemp

- 10 minutes

IX. Introduction of Second Speaker

- Senator Brownlee will introduce Becca Booth
- 3 minutes

X. Second Speaker Becca Booth

- Subject: Personal experiences
- 10 minutes
- Booth (Treasurer of Justice For Children Committee) spoke out against a judge in Douglas County for imposing soft-sentences for various cases where sex crimes were involved. Information about these cases can be found at: www.geocities.com/justiceforchildrencommittee.

XI. Questions from Task Force to Second Speaker

- 10 minutes

XII. Introduction of Third Speaker

- Sheriff Chinn will introduce Assistant Attorney General Nola Wright
- 3 minutes

XIII. Third Speaker Assistant Attorney General Nola Wright

- Subject: Recidivism and differentiation of sex offenders
- 10 minutes

- Assistant Attorney General in Sexual Predators Unit of Criminal Litigation in the Office of Attorney General Phill Kline. Nola will be speaking about recidivism rates of sexual offenders. She will also explain the difference between a sexual predator, sexual offender and pedophile.

XIV. Questions from Task Force to Third Speaker

- 10 minutes

XV. Introduction of Fourth Speaker

- Sheriff Chinn will introduce District Attorney Robert Hecht
- 3 minutes

XVI. Fourth Speaker Shawnee County District Attorney Robert Hecht

- Subject: Address Jessica's Law
- 10 minutes
- District Attorney Hecht will be presenting background on The Jessica Lunsford Act that was originated and passed in Florida. One of the goals of the task force is to get a form of Jessica's Law passed in Kansas. This law was proposed when 9-yr. old Jessica Lunsford was raped and killed by a repeat sex offender. The law establishes a minimum 25-year sentence for anyone convicted of molesting a young child. It also requires that paroled sex offenders wear a GPS positioning unit so police can keep track of them at all times.

XVII. Questions from Task Force to Fourth Speaker

- 10 minutes

XVIII. Audience Comments and Questions

- 20 minutes

Agenda for Work Meeting

December 3rd, 10:00am – 4:00pm

K-State Student Union

Manhattan, KS

1. Chairs address task force as a whole.

- Quickly review the task force's path from here – Wichita meeting.
- Explain the timeframe (legislative process), and reiterate the goals of this task force (Jessica's Law, revised registration requirements and penalties for non-compliance).
- Ask the task force if anyone would be willing to be interviewed on talk radio in order to promote the task force's mission and the Dec. 13th meeting in Wichita.
- Explain the goal of this individual meeting. The goal is to have, in writing, the task force's recommendations for legislation.

15 Minutes

2. Eric Rucker will address task force explaining the sentencing guidelines.
 - Task force Questions

20 Minutes

3. Roger Werholtz, Secretary of Corrections, will speak to the task force about Dept. of Corrections' ideas on prison expansion.
 - Task force Questions

25 Minutes

4. Senator Derek Schmidt will speak to the task force about private prisons.
 - Task force Questions

25 Minutes

5. **Lunch 11:30-12:00**

6. Chairs separate task force into subcommittees. Have any task force members that are in attendance without a specified sub-committee decide on which one they would like to serve.

10 Minutes

7. Topic of discussion should be what exactly each sub-committee would like to be proposed for law by this task force. Goal of the sub-committee is to have a detailed recommendation, in writing, of what they would like to see proposed in order to present to the task force as a whole.

Whatever is necessary for Sub-Committees

8. Return into the S.A.F.E task force as a whole to discuss each subcommittee's recommendations. Review, discuss, and decide on written, detailed proposals as to what the task force would like to see in legislation.

Whatever is necessary for Sub-Committees

Agenda for Public Hearing

December 13th, 6:30-9:00 pm

Location: Wichita State University, Eugene M. Hughes Metropolitan Complex, Lowe Auditorium
5015 E. 29th St. North, Wichita, KS

- I. Attorney General Phill Kline
 - Short welcome; explanation of the purpose of the meeting
 - Initiate the members' introduction of themselves
 - 5 minutes

- II. Task Force Members Introduction
 - Task Force members will very briefly introduce themselves
 - Name, position, and county/district they represent
 - Co-Chairs DO NOT introduce themselves (General Kline will introduce)
 - 5 minutes

- III. Co-Chair Senator Karin Brownlee Welcome Speech
 - Senator Brownlee introduced by General Kline
 - Welcome members, speakers, audience
 - Personal comments
 - 3 minutes total

- IV. Co-Chair Sheriff Vernon Chinn Welcome Speech
 - Sheriff Chinn introduced by General Kline
 - Welcome members, speakers, audience
 - Personal comments
 - 3 minutes total

- V. Introduction of First Speaker
 - Senator Brownlee will introduce Christina Hankinson
 - 2 minutes

- VI. Speaker: Christina Hankinson
 - Subject: Victims' Rights Issues; KCTV 5 Presentation
 - 10 minutes
 - Her grandfather molested her and four others prior to the registration laws. He is out of prison, living in Wichita, and not registered along with 5600 other convicted sex offenders. Her presentation will involve the showing of an interview with KCTV 5. She will focus on victims' rights and may include her ideas about retroactivity.

