

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on February 7, 2006 in Room 313-S of the Capitol.

All members were present except:

Kasha Kelley- excused  
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 John Grange  
Judge John Sanders, Chief Judge of 13<sup>th</sup> Judicial District  
Neal Harrison, Court Administrator, 13<sup>th</sup> Judicial District  
Representative Forrest Knox  
Representative Frank Miller  
Ramona Carpenter, Greenwood County Farm Bureau  
Stan Skaer, Greenwood County Commissioner  
Becky Lindamood, District Magistrate Judge, 13<sup>th</sup> Judicial District  
Mark Kennison, Sheriff Greenwood County  
Ross McIlvain, Greenwood County Attorney  
Matt Wilson, Individual  
Representative Ward Loyd  
Leslie Huss, Social & Rehabilitative Services  
David Owens, Homeless Come Home Family Reunification  
Rita Noll, Chairperson, Crime Victims Compensation Board  
Carol Lutjohann, Individual

Chairman O'Neal opened the hearing on **HB 2787 - eliminating designation of location of district judges in 13<sup>th</sup> judicial district.**

Representative John Grange appeared as the sponsor of the proposed bill. The 13<sup>th</sup> judicial district is one of the few remaining districts that have a residency requirement. The proposed bill would simply allow the four district judges to live anywhere in the district. He believes that this change would allow a larger pool of attorneys to seek the position of district judge. The pool of attorneys living in Greenwood is very limited and most are unwilling to leave private practice. (Attachment 1)

Judge John Sanders, Chief Judge of 13<sup>th</sup> Judicial District, supported the proposed bill because it would provide flexibility and opportunities to those interested in being a judge. He proposed an amendment which would require there be four district judges in the 13<sup>th</sup> judicial district with one position of division being in the counties of Greenwood or Elk, the second, third, and fourth shall be in Butler county. (Attachment 2)

Neal Harrison, Court Administrator, 13<sup>th</sup> Judicial District, doesn't believe that the removal of the residency requirement would affect court proceedings. All four judges currently hear cases in each county. An overwhelming percentage of cases are located in Butler County. The district has two district magistrate judge positions and they currently live in Greenwood and Elk Counties. (Attachment 3)

Representative Forrest Knox appeared as an opponent of the bill because it would cause harm to Greenwood & Elk Counties due to the fact that there would not be a judge available to sign documents when needed. (Attachment 4)

Representative Frank Miller signed on as a sponsor of the proposed bill but appeared in opposition to it after he heard from constituents who were opposed to removing the residency requirement. (Attachment 5)

CONTINUATION SHEET

MINUTES OF THE House Judiciary Committee at 3:30 P.M. on February 7, 2006 in Room 313-S of the Capitol.

Ramona Carpenter, Greenwood County Farm Bureau, opposed the proposed bill. Retaining a residency requirement would insure access and availability to the courts for the citizens of Greenwood County. (Attachment 6) Committee members commented that they did not hear from proponents about shortening the hours that the Greenwood County Courthouse would be opened.

Stan Skaer, Greenwood County Commissioner, was concerned about the loss of professional individuals living in Greenwood County. Small rural towns are struggling to survive and removing the residency requirement would allow judges to live in Butler County. (Attachment 7)

Becky Lindamood, District Magistrate Judge, 13<sup>th</sup> Judicial District, (Attachment 8) & Mark Kennison, Sheriff (Attachment 9) were opposed to the bill because it's important that judges be available to sign warrants and protection from abuse orders at any time. Committee members pointed out that district magistrate judges can sign most warrants, although it would add another step in some court cases.

Ross McIlvain, Greenwood County Attorney, reminded the committee that Kansas is seeing an increase in methamphetamine labs and cases, therefore causing an increase in the number of motions being filed. He was concerned that without a judge residing in Greenwood County, the court system would not exist. (Attachment 10)

Matt Wilson, Individual, expressed concern that while rural areas are working hard to create jobs in Kansas, and that the proposed bill would take away an opportunity for attorneys or judges to live in Greenwood County. (Attachment 11)

The hearing on **HB 2787** was closed.

The hearing on **HB 2760 - sex offender policy board established within the Kansas criminal justice coordination council**, was opened.

Representative Ward Loyd requested the proposed bill which would create, at the recommendation of the 3R's Committee, a sex offender policy board. The board would consist of seven members who would make recommendations on policy changes with regard to sexual offenders. (Attachment 12)

Leslie Huss, Social & Rehabilitative Services, currently manages Kansas' Sexual Predator Treatment Program which contains and treats 137 sexually violent predators and therefore has a great interest in the safe and effective management of all issues related to sexual offenders. (Attachment 13)

David Owens, Homeless Come Home Family Reunification, supported the proposed bill because the board would likely make strict requirements on sexual offenders living in our state. He suggested that they should consider allowing those individuals to be transferred to other states to live with their families. (Attachment 14)

The following organizations did not appear before the committee but requested their written testimony be included in the minutes:

- Kansas Department of Corrections (Attachment 15)
- Children's Alliance of Kansas (Attachment 16)
- The Saint Francis Academy (Attachment 17)
- YouthVille (Attachment 18)

The hearing on **HB 2760** was closed.

Chairman O'Neal opened the hearing on **HB 2761 - crime victims compensation; reasons compensation reduced or denied.**

Rita Noll, Chairperson, Crime Victims Compensation Board, explained that the proposed bill would allow the Board the ability to reduce or deny any claim that it deems reasonable if the applicant for compensation was involved in an unlawful activity at the time of the crime. An example would be someone who is battered

CONTINUATION SHEET

MINUTES OF THE House Judiciary Committee at 3:30 P.M. on February 7, 2006 in Room 313-S of the Capitol.

in a robbery of his illegal drugs and requests his medical expenses be paid. (Attachment 19)

Carol Lutjohann, Individual, requested an amendment to the proposed bill which would include those who are survivors of suicides to request financial assistance for funerals and mental health services. (Attachment 20)

The hearing on **HB 2761** was closed.

The committee meeting adjourned at 5:30 p.m. The next meeting was scheduled for 3:30 p.m. on Wednesday, February 8, 2006 in room 313-S.

Testimony HB 2787 Relating to the 13<sup>th</sup> Judicial District  
February 7, 2006  
House Judiciary Committee  
by Representative John C. Grange

The 13<sup>th</sup> Judicial District includes the counties of Butler, Greenwood, and Elk located roughly in the South Central part of the State (see attached map). The current law provides for 4 District Judges with one of the judges to be a resident of Greenwood County. This amendment is presented following a request made by the court administrator. The Act amending K.S.A. 4-214 is before you and states "*There shall be four district judges in such district*".

The intent of this proposed legislation is to address the reality of changing population dynamics within the 13<sup>th</sup> Judicial District. There is no intent to degrade the services currently provided to the residents of Greenwood or Elk Counties. We are simply trying to address a future issue of a limited pool of available attorneys living within Greenwood county willing to leave private practice or otherwise inclined to seek election to this position and to align this district with its neighboring districts.

The 4<sup>th</sup> District comprised of Franklin, Anderson, Coffey, and Osage counties is located adjacent and to the north and east has 3 district judges with no residency requirements specific to a county.

