Approved: May 3, 2006
Date

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:32 A.M. on February 13, 2006, in Room 123-S of the Capitol.

All members were present except:
Donald Betts- excused
David Haley- excused
Kay O'Connor arrived,- excused
Greta Goodwin arrived, 9:34 a.m.
Terry Bruce arrived, 9:35 a.m.
Dwayne Umbarger arrived 9:40 a.m.
Derek Schmidt arrived 9:44 a.m.

Committee staff present:
Helen Pedigo, Office of Revisor of Statutes
Karen Clowers, Committee Secretary

Conferees appearing before the committee:
Kevin A. Graham, Assistant Attorney General, Director of Legislative Affairs
Roger Werholtz, Secretary, Kansas Department of Corrections
Larry N. Zimmerman, Kansas Credit Attorney's Association
Don Jarrett, Chief Counsel, Johnson County
Tim Mulcahy, Director, Justice Information of Management System
Linda Carter, Director of Administration, Johnson County
Scott Gyllenborg, President Elect, Johnson County Bar Association
Katie McClafin, Staff Attorney, SAFEHOME
Richard F. Hayse, President, Kansas Bar Association
Doug Annestt, Executive Director, Kansas Press Association, Inc.
Darrell Eckland, President, Shawnee County Landlord Association
Ed Janiskina, Associated Landlords of Kansas
Kathy Porter, Kansas Judicial Branch
Bill Burns, Court Administrator, 29th Judicial District
John K. Steelman, Court Administrator, 4th Judicial District
Hon. Richard Ballinger, Chief Judge, 18th Judicial District

Others attending:
See attached list.

The hearing on **SB 506--Persons required to register pursuant to the Kansas offender registration act; annual driver's license or identification card; residency restrictions; juvenile offenders required to register; sexually violent predators** was opened.
Kevin Graham appeared in support of the bill and reviewed changes to current law (Attachment 1). He suggested a change in Section 2, page 1, line 36 to add the word "pre-school" just before the word "kindergarten" and make the same change in Section 10, page 17, line 40 indicating that many elementary schools operate pre-schools.

Roger Werholtz spoke in support of **SB 506** detailing the impact the bill would have on the Department of Corrections and requested the residency restrictions for offenders under their jurisdiction be deleted (Attachment 2). He presented information from the Iowa County Attorneys Association which recommended repeal of residential restrictions. The Association believes that the 2,000 foot residency restriction does not provide the protection originally intended and that the cost of enforcing the requirement and unintended effects on families of offenders warrant replacing the restriction with more effective protective measures.

There being no further conferees, the hearing on **SB 506** was closed.

The hearing opened on **SB 353--Authorizing electronic access to publicly available district court records.**
Larry Zimmerman spoke in support and requested clarification that District Court records are the property of the District Court, including electronic records and it may make them available publicly (Attachment 3).

MINUTES OF THE Senate Judiciary Committee at 9:32 A.M. on February 13, 2006, in Room 123-S of the Capitol.

Don Jarrett appeared in favor of **SB 353** stating it is a beneficial service to the public, enhances efficiency and saves money (Attachment 4). Mr. Jarrett has concern regarding user-fees as a means of support for electronic access indicating the possibility that users will return to phone calls and personal visits increasing costs

Tim Mulcahy spoke in support of **SB 353** briefing the committee on the system now used by Johnson County (Attachment 5). He also recommended that access remain free of charge by funding the statewide system through alternative sources.

Linda Carter spoke in favor of the bill indicating the present system ensures every citizen has access to the public records of the local criminal court system (Attachment 6). Ms. Carter stated ending free public access will likely increase telephone queries requiring additional staff and/or delayed response time.

Scott Gyllenborg appeared in support stating the continued free access to public district court records best serves the public and court system by providing access to court records while freeing up court personnel to attend to their primary responsibilities (Attachment 7).

Katie McClafin spoke in support indicating free and open access is crucial to clients involved in court cases as a victim/witnesses, or as a party in civil protection from abuse or divorce (Attachment 8).

Richard Hayse spoke in favor stating the Kansas Bar Association believes it is in the public interest for the citizens of this state to be able to inform themselves about the workings of the courts and the progress of specific cases in which they have a legitimate interest (Attachment 9).