- VII. Questions from Task Force to Christina Hankinson
- 5 minutes
- VIII. Introduction of Second Speaker
- Sheriff Chinn will introduce Donna Roberts
 - 2 minutes
- IX. Speaker: Donna Roberts
- Subject: Victims' Rights Issues
 - 5 minutes
 - Her daughter, now 22, was kidnapped, drugged and raped at the age of five. Donna will talk about the effects this has had on her and her daughter's lives. She is in strong support of Jessica's Law providing strong penalties for sex offenders.
- X. Questions from Task Force to Donna Roberts
- 5 minutes
- XI. Introduction of Third Speaker
- Senator Brownlee will introduce KBI Assistant Director Kirk Thompson
 - 2 minutes
- XII. Speaker: Kirk Thompson, KBI Assistant Director
- Subject: Combined DNA Index System (CODIS)
 - 10 minutes
 - Kirk will review the Combined DNA Index System (CODIS) providing financial stipulations and the need for funding to support this system.
- XIII. Questions from Task Force to Kirk Thompson
- 5 minutes
- XIV. Introduction of Fourth Speaker
- Attorney General Kline will introduce Mark Lunsford
 - 4 minutes
- XV. Speaker: Mark Lunsford, Father of Jessica Lunsford
- Subject: Personal experience, "Jessica Lunsford Act"
 - 10 minutes
 - Mark will speak about his experience in the matter and will provide support for Jessica's Law.
- XVI. Questions from Task Force to Mark Lunsford

XVII. Attorney General Kline opens up meeting for audience questions

- 2 minutes

XVIII. Audience comments and questions for Task Force members and speakers

- 30 minutes

APPENDIX C

I, Thomas J. Drees, Ellis County Attorney and S.A.F.E. Kansas Task Force member, propose the following be submitted to the Kansas Attorney General, S.A.F.E. Task Force members, Kansas Legislature and Governor Sebelius as a "minority member report" attached to the S.A.F.E. Kansas Task Force, Legislative Recommendations section:

LEGISLATIVE RECOMMENDATIONS

Proposed "Jessica's Law" for Kansas:

1. ~~Impose Kansas' "Hard 25" Life Sentence~~ the Kansas Sentencing Guidelines presumptive sentence for a first offense for any of the following crimes committed against a victim who is less than 14 years old, with the crime level as follows:
 - a. Rape, KSA 21-3502, (currently a level 1 person felony) - ~~an off-grid felony~~ - keep the same
 - b. Aggravated Indecent Liberties with a Child, KSA 21-3504, (currently a level 3 or level 4 person felony) - ~~an off-grid felony~~ - increase to level 1 person felony
 - c. Aggravated Criminal Sodomy, KSA 21-3506, (currently a level 2 person felony) - ~~an off-grid felony~~ - increase to level 1 person felony
 - d. Aggravated Trafficking, KSA 21-3447, (currently a level 1 person felony) - ~~an off-grid felony~~ - keep the same
 - e. Sexual Exploitation of a Child, KSA 21-3516 (a)(5) or (a)(6), (currently a level 5 person felony) - ~~an off-grid felony~~ - increase to a level 1 person felony
2. ~~Impose Kansas' "Hard 50" Life Sentence~~ a "Hard 25" sentence for a second offense for any of the following crimes committed against a victim who is less than 14 years old:
 - a. Rape, KSA 21-3502
 - b. Aggravated Indecent Liberties with a Child, KSA 21-3504
 - c. Aggravated Criminal Sodomy, KSA 21-3506
 - d. Aggravated Trafficking, KSA 21-3447
 - e. Sexual Exploitation of a Child, KSA 21-3516 (a)(5) or (a)(6).
3. ~~Impose a "True Life"~~ "Hard 50" sentence for offenders convicted of a third or subsequent "sexually violent crime." Any offender convicted of a "sexually violent crime," as defined by K.S.A. 22-4902(c), and amendments thereto, who has two or more prior convictions for a sexually violent crime, as defined by K.S.A. 22-4902(c) shall be sentenced to imprisonment for ~~the remaining lifetime of the offender~~ fifty years, with no eligibility for parole and no deduction for good time credits until the fifty year sentence is served.
4. When an offender is sentenced to probation for any misdemeanor offense, the court services or community corrections entity supervising the offender's probation will be

required to conduct a check of the registered offender database maintained by the KBI to determine whether the offender is also an offender required to register pursuant to the Kansas Offender Registration Act for any past crime.