The 5<sup>th</sup> District comprised of Chase and Lyon counties is adjacent directly to the north and has 3 district judges assigned with no specific county of residency identified.

The 14<sup>th</sup> District comprised of Montgomery and Chautauqua counties, is located adjacent to the south and east, has three judges and states 2 positions will be located in Montgomery County. No specific residency is mentioned, however there are cities identified where court must be held. These are Coffeyville and Independence in Montgomery county and Sedan in Chautauqua county.

The 31<sup>st</sup> District comprised of Allen, Neosho, Wilson, and Woodson is located adjacent to the East has 3 district judges. No specific residency is mentioned, and again specific cities are listed as required to hold court. They are Iola in Allen County, Chanute and Erie in Neosho County, Fredonia in Wilson county, and Yates Center in Woodson county.

The 28<sup>th</sup> District is comprised of Saline and Ottawa counties is not adjacent but is several counties to the north and has four judges. Their specific statute states at least two district judge positions shall be in Saline county with no specific county of residency identified

My research indicates many judicial districts that contain numerous counties have no county specific residency requirements although they may list "positions" that are indeed county specific. Indeed some of these districts have more counties than Judges assigned.

As I have shown the neighboring counties are living with this type of arrangement and is

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Attachment # 1

apparently providing satisfactory services to the residents of these communities.

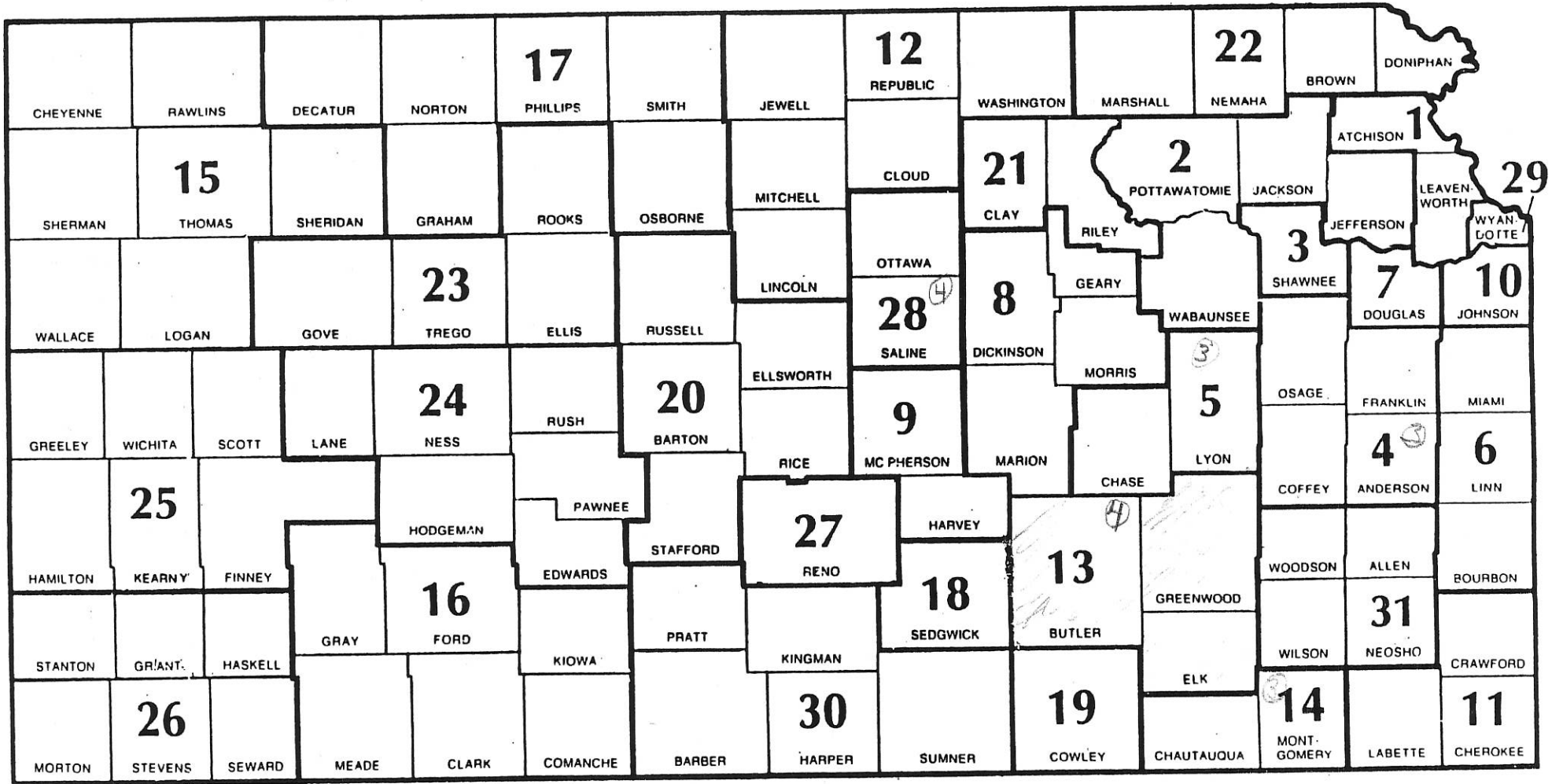
I would like to close by saying has not been nor is it the intention to degrade the services provided to Greenwood county in general or Eureka in particular. It is the intention the judges office and staff will remain, cases will be heard, warrants will be issued, and the residents will be served.

This proposed legislation mirrors the existing judicial districts that I have shown to you and unless you know of testimony to the contrary I would submit the change I propose will do nothing to harm the judicial services as they now exist.

I would consider a friendly amendment one which would include language as to a “**position**” must remain designated to Greenwood county or one that requires court be held in Eureka.

I thank you for your attention and will stand for questions.

# Kansas Judicial Districts (31)



Testimony HB 2787 Relating to the 13<sup>th</sup> Judicial District

February 7, 2006

House Judiciary Committee

By: John E. Sanders, Chief Judge

13<sup>th</sup> Judicial District

Thank you for the opportunity to speak before you today.

Representative Grange has covered the points quite well as to why all of the District Judges of our judicial district are seeking this change in the wording of K.S.A. 2787. I do not want to be repetitive.

I would like to emphasize two things. All of the surrounding judicial districts in this area of Kansas have very similar legislation and we would like our district to be in line with the others.

Secondly, this change is fair and allows any attorney from any of our counties to run for any judge position in our district. We simply want to be able to draw prospective judges from the largest pool we can draw from to hopefully attract the very best talent judges the benefit of all our counties.

It might be helpful to amend the language even further to address some of our communities concerns and we would welcome those changes. I believe that this change is before you.

If there are any questions, I would be glad to answer them.