Doug Annestt appeared in favor of **SB 353** stating the Kansas Press Associations' belief that counties and district courts should maintain control of their own judicial documents and that access to electronic records be free of charge (Attachment 10).

Darrell Eckland testified in support indicating open free access is extremely important to landlords for screening of applicants resulting in safer neighborhoods and communities (Attachment 11).

Ed Jasinkina spoke in support stating agreement with previous testimony of Mr. Eckland (No written testimony). In today's world landlords need district court information and open access in to information.

Kathy Porter spoke in opposition indicating **SB 353** would hinder the Supreme Court's coordinated effort to enhance statewide equity, uniformity, efficiency, and effectiveness in the Judicial Branch and jeopardize free public access to court information (Attachment 12). A user fee plan is required to fund such a project.

Bill Burns appeared in opposition to **SB 353** stating the move to statewide internet access is a logical one and the Information Network of Kansas (INK) is the logical entity to provide that access (Attachment 13). Revenue from the proposed INK internet access would be used to implement these projects.

John Steelman spoke in opposition advocating the Supreme Court's proposal to provide electronic access to statewide district court records through the Information Network of Kansas INK (Attachment 14).

Judge Richard Ballinger spoke in opposition indicating 103 counties currently use the FullCourt system for electronic assess to court records (Attachment 15). This system provides public access in each courthouse.

Written testimony in support of **SB 353** was submitted by:

Frank P. Denning, Sheriff, Johnson County (Attachment 16)
Vic Miller, Chairman, Shawnee County Commission (Attachment 17)
Paul J. Morrison, District Attorney, Johnson County (Attachment 18)
Karen A. Hiller, Executive Director, Housing & Credit Counseling, Inc. (Attachment 19)

There being no further conferees, the hearing on **SB 353** was closed.

The meeting was adjourned at 10:33 a.m. The next scheduled meeting is February 14, 2006.

PLEASE CONTINUE TO ROUTE TO NEXT GUEST

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: 2/13/06

NAME	REPRESENTING
Linda Carter	Johnson County Distuct Atty
Tim Mulay	Johnson County JIMS
Larry McAulay	Johnson County Legal Dept.
Don Jarrett	Johnson County
Richard Gannon	KPA
Doug Anstaett	KPA
Carmen Alldritt	KDOR
Diane Albert	KDOR
Ron Seeber	Ron Law Firm
Eric Threl	Shawnee County District Court
Leslie Kuss	SRS - HCP
Katie McClaflin	SAFEHOME, Overland Park
Tom Bengka	SW County LL Assoc
Darrel Eklund	" " " "
Larry Zimmerman	Kansas Credit Attorney Assoc.
Doug Smith	" "
Richard Ballinger	18th Judicial Dist.
Bill Burke	29th Judicial Dist

PLEASE CONTINUE TO ROUTE TO NEXT GUEST

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: 2/13/2006

NAME	REPRESENTING
John Steelman	4th Judicial District
Kelly OBrien	OJA
Kathy Porter	Judicial Branch
PAT SCALIA	Bd of Indigents' Defense
JEREMY S BARCLAY	KDOC
ROGER WERHOLTZ	KDOC
Frances Breyne	KDOC
Tim Madden	KDOC
Jim Hollingsworth	INK
Melissa Ness	St. Frances Academy
Natalee Gibson	KSC
Brenda Harmon	KSC
Bill Rex	
Elizabeth Leiker	OJA
SCOTT GYLLENBORG	JOHNSON COUNTY BAR ASSN.
Ron Keefover	Office of Judicial Admin.
Bob Keller	JCSO
STAR	J. C.

PLEASE CONTINUE TO ROUTE TO NEXT GUEST

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: 2/13/06

NAME	REPRESENTING
[illegible]	KFED
Stuart Little	Johnson County
Sandy Barnett	KCSDV
Jeff Bottenberg	Polsinelli, Shalton, Welte, Suelthaus
[illegible]	Gackle Braden
TRACY SMITH	Kansas.gov
Sheena Smith	The Kansas Chamber
Bill Henry	Ks Credit Union Assn

STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

PHILL KLINE
ATTORNEY GENERAL

120 SW 10TH AVE., 2ND FLOOR
TOPEKA, KS 66612-1597
(785) 296-2215 • FAX (785) 296-6296
WWW.KSAG.ORG

February 13, 2006

SENATE JUDICIARY COMMITTEE
Testimony of Kevin A. Graham
in support of
Senate Bill No. 506

Dear Chairman Vratil and Members of the Senate Judiciary Committee:

Thank you for allowing me to appear today on behalf of Attorney General Phill Kline in support of SB 506, a bill intended to aid in information gathering regarding registered offenders, keep registered offenders away from our children and define limitations on where individuals who were previously committed as sexually violent predators will be allowed to live while on transitional or conditional release.