5. (I would recommend nothing be done to the Kansas Capital Statutes until such time as the United States Supreme Court issues its ruling on the Kansas Capital Case St.v.Marsh. If the Legislature is determined to make the change, then the following paragraph is fine).

Amend the "Aggravating Circumstances" statute for Capital Murder prosecutions to ~~all~~ allow the fact that a defendant had previously been convicted two or more times of a "sexually violent crime" as per K.S.A. 22-4902(c) to serve as an "Aggravating Circumstance" that may be considered when determining whether to impose the death penalty.

6. (I would recommend waiting to change "reporting" requirements until the Federal Government gives us the new guidelines regarding Sex Offenders and Registration later this spring. If, however, the Legislature wishes to proceed, the proposed change is fine:)

Require all offenders mandated to register under the Kansas Offender Registration Act, KSA 22-4901, *et seq*, to:

- a. Re-register every 6 months with the sheriff's office in the county where the offender lives or resides;
 - b. Submit to being photographed by the sheriff's office as part of the re-registration process every 6 months; and
 - c. Pay a twenty (\$20) registration fee to the sheriff's office every time the offender re-registers.
7. Strengthen the penalty for failure to register as required by the Kansas Offender Registration Act (KORA), K.S.A. 22-4901, *et seq*. Increase the criminal penalty for failure to comply with all of the statutory registration requirements from the current Severity Level 10, nonperson felony, to a Severity Level ~~5~~ 8, person felony. Additionally, if an offender fails to comply with the requirements of the KORA and the registration violation continues for more than thirty (30) consecutive days, the offender shall be guilty of a second offense and shall be guilty of an additional offense every 30 days thereafter so long as the violation continues.
 8. Amend K.S.A. 21-3812, Aiding a Felon or Misdemeanant, to create a distinct offense for individuals who aid an offender required to register under the Kansas Offender Registration Act in evading registration or evade capture or punishment for failure to comply with the requirements of the registration act. The penalty for a violation of this subsection is a Severity Level ~~5~~-8, person felony.
 9. (This paragraph is unnecessary if the Kansas Legislature simply makes failure to register/aiding failure to register a "person felony" and changes the Kansas

Sentencing Guidelines to convert category C and D - severity level 7 to 10 boxes to presumptive imprisonment - white boxes. This would make all Kansans safer from criminals who commit all crimes - there should not be presumptive probation after a defendant has previously been sentenced for a person felony.)

~~Create a new special sentencing rule under the Kansas Sentencing Guidelines Act, KSA 21-4701, et seq., to allow a judge to decrease the duration and/or disposition of the sentence for an offender convicted of Aiding a Registered Offender (K.S.A. 21-3812(d)) or Failure to Register (K.S.A. 22-4903) if the judge makes specific findings of fact on the record at the time of sentencing. The findings made by the judge would be required to include that either: (1) An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism, and the recommended treatment program is available and the offender can be admitted to such program within a reasonable period of time; or (2) the nonprison sanction will serve community safety interests by promoting offender reformation. Note: This special sentencing rule would only be available to offenders who at the time of sentencing have no prior conviction for a person felony.~~

10. Offenders convicted of any of the following offenses shall be required to register under the Kansas Offender Registration Act for the offender's lifetime:
 - a. Aggravated trafficking, pursuant to K.S.A. 21-3447(c), and amendments thereto;
 - b. rape, pursuant to K.S.A. 21-3502(a)(2), and amendments thereto;
 - c. aggravated indecent liberties with a child, pursuant to K.S.A. 21-3504(a)(3), and amendments thereto;
 - d. aggravated criminal sodomy pursuant to K.S.A. 21-3506(a)(1) or (a)(2), and amendments thereto;
 - e. promoting prostitution pursuant to K.S.A. 21-3513(b)(4), and amendments thereto; or
 - f. sexual exploitation of a child pursuant to K.S.A. 21-3516(a)(5) or (a)(6), and amendments thereto.
11. Any person moving to the state of Kansas who has been convicted in another state, and who was required to register as an offender under that state's laws, shall register for the same length of time required by that state or Kansas, whichever is longer.
12. (This recommendation is too broad. It would require schools to do background checks for "sexual offender status" of all non-instructional personnel who come onto school property while children are present. This would require the schools to run "sexual offender status" backgrounds on all parents, grandparents, siblings, and anyone else who goes on school property. This is not necessary if school teachers are vigilant to watch after and protect their students from all non-school personnel.)