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Final proposed legislation:

**K.S.A. 4-214. Thirteenth Judicial District.** The counties of Butler, Greenwood and Elk shall constitute the 13<sup>th</sup> judicial district. There shall be *four* district judges in such district. *The position of division one shall be in the counties of Greenwood or Elk. The positions of division two, three and four shall be in Butler county.*





DISTRICT COURT  
THIRTEENTH JUDICIAL DISTRICT  
STATE OF KANSAS  
(316) 322-4358

February 7, 2006

Dear Committee Members:

I am the District Court administrator for the 13<sup>th</sup> Judicial District. I forward comments in favor of HB 2787. I believe the changing of residency requirements for the four District Judges would not negatively effect the efficiency of the court. A requirement for one judge per county would not be affected since Elk and Greenwood each have a District Magistrate Judge who must reside in the respective county. As long as one of the four District Judges reside in Butler County, that requirement would be satisfied for Butler County.

Flexibility must be the key to providing judicial efficiency in the future. The Chief Judge determines judicial assignments and I do not believe residency, regardless where a particular District Judge lived, would have a negative impact on such assignments.

Thank You,  
Respectfully,

Neal Harrison  
Court Administrator

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Attachment # 3

STATE OF KANSAS  
HOUSE OF REPRESENTATIVES

13TH DISTRICT  
DOCKING STATE OFC. BLDG.  
7TH FLOOR  
915 SW HARRISON  
TOPEKA, KS 66612  
(785) 296-7678  
knox@house.state.ks.us



5713 EDWARDS RD.  
FREDONIA, KS 66736  
(620) 633-5348  
fjk@twinmounds.com

FORREST J. KNOX

RE: HB 2787

February 7, 2006

Chairman O'Neal and members of the House Judiciary Committee, thank you for the privilege to stand before you today to oppose HB 2787 and to demonstrate to you why you should not advance this legislation.

Here today is a distinguished group of Greenwood County leaders who oppose this bill and will show you that this bill, while accomplishing no good lasting purpose for the 13<sup>th</sup> Judicial District or for the state of Kansas, will do much harm to Greenwood and Elk counties both now and in the future.

I personally know of only one Greenwood County resident who is in favor of this bill and is, in fact, the reason for this bill. On the other hand, I have heard from many Greenwood County citizens that are opposed to this bill. Both city and county leaders oppose this bill, as well as business and economic development leaders and law enforcement officials. They are not here to oppose their friend, Judge Sanders, but to oppose this legislation because of its far reaching effects upon Greenwood and Elk counties as well as, likely, all of rural Kansas.

The population of Butler County has grown much in recent years while the populations of Elk and Greenwood Counties have dropped. The economies and populations of Butler County and its rural neighbors have grown very dissimilar. The interests of the residents of Butler County are not in line with those of Greenwood and Elk County. Presently, Elk County has difficulty getting a district court judge there more than one day a month. Greenwood County has had an advantage in that Judge John Sanders has maintained the district court in Greenwood County and has been a resident. Thus, he has been accessible to the members of the community and available to sign documents, when needed. We would like to maintain a statutorily resident district judge, with ties to the community where he is elected. We need this voice in the process. If all district judges are elected from Butler County, then Greenwood and Elk Counties will effectively lose their vote, as the candidates need only concentrate on the area with the greatest population, Butler County.

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Many other judicial districts in the state have residence requirements. If this legislation is passed it may well be the beginning, in the state of Kansas, of consolidating district court services in urban areas only. There are many people who would like to live in a rural area. Their only problem is employment. If this district judge position is maintained in Elk and Greenwood County, there would not be a shortage of quality applicants when the position was open. As an example of this, I point to the Greenwood County sheriff. When Sheriff Matt Samuel was killed in the line of duty just over a year ago, Greenwood County found a superbly qualified sheriff from outside the county that desired the job. He merely established residency and was sworn in as the new Greenwood County sheriff. Lack of qualified candidates is not an obstacle.

I ask you to listen to several Greenwood County leaders that will better explain why you should reject this short-sighted, narrow legislation and maintain current law.

C. FRANK MILLER  
REPRESENTATIVE, TWELFTH DISTRICT  
MONTGOMERY, CHAUTAUQUA, AND  
ELK COUNTIES  
HOME ADDRESS: P.O. BOX 665  
434 DEER TRAIL DR.  
INDEPENDENCE, KANSAS 67301  
TOPEKA OFFICE: STATEHOUSE, RM 431-N  
TOPEKA, KANSAS 66612  
(785) 296-7646  
EMAIL ADDRESS: miller@house.state.ks.us  
WEBPAGE: WWW.FRANKMILLER.ORG



TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
VICE-CHAIR: AGRICULTURE  
MEMBER: EDUCATION  
GOVERNMENTAL ORGANIZATION  
AND ELECTIONS  
HEALTH AND HUMAN  
SERVICES  
JOINT COMMITTEE ON CHILDREN'S  
ISSUES

February 7, 2006

Honorable Michael R. O'Neal – Chairperson  
House Judiciary Committee  
Ref: HB 2787

Chairman O'Neal thank you and all committee members for allowing me to present this email message sent to me, and which I now submit to the committee as a written testimony from Elk County Magistrate Judge, Martina Hubbell.

I regret having signed on as a cosponsor of this bill, but at the time it appeared to me to be noncontroversial. However as a consequence of the opposition expressed by Judge Hubbell I stand as an opponent to this bill.

----- Quote -----

Rep. Frank Miller

I feel that I am responsible to the voters in my county and therefore I strongly object to HB 2787 amending K.S.A. 4-214. To remove the requirement that one District Judge of District 13 will reside in Elk or Greenwood County will put all the District Judges in Butler County an urban county. Therefore creating a disservice to the two rural counties of District 13. The District Judge that resides in either Elk or Greenwood County knows the resources and the people of the rural area and can better serve the people of the rural area. We have many people that are qualified to fill the position of District Judge in our rural county.

Thank you for your consideration.

Martina Hubbell  
District Magistrate Judge, Elk County

----- End Quote -----

Thank you Mr. Chairman and I stand for questions.

Respectfully yours,

Representative Frank Miller

House Judiciary

Date 2-7-06

Attachment # 5

**From:** "Marla Foster Ware" <mfosware@sktc.net>  
**To:** "Frank Miller" <miller@house.state.ks.us>  
**Date:** Mon, Feb 6, 2006 9:06 AM  
**Subject:** House Bill No. 2787

Dear Rep Miller;

I was told about HB 2787 last Friday and wanted to write and state my objection to this bill.

I am an attorney in Elk County, Kansas, and currently hold the position of County Attorney. I am a Republican and feel like I have a pretty good handle on the attitudes of the Elk County voter.

I am personally opposed to eliminating the requirement that one of the district judges reside in either Greenwood or Elk County. I have practiced law in this county for 25 years. Greenwood and Elk are rural counties in a district with the more urbanized Butler County. The voters of Elk County will not like eliminating the residency requirement. The voters want to have a judge that lives in the area they live in, ie. rural, and understands their lives and environment. The voters will feel disenfranchised with the elimination of the residency requirement as certainly all our judges will be elected out of Butler County as that county hold the population.

Both Elk and Greenwood county have qualified candidates for district judge position currently living in those counties.

Thank you for your consideration.