New Section 1 and Section 3 of the bill deal with identification cards and drivers licenses issued by the Kansas Department of Revenue to individuals who are required to register under the Kansas Offender Registration Act. These bill sections would require an annual renewal of the identification card or driver's license by the registered offender. By requiring annual renewal, the bill provides the State of Kansas with an additional new photograph and information on the home address of registered offenders which might not be obtained otherwise. Simply put, if a registered offender wants to be able to drive, or wants a photo ID for check cashing purposes, etc., the offender will have to submit to the taking of a photo and completing the paperwork for the new license or ID each year. This requirement could be implemented irrespective of whether the legislature chooses to pass legislation this Session implementing additional reporting requirements for registered offenders through local sheriff's offices. I suggest to the committee that this provision of the bill be seen as an additional resource for tracking registered offenders as opposed to a replacement for other proposed legislation.

In essence, New Section 2 of the bill would impose a 2,000 perimeter around specified facilities where children are cared for or educated and would prohibit registered offenders from establishing residences within that perimeter. The facilities in question, as defined by the bill, would include licensed child care facilities, registered family day care homes or the real property of any school upon which is located a structure used by a unified school district or accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any grades one through twelve. Clearly the intent of this provision is to keep registered

Senate Judiciary
2-13-06
Attachment 1

offenders away from young children and thereby hopefully decrease the access of registered offenders to potential victims. While there may be room for debate about exactly how many feet away from one of these locations a registered offender should be allowed to live, the intent of the legislation is to prevent future victimization and the logic of trying to deny predators easy access to victims is fundamentally sound. It should be noted the bill contains exemption language for situations where an offender already has an established residence in what would be a prohibited location. The bill also provides an exemption for situations where a new school, day care, etc., may be constructed or opened near the residence of an offender.

Note: One addition to the language of New Section 2 the committee may wish to consider is to add the word "pre-school" just before the word "kindergarten" on page 1, line 36 of the bill, due to the fact that many elementary schools now also operate pre-school classes for children not yet old enough to attend kindergarten. In many cases when pre-schools are operated by public school districts a number of the students in the pre-school have special needs and therefore would be particularly vulnerable.

Section 7 of the bill amends K.S.A. 2005 Supp. 22-4906 to permit a judge to relive a juvenile offender of the duty to register under the Kansas Offender Registration Act in the even the judge finds substantial and compelling reasons therefor. This provision also allows a judge to order a juvenile offender to register under the KORA in the event the juvenile offender violates a condition of the juvenile offender's release.

Section 8 of the bill amends K.S.A. 59-29a02 to include within the definition of the term "transitional release" a "sexually violent predator treatment facility." The effect of this definitional change is seen in Section 9 of the bill, which amends K.S.A. 59-29a07, which is the statute which mandates that individuals civilly committed as sexually violent predators must be kept by the Secretary of Social and Rehabilitation Services in a segregated facility at all times, separate from any other patient under the supervision of the secretary. Section 9 makes it clear that this segregation and separation requirement applies to any building or facility the secretary would utilize for transitional release or conditional release of individuals who have been committed as sexually violent predators.

Section 10 amends K.S.A. 59-29a11 to provide that no transitional release or conditional release facility utilized by the secretary for transitional or conditional release of individuals who have been committed as sexually violent predators may be located within "2,000 feet of a licensed child care facility, registered family day care home, an established place of worship, any residence in which a child under 18 years of age resides, or the real property of any school district upon which is located a structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any grades one through 12." The bill language in this section does however carve out an exemption for locating transitional or conditional release facilities on "any state correctional institution or facility." Further, Section 10 specifies that all buildings used as transitional or conditional release facilities shall be subject to all applicable zoning

regulations, ordinances, building codes, subdivision regulations and other nondiscriminatory regulations.