~~Require the State Board of Education to appoint a task force to conduct a study and issue a report regarding the feasibility of all Kansas school districts adopting a policy that prior to any unescorted, non-instructional personnel being permitted to be on school grounds while~~

~~students are present, a check must be made of the registered offender database maintained by the Kansas Bureau of Investigation (accessible via the Internet.)~~

13. Require the Kansas Department of Corrections to issue an annual report detailing any of the following listed crimes committed by individuals who were on parole or post-release supervision at the time of the offense:
 - Any “sexually violent crime” as defined by KSA 22-4902(c);
 - Any other person felony.
- Require the Kansas Department of Corrections to identify, assess and monitor “high-risk” sex offenders when those offenders are released on parole or post-release supervision; prior convictions for crimes including domestic violence, a history of substance abuse or sex crimes may be among the factors considered by the KDOC when making a determination on the risk status of the offender.
- Require the Kansas Criminal Justice Coordinating Council to form a task force made up of members of the criminal justice community who will be charged with collecting information and research concerning the potential utilization of electronic monitoring devices, specifically including devices capable of utilizing global positioning satellite (GPS) technology, for the purposes of monitoring and tracking the locations of offenders placed on bond, probation, parole, post-release supervision and/or individuals subject to civil commitment who have been placed on conditional or transitional release.
- *(NEW) The State of Kansas should conduct a Legislative study to determine what it would take - logistically and financially - to implement a state-wide Sexual Assault Nurse Examiner/Sexual Assault Response Team (SANE/SART) program.
- *(NEW) The State of Kansas should conduct a Legislative study to determine what it would take - logistically and financially - to implement a state-wide training for Law Enforcement Officers to ensure that Law Enforcement Officers properly conduct forensic interviews with victims of sexual assault necessary to admit them in court.
- *(NEW) The State of Kansas should implement a public service campaign towards encouraging the victims of sexual assault to report the crime to law enforcement and/or SANE/SART trained medical personnel.

*The materials provided to the S.A.F.E. Task Force mirror other statistical information that only one in twenty sexual assaults are fully investigated, charged, and adjudicated. The recommendations in paragraphs 16 through 18 should go a long ways towards increasing the report of, investigation of, and prosecution of additional sexual assault cases - both adult and child. The proposals in paragraphs 1 through 15 are useful towards punishing the five percent that has been convicted, but do nothing towards

addressing the ninety-five percent of sexual assault offenders who are never brought to justice. The State of Kansas must focus some attention on the other ninety-five percent as well.

I appreciate having had the opportunity to meet with and work with the other members of the S.A.F.E. Kansan Task Force and hope our efforts were not in vain.

Sincerely,

THOMAS J. DREES
Ellis County Attorney

TJD/rca

February 2, 2006

Members of the Judiciary Committee,

My son is 15 years old, and just over a year ago he confessed to me that he was sexually inappropriate with his younger cousin. He tearfully asked for help and consequences, so I called in a report to the EMCU and quickly found a referral to a highly regarded therapist who specializes in treating juvenile offenders. Life has not been the same since, needless to say.

Our weeks consist of visits to an intensive probation officer, random visits and calls to my home and his school, occasional home searches, and participation for both of us in a treatment program. All of these things (and more) we willingly participate in, because this is the consequence of his actions and his best bet for complete rehabilitation. However, there are some aspects of this process that I find unacceptable, such as my sons listing on the KBI online sex offender registry. He is not a violent predator, nor a repeat offender. He has not been incarcerated or even detained for one day as a result of his offense. If he is truly a danger to society to the extent that the public needs detailed personal information about him at their fingertips, why did the court determine him safe to stay in the home? This is a contradiction I don't understand. Also, another major concern is the current legislative agenda, specifically house bill #2557. This would severely limit my son from having a choice of residence when he turns 18, which I feel is unjust, not to mention his education since he will be at least 19 years old when he graduates from high school.

I want to express that I am not excusing my sons actions, nor am I asserting that the registry and house bill aren't appropriate in some (perhaps many) cases. I am advocating for sex offenders to be treated on a case-by-case basis, as well as a clear line drawn between juvenile and adult offenders.

I ask that you carefully consider the impact that this bill will have on youths and their families. With careful scrutiny and additional wording prior to its passage in the house, I believe it could be a good tool to increase safety in Kansas communities.

Sincerely,



Cindy Vaught

House Judiciary

Date 2-2-06

Attachment # 4