Marla Foster Ware  
Elk County Attorney

**CC:** "Derek Schmidt" <schmidt@senate.state.ks.us>

GREENWOOD COUNTY FARM BUREAU ASSOCIATION  
222 West First  
Eureka, Kansas 67045

February 6, 2006

FROM: Ramona Carpenter  
President, Greenwood County Farm Bureau  
469 50<sup>th</sup> St.  
Piedmont, Kansas 67122

TO: Representative Mike O'Neal  
Chairman, House Judiciary Committee

RE: HB 2787: Removing the residency requirement for District  
Court Judges in Greenwood and Elk County

Chairman O'Neal and members of the House Judiciary Committee, thank you for the opportunity to appear today. I am Ramona Carpenter and I serve as the President of Greenwood County Farm Bureau Association.

We believe strongly in maintaining the ability of our citizens to access the courts. Having a District Court Judge from the 13<sup>th</sup> Judicial District required to live in Greenwood or Elk County simply insures ready access and availability for our citizens.

Our policy developed locally and adopted after debate and input from Farm Bureau members from all counties of the state supports the concept that Judges should be maintained in each of the state's counties.

Thank you for the opportunity to appear before you today. On behalf of the members of Greenwood County Farm Bureau, we respectfully ask that you reject this measure.

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Attachment # 6

JUDICIARY COMMITTEE HEARING  
HB # 2787  
February 7, 2006

By: Stanley A. Skaer  
Chairman, Greenwood County Commission

Gentlemen:

I am here today to testify against HB #2787. The present law requires that 1 of the 4 District Judges in the 13<sup>th</sup> Judicial District be a resident of Greenwood or Elk Counties, Butler County being the other county involved. HB #2787 changes that residency requirement. Our founding fathers plainly recognized the need to protect minorities and rural areas by the development of both houses of the US Congress.

Our communities in rural Kansas are in a desperate struggle to survive. Greenwood is no exception. Our County and Elk County are among the 5 most economically depressed Kansas Counties. Greenwood is one of the state's largest counties with 2 main widely separated towns. The loss of even one good professional job and the associated family, as a District Judge, can have a major impact upon our community. If the Judge resides in Butler County, then his secretary, her family, the court reporter and her family will also live there, a loss of 3 professionals and their families from our community.

While State law and the Kansas Constitution mandate that there must be a District Court in every county, at the courthouse, the Districts have circumvented the issue by scheduling. Elk County has District Judges and Court 1-2 days per month now. Greenwood County has District Court 4-5 days per month. Woodson County has a District Attorney 4 hours per week. How would law enforcement even work with that?

Part of government's responsibility is to anticipate future changes and needs. Although the 13<sup>th</sup> Judicial District will, for now, continue to send Judges, part time, to Greenwood County, we involved in government, know where this is heading, if HB #2787 is allowed to pass. The best way for our county to maintain our District Court representation is to keep the present residency requirement.

Granted it is desirable to hold court in a nice new Judicial Center with all of the amenities and safety features. One of the issues utilized to justify a change in the law is the judicial perception of personal safety. Rural Counties cannot afford and never will be able to afford the Judicial Centers such as Butler County. We feel the risks are low in rural areas. We might be able to protect the Court with 1 metal detector and the addition of 1 full time screening officer and 1 part time employee, all with added expense. Full time Court law enforcement presence would require a minimum of another 1-2 new employees. We have spent over \$30,000.00 recently for an updated surveillance system with new cameras and monitors. Over \$18,000.00 has been spent for a new panic button alarm system. Any case involving criminal court has a jailer to accompany and remain with the inmate when in the courtroom. The court can request law enforcement presence at any time for any case with a perceived risk.

Another reason given for the purposed law change is "so we can make sure that we have a large pool of good attorneys from which we can draw good judges in the future." I counted 8 attorneys in Elk and Greenwood County now. That's a fairly sizable pool. Perhaps other attorneys might choose to live in our counties, if a judgeship was available. One thing you learn with aging, no one is irreplaceable.

You need to understand that this law change, (HB #2787), has been introduced for the benefit of one individual, who wants to move from Greenwood County, for personal reasons, to Butler County and continue his judicial responsibilities and receive remuneration. Construction plans are already underway for his new home in Eldorado.

I have always felt that public service should be for the benefit of the public and not for the personal gain of one individual. Thank you. Are there any questions?

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Attachment # 7

Chairman Representative O'Neal and  
House Judiciary Committee Members

I want to thank you for this opportunity to speak. I, also, want to thank Representative Knox for alerting me to HB2787.

As the Magistrate Judge for Greenwood County, I am deeply concerned about the removal of the residential requirement for Greenwood and Elk counties for the District Judge, of the 13<sup>th</sup> Judicial District.

The professional position of a District Judge is important in rural counties and communities. Greenwood and Elk counties are rural counties trying to provide education, services and job opportunities to keep rural life viable.

Rural counties need a strong presence of law and order. After the death of our Sheriff, Matt Samuels, January 19, 2005, Greenwood County citizens know all to well how important the law and the court systems are to our communities.

We in Greenwood County understand the importance of the District Judges availability to sign search warrants as needed, any time, day or night, weekdays, weekends or holidays when the information becomes available. The accessibility to a District Judge to sign the warrant is the key to the investigative process of a successful case being brought to Court. Protection from abuse orders were put into effect by the Kansas Legislature to protect people who cannot protect themselves. Our District Judge has always taken these seriously and been available to sign the needed paperwork.

The District Judges position, the Court Reporter, Administrative Assistant and probably a Court Clerk also contribute to the communities well being with the knowledge and experience they can offer. Their work in local organizations, churches, involvement in schools and family members being a part of the community are a necessary integral part of the court system working with the small communities.

Attorneys that complete school and return to the rural communities to practice law should not be penalized for this choice, by removing the District Judge's residential requirements.

I feel the voters of the 13<sup>th</sup> Judicial District have the intelligence to select the Judges that represent them and having the residential requirement keeps the rural influence alive in the 13<sup>th</sup> Judicial District.

*Rebecca Lindamood*

House Judiciary

Date 2-7-06

Attachment # 8



If I can answer any questions please feel free to call or e-mail me.

[Beckyl@Fox-net.net](mailto:Beckyl@Fox-net.net)

620-583-8155 (work)

620-645-2246 (home)

I am here today to voice my opposition to HB 2787. In the interest of law enforcement in Greenwood County I see this Bill as a set back rather than progression.

When we have a case in Greenwood County that requires a search warrant, time is of the essence to secure evidence, for the integrity of the scene and for the safety of our deputies. Our department is a small one and typically all on duty deputies are called in to assist in situations like these that arise. Adding an hour drive for a deputy to obtain a signature for a warrant could be very detrimental to a case and take a much-needed officer away from the county.

Last year the Matt Samuels Bill was passed into law to assist law enforcement in the fight against the criminal elements in Kansas. This was very positive and the law is beginning to show its effects in our county. Please do not now turn around and cripple us in our efforts to keep our community safe.

Thank you,

Mark Kenneson  
Greenwood County Sheriff

House Judiciary

Date 2-7-06

Attachment # 9



February 6, 2006

From: Ross McIlvain  
Greenwood County Attorney  
311 N. Main  
Eureka, KS 67045

To: Representative Mike O'Neal  
Chairman, House Judiciary Committee

Re: HB 2787: Removing the residency requirement for District Court Judges in  
Greenwood and Elk County

First of all- I want to thank you all for allowing me to come here today and testify.