Note: Should this bill language be adopted, an amendment, identical to that suggested for New Section 2, is recommended to be added to Section 10, at page 17, line 40, inserting the word "pre-school" just before the word "kindergarten."

On behalf of Attorney General Phill Kline, I encourage the committee to support SB 458 (with the suggested amendments) and to recommend the bill favorably for passage.

Respectfully,
OFFICE OF THE ATTORNEY GENERAL
PHILL KLINE

Kevin A. Graham
Assistant Attorney General
Director of Legislative Affairs

KANSAS

KANSAS DEPARTMENT OF CORRECTIONS
ROGER WERHOLTZ, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

Testimony on SB 506
to
The Senate Judiciary Committee

By Roger Werholtz
Secretary
Kansas Department of Corrections

Two provisions of SB 506 would impact the Department of Corrections and the offenders under its supervision. SB 506 provides for special driver's licenses or state identification cards for registered offenders, and imposes residential restrictions on those offenders. The department supports the provisions of SB 506 regarding special driver's licenses or state identification cards, however, the department opposes blanket statutorily imposed residential restrictions.

The issue raised by SB 506 is whether blanket statutory residential restrictions are an effective and efficient means of enhancing public safety. HB 2760 and SB 476 currently pending before the Legislature this session would direct the Criminal Justice Coordinating Council to form a Sex Offender Policy Board to specifically address that issue. Several studies indicate that restrictions such as contained in SB 506 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 SB 506 are detrimental to public safety. Last month, the Iowa County Attorneys Association (ICAA) recommended repeal of that state's residential restrictions. (Iowa County Attorneys Association, Statement on Sex Offender Residency Restrictions in Iowa. January 2006). The Association also recommended that local jurisdictions should be precluded from creating additional restrictions on sex offenders.

The Iowa County Attorneys Association prefaced its recommendation noting "the observations of Iowa prosecutors are not motivated by sympathy for those committing sex offenses against children, but by our concern that legislative proposals designed to protect children must be both effective and enforceable. Anything else lets our children down." (ICAA, Statement on Sex Offender Residency Restrictions in Iowa. January 2006).

The Iowa prosecutors based their recommendation on:

- Research shows that there is no correlation between residency restrictions and reduction of sex offenses against children or improving the safety of children.

900 SW Jackson – 4th Floor, Topeka, KS 66612-1284
Voice 785-296-3310 Fax 785-296-0014 http://www.dc.state.ks.us

Senate Judiciary
2-13-06
Attachment 2

- Research does not support the belief that children are more likely to be victimized by strangers at the covered locations than at other places.

- Residency restrictions were intended to reduce sex crimes against children by strangers who seek access to children at the covered locations. In fact, 80 to 90 percent of sex crimes against children are committed by a relative or acquaintance who has some prior relationship with the child and access to the child that is not impeded by residency restrictions.

- Law enforcement has observed that the residency restrictions are causing offenders to become homeless, to change residences without notifying authorities of their new locations, to register false addresses or simply disappear. If they do not register, law enforcement and the public do not know where they are living. The resulting damage to the reliability of the sex offender registry does not serve the interests of the public safety.

- There is no demonstrated protective effect of the residency requirement that justifies the huge draining of scarce law enforcement resources in the effort to enforce the restriction.

- Many offenders are physically or mentally disabled but are prohibited from living with family members or others on whom they rely for assistance with daily needs.

- The geographic areas included in the prohibited 2,000 foot zones are so extensive that realistic opportunities to find affordable housing are virtually eliminated in most communities. The lack of transportation in areas not covered by the restriction limits employment opportunities. The adoption of even more restrictive ordinances by cities and counties exacerbates the shortage of housing possibilities.

- There is no accommodation in the current statute for persons on parole or probation supervision. These offenders are already monitored and their living arrangements approved. The restriction causes many supervised residential placements to be unavailable even though they may be the most appropriate and safest locations for offenders to live.

- Many prosecutors have observed that the numerous negative consequences of the lifetime residency restriction have caused a reduction in the number of confessions made by offenders in cases where defendants usually confess after disclosure of the offense by the child. In addition, there are more refusals by defendants charged with sex offenses to enter into plea agreements. Plea agreements are necessary in many cases involving child victims in order to protect the children from the trauma of the trial process. This unforeseen result seriously jeopardizes the welfare of child victims and decreases the number of convictions of sex offenders to accurate charges. Consequently, many offenders will not be made fully accountable for their acts and will not be required to complete appropriate treatment or other rehabilitative measures that would enhance the safety of children.