I want to emphasize next that we cannot make do with any more cutbacks to our criminal judicial system, in Greenwood County, in particular-or rural Kansas in general.

As it so happens I was Greenwood County Attorney once before, back in the 80's. So I was County Attorney in 1985-the numbers bear out my recollection-criminal cases and child in need of care have more than doubled from 1985 to 2005.

Much of this is methamphetamine, of course. Its not just drug cases, all kinds of crime go up and child in need of care cases also- all related. Two murders in 2005-we normally go for years without one. (Matthew Samuels, of course, being one of them). The raw numbers of cases don't tell the whole story, just one methamphetamine laboratory case-takes a lot more time, and resources of all kinds, than, for example, a common old fashioned burglary and theft. Of course- we have more of those too-criminals need money for drugs. One child in need of care (many methamphetamine related) takes forever.

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Attachment # 10

Also, we're seeing increased number of defense motions, the sentencing guidelines and SB 123 also slow things down a lot.

The need for a search warrant can come up anytime-sometimes on a short notice- and if the judge isn't available it's a problem. Doing it by long distance- if it can be done, doesn't always work as well.

It's already hard to get things done in the legally required times. We've already seen a decrease over the years in the time we have either judge unavailable. We can't stand any more cuts.

Despite what the proponents of the change would have you believe.... Sooner or later-it would mean a lot less judge in Greenwood and Elk County.

Without a judge the criminal justice system doesn't function. That would be a fundamental breach of the social contract.

**Testimony of Matthew E Wilson  
Citizen of the City of Eureka, Greenwood County  
Before the  
Kansas House Judiciary Committee  
On**

**HB2787**

**Topeka, Kansas  
7 February 2006**

Chairman O'Neal and committee members,

I generally shrink in the glaring light of government and politics, but I feel compelled to rise against this seemingly minor piece of legislative housekeeping known as HB2787.

My family and I own a small business in Eureka, and we are fairly active in the community. Like many kids who grew up in Eureka, I moved away after college to the Big City to start my career. After 10 years of that lifestyle, I moved back to Eureka – back to the place that felt like home to me and my family.

Eureka is in Greenwood County, and like Elk County to the south, we have the dubious honor of being among the poorest counties in Kansas, with declining population, declining school enrollment, and fewer opportunities for young people.

We spend a lot of our time working to reverse that trend, and we hear daily stories from people who would love to move back home but there are no jobs for them. The problem is most acute for young professionals and other highly skilled people.

The net result of this bill will be to eliminate two college-educated families from Greenwood and Elk Counties, and give young lawyers one fewer reason to move here.

Folks, we're spending lots of time and effort to bring even a few college grads to Eureka in the private sector – let's not ship families out with the legislative pen.

Thank You.

Matthew E. Wilson  
President  
Invena Corporation  
416 E. Fifth Street  
Eureka, Kansas 67045  
Phone (620) 583-8630  
Email matt@invena.com

House Judiciary

Date 2-7-06  
Attachment # 11

WARD LOYD

123RD DISTRICT

"THE HEART OF GARDEN CITY"

E-MAIL: loyd@gonet.com



TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEES

CHAIR: CORRECTIONS &amp; JUVENILE JUSTICE

MEMBER: JUDICIARY

## TESTIMONY IN SUPPORT OF HOUSE BILL NO. 2760

To: Honorable Michael O'Neal, Chairman  
House Judiciary Committee

Date: February 7, 2006

Mr. Chairman and Committee Members,

Thank you for the opportunity to present testimony in support of House Bill No. 2760. The measure proposes the establishment of a Sex Offender Policy Board to consult and advise the Kansas Criminal Justice Coordinating Council, which itself exists by virtue of the authority of K.S.A. 74-9501, as amended.

As you are aware the Council is a seven member board composed of the governor or designee, the chief justice of the supreme court or designee, the attorney general or designee, the secretary of corrections, the superintendent of the highway patrol, the commissioner of juvenile justice and the director of the Kansas bureau of investigations.

HB 2760 was introduced by virtue of the recommendation of the Reentry Subcommittee of the Kansas Criminal Justice 3Rs Committee, set forth in the 2006 Committee Report to the Kansas Legislature. In particular, see Section 10 of the recommendations. The 2006 Report is completed, and in the hands of the State Printer, although we have yet to be provided the final product.

RESIDENCE  
2203 CENTER  
GARDEN CITY, KS 67846  
(316) 276-7280

DISTRICT  
118 W. PINE ST., BOX 834  
GARDEN CITY, KS 67846  
(620) 275-1415

House Judiciary

Date 2-7-06  
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Issues surrounding sex offenders are of more complexity in many instances than those of offenders convicted of non-sex offenses. Much information on the topics of the appropriate identification and risk assessment of sex offenders is available through the National Institute of Justice, the National Institute of Corrections, and the Center for Sex Offender Management, and research is ongoing. As more and better information becomes available for application in improving public safety, we need in place a mechanism by which to gain the advantage of expert knowledge and best practices. The Policy Board is seen as a good and necessary means to that end.

It is intended that the Policy Board be composed of the following:

- Secretary of Corrections,
- Commissioner of Juvenile Justice,
- Secretary of SRS
- Director of the KBI,
- The Chief Justice of the Supreme Court, or designee, and
- Two persons appointed by the Council.

The Policy Board is charged, in particular, with the task of submitting a report to the Council as well as the governor, the attorney general, the chief justice of the supreme court, and to both the House and the Senate regarding public notification pertaining to sex offenders, residential restrictions of released offenders, use of electronic monitoring, and management of juvenile offenders, by the 2007 legislative session, and treatment and supervision standards for such offenders, the suitability of lifetime release supervision, and safety education and preventative strategies for the public, by the 2008 legislative session.

Kansas Department of  
**Social and Rehabilitation Services**

Gary Daniels, Secretary

**House Judiciary Committee**  
February 7, 2006

**HB 2760 - Development of a Sex Offender Policy  
Board**

**Health Care Policy**  
Leslie Huss, Forensic Program Consultant

For additional information contact:  
Public and Governmental Services Division  
Kyle Kessler, Director of Legislative and Media Affairs

Docking State Office Building  
915 SW Harrison, 6<sup>th</sup> Floor North  
Topeka, Kansas 66612-1570  
phone: 785.296.0141  
fax: 785.296.4685  
www.srskansas.org

House Judiciary

Date 2-7-06  
Attachment # 13



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

House Judiciary Committee  
February 7, 2006

**HB 2760 - Development of a Sex Offender Policy Board**

Chair O'Neal and Committee Members, I am Leslie Huss, Forensic Program Consultant with the Kansas Department of Social and Rehabilitation Services (SRS). SRS has a compelling interest in the safe and effective management of the broad array of issues related to sexual offenders, and supports the development of a sex offender policy board as specified in House Bill 2760.

Over the past three fiscal years, SRS' child protection system has investigated 8,062 of them and substantiated 2,542 cases of child sexual abuse. A comprehensive response – from prevention and early intervention, to victim recovery and offender accountability – is essential in meeting the needs of these youth and their families. In addition, SRS manages Kansas' pioneering Sexual Predator Treatment Program which safely contains and treats 137 sexually violent predators. As the census and costs associated with that program continue to rise, new treatment, release and societal challenges rise and must be soundly addressed.

In order to build comprehensive strategies that utilize and strengthen existing expertise and resources that can be effectively implemented in Kansas, and are durable across service settings and over time, it is important to actively link agencies and people to develop, implement, assess and update the strategies together. The existing Kansas Criminal Justice Coordinating Council is a good spring-board body, because it broadly represents law enforcement and correctional entities; while social service, community, victim oriented, education and other interested people can be added to round out the partnership. The addition of the proposed sex offender policy board is a powerful way to evaluate, assess, guide and inform public policy related to public safety in sex offender management.

Building upon the work of existing programs and services, this policy board can lead Kansas' policy makers and provide research-based proposals which

- ▶ facilitate a coordinated response to the multi-agency, multi-system management of sex offender issues, including comprehensive oversight strategies that
  - are across the life span and the complete continuum of care
  - are behavior focused whether adjudicated or convicted
  - include all sex offense adjudications/convictions
  - address issues of education, prevention, early intervention, treatment, security, supervision, and containment
- ▶ build into the response, at every level, the values of public safety, societal expectations, victim protection/recovery, and offender accountability
- ▶ develop and approve practice guidelines, monitoring standards, evaluation tools, risk assessments and related instruments to inform and improve sex offender management
- ▶ recommend statutory, service, program, funding and related mechanisms to successfully implement comprehensive, safe and effective sex offender management strategies.

There are few issues across the social landscape in America today that spark as much universal concern and desire for action as those related to sex offender behavior, victimization and public safety management. Clearly these are issues that require compressed but thoughtful attention and response. Developing responses in a cohesive fashion, based upon shared values of public safety, evidence-based successful strategies, victim recovery and offender accountability will produce the strongest public policies. Still, the responses must be agile, prompt, proactive, continuously evaluated for effectiveness, and sensitive to overall societal expectations. The sex offender policy board proposed in this bill will support strong and effective public policy responses to these troubling issues.

Thank you for this opportunity to provide testimony. I will stand for any questions.

RE: BILL# 2760

MON. 2/6/06 - FOR TESTIMONY  
TODAY & ON WED. 2/8/06

DEAR COMMITTEE

AS OF LATE, I'VE NOTICED THE NUMBERS OF SEX OFFENDERS... ~~WHO~~ BECOME HOMELESS ARE RISING, I BELIEVE THE REASONS ARE:

1) LACK OF MOTIVATION, OR TRAINING ABILITY, OF PROBATION/PAROLE OFFICERS...

ALSO LACK OF COUNSELING & PRESSURE.  
2) LESS & LESS APARTMENTS, NURSING HOMES, & OTHER, ARE WILLING TO ACCEPT SEX OFFENDERS... I MYSELF USED TO BE AMONG THEM (I WAS VIEWING (ONLY) CHILD PORNOGRAPHY.

3) IF THE CLIENT GETS KICKED OUT OF A 1/2-WAY HOUSE, THE HOUSE IS SLOW TO REPORT TO PROBATION/PAROLE.

I SUGGEST:

A) PROBATION/PAROLE BECOME (CITY, COUNTY STATE & FED.) FAMILIARIZE THEMSELVES WITH DIFFERENT HOMELESS PROGRAMS, RENT ASSISTANCE, AND WILLING HOUSES. (OR, MISSION, OR OTHER)

B) THAT THE 1/2-WAY HOUSE COMMUNICATE WITH PAROLE/PROBATION... BEFORE HE IS KICKED OUT (SO HE MAY INSTEAD BE PUT BACK IN JAIL - ~~UNSTEAD~~ OF BECOMING HOMELESS.

IF I WERE A HOMELESS SEX OFFENDER, I'D VIOLATE, OR <sup>RE-OFFEND</sup> JUST SO I COULD GO BACK TO JAIL.

THAT'S CALLED INSTITUTIONALIZED. (I HOPE I'D CALL MOM & DAD OR BROTHER FIRST.)

COULD YOU MAKE THESE SUGGESTIONS EITHER ON THE BILL OR IN PRIVATE  
GOD BLESS YOU!

LK. 18: 11-32  
Homeless Come Home  
"restoring a place where they can come home"  
"HEADS YOU TAIL"  
785 633-0833  
David Owen - Legat Plaza  
1300 Van Buren - Ste. 16  
Topeka, KS 66612-1353  
"Relationships (on top of skills)"



# KANSAS

KANSAS DEPARTMENT OF CORRECTIONS  
ROGER WERHOLTZ, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

Testimony on HB 2760  
to  
The House Judiciary Committee

By Roger Werholtz  
Secretary  
Kansas Department of Corrections  
And  
Don Jordan  
Commissioner  
Juvenile Justice Authority

February 7, 2006

The Department of Corrections and the Juvenile Justice Authority support passage of HB 2760. HB 2760 directs the Criminal Justice Coordinating Council to create a Sex Offender Policy Board to consult and advise the Council. The mission of the Sex Offender Policy Board would be to study and report on issues and policies pertaining to the treatment, sentencing, rehabilitation, reintegration and supervision of sex offenders. HB 2760 specifically requires that a report by the Policy Board regarding public notification, residence restrictions, and electronic monitoring of sex offenders as well as the management of juvenile sex offenders be completed by the beginning of the 2007 Legislative session; and the completion of a report regarding treatment and supervision standards, suitability of lifetime release supervision, and safety education and prevention strategies by the beginning of the 2008 session.

The Sex Offender Policy Board would provide an invaluable resource in formulating the State's response to the serious public safety issues pertaining to sex offenders. The State's policies regarding sex offenders should be "smart" responses that incorporate the best practices and research in dealing with sex offenders in the most efficient and cost effective manner. "Sex offenses" cover a wide variety of offenses, circumstances of the crime, characteristics of the offender, treatment amenability, and modalities of treatment and supervision. The role of the Board would be to evaluate and advise the Criminal Justice Coordinating Council, Legislature, Governor, Attorney General, and the Supreme Court of the research and best practices for addressing public safety in the most effective and efficient manner. To that end, the Board would be comprised of entities that are responsible for the incarceration, treatment, supervision, or registration of sex offenders and those who provide services to victims of sex offenses.

The board would be comprised of the Secretary of Corrections, Commissioner of the Juvenile Justice Authority, Secretary of Social and Rehabilitation Services, Director of the Kansas Bureau of Investigation, the Chief Justice of the Supreme Court and two members of the public selected by the Council. One of the public members would be required to be a mental health service provider and the other a person engaged in providing child welfare or crime victim services.

The issues that arise in the treatment, sentencing, rehabilitation, reintegration and supervision of sex offenders present opportunities to enhance public safety in an effective and efficient manner if those issues are responded to based upon what works. Those issues include:

- Treatment modalities and provider qualifications, licensing, and regulation.
- Risk assessment.
- Residency restrictions.
- Electronic monitoring.
- Supervision standards.
- Employment restrictions.
- Community/victim notification
- Registration.
- Coordination between agencies and treatment providers.
- Management of juvenile offenders.
- Community education and child abuse prevention.

In addition to the issues that confront the State in its response to the management of sex offenders, the Board would also provide a vehicle to access grants for the study and implementation of effective sex abuse programs. A sex offender policy board is currently being used in Colorado.

The Department of Corrections and the Juvenile Justice Authority support passage of HB 2760.

Bruce Beale  
DCCCA, Inc.  
President



Bruce Linhos  
Executive Director

Community Agencies Serving Children and Families

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212 S.W. 7th Street Topeka, Kansas 66603  
(785) 235-KIDS fax: (785) 235-8697 e-mail: blinhos@childally.org  
Website: www.childally.org

Testimony in Support of HB 2760  
House Judiciary Committee  
February 7, 2006

The Children's Alliance is the state's association of private non-profit child welfare agencies. Member agencies provide an array of services for youth both in the custody of the Department of Social and Rehabilitation Services as well as those under the Juvenile Justice Authority. Services provided by member agencies include family preservation, foster care, group and residential treatment as well as specialized treatment for youth displaying sexual acting out behavior. As an Association, who many of its members serve youth in the custody of SRS and JJA, support the development of the sex offender policy board as a part of Criminal Justice Coordinating Council.

This policy board having representatives from both child welfare and mental health, would ensure that there is representation for youths who need treatment and that the different needs of youths can be taken into account as the state seeks to develop policies for serving this population. The complicating factor is always balancing public safety against treatment efficacy.

There is every reason to believe that the earlier the intervention for sexually acting out youth, the more likely we are to effect the types of behavior change necessary to prevent them from becoming sexual offenders in their adult lives. It is for these reasons that we support the development of a sex offender policy board that includes representation from the disciplines of child welfare and mental health. We further hope that such representation from these two disciplines will include individuals who actually work directly with this population.

Testimony provided by:  
Bruce Linhos  
Executive Director

House Judiciary

Date 2-7-06  
Attachment # 16



**Testimony before the House Judiciary Committee  
February 7<sup>th</sup>, 2006**

**Support for HB 2760: Establishing the Sex Offender Policy Board**

St. Francis Academy has a rich history of serving troubled youth and their families over the past 60 years. We provide a range of services to youth and their families from family preservation, foster care, drug and alcohol services, restorative justice programs, and residential services and supports and programs for sexually acting out youth.

We submit this testimony in support of HB 2760 that would amend K.S.A 74-9501 to include the establishment of a sexual offender policy council. We believe this is an important step in ensuring state policies and practices reflect the needs of youths we serve.

In January of 2003, SRS convened a group of stakeholders from around the state to share ideas, information, challenges and barriers to serving a population of sexually acting out youth in the state. In attendance were local community providers, mental health centers, child welfare service providers, state agency personnel and University staff who had just completed a study on the needs and service availability for these youth. There was great consensus regarding those service challenges and needs and recognition that in order to address those needs, policies and procedures at the state level must form the foundation for how services are delivered.

The current Secretary convened another stakeholder group last year to address issues and concerns. That session produced similar outcomes and conclusions. This policy board would establish the appropriate forum to ensure attention is given to the special needs of sexually acting out youths and their families.

We encourage the Legislature to ensure the viability of this council by requiring the appointment of individuals with experience and or understanding of the treatment needs and the community service implications for these youth. In addition, the board should be required to identify key policy areas related to the special needs of youth offenders and develop a plan for addressing those needs in the standards they develop.

We believe this board can and should be an important resource for policy makers as they make decisions related to protection of the public as well as treatment of those individuals, particularly youths in state custody, who have been identified as needing treatment and support.

Respectfully submitted,  
Melissa Ness, Advocacy Coordinator

House Judiciary

Date 2-7-06

Attachment # 17

# YOUTHVILLE

**House Judiciary Committee  
Testimony in Support of HB 2760  
February 7, 2006**

Chairman and the rest of the committee,

My name is Mike Hoar and I am the Chief Program Officer for Residential Treatment at Youthville. Youthville is a child welfare agency that has been in existence since 1927. Youthville has 2 Level 6 residential facilities for a total of 113 beds. We also hold the state contract for foster care/reintegration in region 5 and operate foster homes and other services in several parts of the state. We have over 450 Child Welfare and Mental Health professionals on staff. It is my pleasure to offer this testimony concerning the need for a Sex Offender Policy Board with the inclusion of Mental Health and Child Welfare professionals.

- We have operated an intensive residential treatment program at our Dodge City Campus for Sex Offenders for 7 years. This program has grown from a program with 10 clients to three units that treat 36 boys from the ages of 10 to 18. One of these programs is for younger clients with sexual issues (many may not be offenders, but have experienced much exposure to an over sexualized life, or sexual experimentation that is starting to cause safety issues in their life. One unit treats older boys with moderate sexually acting out issues to minor sexual offenses. The other unit treats sexual offenders that are at a higher level of risk of offending.
- Many of our clients also have dual treatment issues with their sexual issues including chemical dependency issues, severe emotional disturbed clients, and clients with some degrees of mental retardation.
- We have worked hard to lower our lengths of stay for our clients and in order to do this effectively we need to have better access to community services. This would include Mental Health services and education services that can educate the clients and keep them in a safe structured environment.
- Integration of services and continuation of safety plans and community treatment are essential for shorter lengths of stay in Juvenile Sex Offender intensive residential treatment and stepping down to community settings.
- I was part of a round table discussion several years ago with SRS, Mental Health Services, Educators, and Treatment providers in the discussion of the need for more services for Sex Offenders. This process brought together some of our best people from across the entire state. We need to continue this work. I see that adding a Mental Health Professional and a Child

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House Judiciary



Welfare Provider to the Sex Offender Policy Board as a key piece in the integration of treatment for sex offenders in our state.

- With shortened lengths of stay and the need to create better community services and more services closer to the families it is critical that we all work together to shape the best plans possible on this board.
- Youthville supports the creation of a Sex Offender Policy Board and believes it will be very important to include both mental health and child welfare representatives.

I am available for questions you may have.

Mike Hoar  
Chief Program Office for Residential Services  
Youthville  
PO Box 1394  
Dodge City, KS 67801  
620-225-027  
mhoar@youthville.org



PHILL KLINE  
ATTORNEY GENERAL

State of Kansas  
**Office of the Attorney General**  
CRIME VICTIMS COMPENSATION BOARD

120 S.W. 10th Avenue, 2nd Floor  
Topeka, Kansas 66612-1597  
PHONE: (785) 296-2359 FAX: (785) 296-0652

RITA L. NOLL, CHAIR  
LOUIS JOHNSON  
PAULA S. SALAZAR

**Statement of Rita Noll**  
**Chairman, Crime Victims Compensation Board**  
**Before House Judiciary Committee**  
**Re: House Bill 2761**

**February 7, 2006**

Mr. Chairman and Members of the Committee:

My name is Rita Noll and I am Chairman of the Crime Victims Compensation Board. With me here today is Frank Henderson, executive director of the Crime Victims Compensation fund. I thank you for the opportunity to address the committee today.

We are here in support of House Bill 2761, which was introduced by the Committee at the request of the Board. The Board requested the amendments to K.S.A. 74-7305 (c), which are found on page two of the bill at lines five through fifteen.

This bill amends the statute relating to the Board's consideration of claims for compensation. House Bill 2761 grants the Board the ability to reduce or deny a claim, to the extent, if any, that it deems reasonable if the applicant for compensation was involved in unlawful activity at the time of the crime. The Board is requesting these changes to address a particular problem. Increasingly, the Board is faced with situations in which the applicant for compensation was engaged in unlawful activity at the time of the crime. A typical example is an applicant who is battered in a robbery of his illegal drugs and requests the fund pay for his medical expenses.

We do not believe it was the intent of the legislature to provide compensation or full compensation to persons who were engaged in unlawful activity at the time the person became a victim. And, we believe it is important that our limited resources be prudently used when granting awards for compensation for persons who have been the victims of crime. The amendments requested by the Board would give the Board discretion to reduce or deny compensation in situations in which the victim was injured while engaged in unlawful activity.

The Board does not oppose the amendment at lines 39-43 on page one of the bill. This amendment is merely "cleanup" that removes language that was added to the statute two years ago to address a specific situation. Thank you for your consideration and support of House Bill 2761.

House Judiciary

Date 2-7-06  
Attachment # 19

Carol Luttjohann  
501 Lincoln  
Topeka, Kansas 66606  
Telephone: 785.608.8199

My name is Carol Luttjohann. I am a student at Washburn University, working on a Masters in Social Work.

First I would like to thank you for the opportunity to speak to you today.

I am here in favor of HB2761 as I support providing compensation and assistance as provided for in the Kansas Victims' Bill of Rights. I would also like to ask you to consider amending this bill to include language to allow survivors of suicide access to financial assistance for funerals and mental health services and to give survivors access to information needed to facilitate their understanding and healing.

First, to be clear, I am using the term survivors of suicide as defined by Dr John McIntosh, Professor of Psychology at Indiana University and a significant contributor to research on suicide. McIntosh defines a survivor of suicide as, "An individual who remains alive following the suicide death of someone with whom they had a significant relationship or emotional bond." The Victims Bill of Rights defines those with a significant relationship in cases of survivors of homicide and would be the same for survivors of suicide.

My own story as a survivor of suicide began on January 16, 2003. That day my life was shattered and changed forever. It is the day I lost my younger brother, John Luttjohann, to suicide. John touched many lives. His life made a difference.

In her book, My Son...My Son, Iris Bolton tells about a Psychotherapist friend of hers, Leonard T Maholick, visiting her the day after Bolton's son, Mitch, died by suicide. Maholick told her, "There is a gift in your son's death. You may not believe it at this bitter moment, but it is authentic and it can be yours if you are willing to search for it. To other eyes it may remain hidden. The gift is real and precious and you can find it if you choose."<sup>2</sup>

About three months after John's death, I went to his grave. I stood and cried. I told John I knew there was a gift in his death. I promised him I would find it. I began my initial search for meaning in John's death by learning everything I could about suicide.

In 2002 Kansas ranked 21<sup>st</sup> in the United States for number of suicides, with a rate of 12.7 per 100,000. That is much higher than the national average of 11.0 per 100,000. In 2001, Kansas had ranked 36<sup>th</sup>. In Kansas we lose an average of approximately one person every day to suicide. Suicide is the leading cause of death among college students. It is the second leading cause of death among 15-24 year olds. And, in recent years, we have begun to see an increase in pre teens and young children dying by suicide. Children as young as eight-years-old are taking their own lives. The highest rates of suicide are found in males over age 65 and are growing among 30-50 year olds. Suicide knows no boundaries.

As I learned all the numbers, I soon realized that those numbers represent people who have left survivors like myself behind to make sense of their loss. As the American Foundation for Suicide Prevention literature says, "Every 18 minutes someone dies by suicide. Every 19 minutes someone is left to make sense of it."

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<sup>2</sup> Bolton, Iris. My Son, My Son. Bolton Press, Atlanta, 1983.

I have met and heard the stories of many other survivors. Suicide is a crime that brings financial and emotional hardships.

Kay and her two sons rushed to have Kay's husband cremated within 24 hours of him hanging himself in order to save expenses of embalming and burial. Her story is not uncommon. She and others would greatly benefit from being able to receive funeral assistance. There have been families that cremate the body immediately due to financial needs, leaving family that travels for memorials without the ability to view the body, to see the deceased and say good-bye. This creates additional emotional trauma in an already devastating experience.

Often the children are survivors. I have worked with many children. They experience a lot of anger and guilt – as many adults do. With the addition of survivors of suicide to the Victims' Bill of Rights and giving them access to assistance to receive mental health services, we are not only helping them to deal with their loss, but taking a significant step in prevention. Survivors of suicide are at a greater risk for suicide – acting on the grief of missing and wanting to be with the deceased.

As I said previously suicide is treated as a crime. This presents some additional challenges to survivors. Dennis talks about going to the home of his 30-year-old son, Christopher, where the police were processing the scene. Christopher had died by hanging. Dennis says, "All I wanted to do was get to my son and hold him." The police assured Dennis that he would have access to the scene as soon as they finished their work. Instead, Dennis stood and watched as his son was taken away in a black body bag.

Catherine could not understand how her husband's death could have been ruled a suicide by hanging. With the position he had been found in, it did not make sense. It was only when she was given the opportunity to view pictures and read police reports of the scene that she understood that her husband had tightened a belt around his neck until he lost consciousness, fell, and his neck snapped killing him.

Having direct access to official information is a powerful tool for understanding and healing. My own experience includes having been at the scene where John died. I got there minutes after the police had found the body. But being at the scene I had information that haunted me. It was two years later before I was given access to law enforcement reports and pictures of the scene. The images I created from the partial information were much more traumatic than the reality I finally got to see. I have been much more able to deal with the truth than with the unknown.

The current Victims Bill of Rights states, "The views and concerns of victims should be ascertained and the appropriate assistance provided throughout the criminal process." For survivors of suicide, this needs to include the option of viewing the scene of the death and access to information in police reports. This is not required and is inconsistently practiced not only from jurisdiction to jurisdiction, but within a law enforcement jurisdiction. In fact law enforcement do not have to share a suicide note with family or even acknowledge the existence of a note.

This access is not only beneficial to families at the time of a loss to suicide, but needed for children. As they grow older, how can they get answers to questions that other family members either won't answer or don't know the answer if police records are not available.

In my own situation a grief counselor accompanied me to view the records about my brother's death. She read reports and described what I would hear, then asked if I wanted to hear the reports. And when it came to viewing pictures, she went through them all to choose pictures that would help me answer my specific questions. Again she described each one in some detail and asked if I wanted to view it before I did.

This same kind of procedure would be beneficial at the scene of the death. Survivors being told openly and honestly what they will see if they choose to view the scene and being given the option.

Giving survivors the right to view the scene and access to police reports, they are being given power over their grief process – a grief they had no choice in experiencing.

I urge you to consider amending HB2761 to include provisions to add survivors of suicide to the Victims' Bill of Rights in order to provide them with financial assistance for funeral expenses and mental health services and to address their needs by giving them the right to view the scene of the death and have access to law enforcement reports and pictures that will provide them understanding and help for healing.

Thank you. I will be glad to answer any questions.