- The drastic reduction in the availability of appropriate housing, along with the forced removal of many offenders from established residences, is contrary to well-established principles of treatment and rehabilitation of sex offenders. Efforts to rehabilitate offenders and to minimize the rate of re-offending are much more successful when offenders are employed, have family and community connections, and have a stable residence. These goals are severely impaired by the residency restriction, compromising the safety of children by obstructing the use of the best known corrections practices.

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 SB 506 enhanced public safety, the department would likewise support it. However, the research does not indicate that residency restrictions as proposed by SB 506 improve public safety.

SB 506 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 2,000 feet of a licensed child care facility or registered family day care home, or a public or private school or property used for extracurricular activities for students kindergarten though 12th grade.

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.

SB 506 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. The experience of the Iowa as observed by their county attorneys supports those conclusions.

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.

SB 506 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 residency restrictions of SB 506 be deleted by the 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.

Iowa County Attorneys Association

Hoover State Office Building ◇ 1st Floor ◇ Des Moines, Iowa 50319
Telephone: (515) 281-5428 ◇ Fax: (515) 281-4313

STATEMENT ON SEX OFFENDER RESIDENCY RESTRICTIONS IN IOWA

JANUARY, 2006

The Iowa County Attorneys Association believes that the 2,000 foot residency restriction for persons who have been convicted of sex offenses involving minors 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.

The ICAA has the following observations concerning the current restriction:

1. Research shows that there is no correlation between residency restrictions and reducing sex offenses against children or improving the safety of children.
2. Research does not support the belief that children are more likely to be victimized by strangers at the covered locations than at other places.
3. Residency restrictions were intended to reduce sex crimes against children by strangers who seek access to children at the covered locations. Those crimes are tragic, but very rare. In fact, 80 to 90 percent of sex crimes against children are committed by a relative or acquaintance who has some prior relationship with the child and access to the child that is not impeded by residency restrictions. Only parents can effectively impede that kind of access.

2-6

4. Law enforcement has observed that the residency restriction is causing offenders to become homeless, to change residences without notifying authorities of their new locations, to register false addresses or to simply disappear. If they do not register, law enforcement and the public do not know where they are living. The resulting damage to the reliability of the sex offender registry does not serve the interests of public safety.
5. There is no demonstrated protective effect of the residency requirement that justifies the huge draining of scarce law enforcement resources in the effort to enforce the restriction.
6. The categories of crimes included in the restriction are too broad, imposing the restriction on many offenders who present no known risk to children in the covered locations.
7. A significant number of offenders have married or have been reunited with their victims; and, in those cases, the residency restriction is imposed on the victims as well as the offenders.
8. Many offenders have families whose lives are unfairly and unnecessarily disrupted by the restriction, causing children to be pulled out of school and away from friends, and causing spouses to lose jobs and community connections.
9. Many offenders are physically or mentally disabled but are prohibited from living with family members or others on whom they rely for assistance with daily needs.
10. The geographic areas included in the prohibited 2,000 foot zones are so extensive that realistic opportunities to find affordable housing are virtually eliminated in most communities. The lack of transportation in areas not covered by the restriction limits employment opportunities. The adoption of even more restrictive ordinances by cities and counties exacerbates the shortage of housing possibilities.

11. The residency restriction has no time limit; and, for many offenders, the restriction lasts beyond the requirement that they be listed on the sex offender registry. For this reason, there are many offenders who are subject to the residency restriction but who are not required to inform law enforcement of their place of residence, making enforcement nearly impossible.

12. There is no accommodation in the current statute for persons on parole or probation supervision. These offenders are already monitored and their living arrangements approved. The restriction causes many supervised residential placements to be unavailable even though they may be the most appropriate and safest locations for offenders to live.

13. Many prosecutors have observed that the numerous negative consequences of the lifetime residency restriction has caused a reduction in the number of confessions made by offenders in cases where defendants usually confess after disclosure of the offense by the child. In addition, there are more refusals by defendants charged with sex offenses to enter into plea agreements. Plea agreements are necessary in many cases involving child victims in order to protect the children from the trauma of the trial process. This unforeseen result seriously jeopardizes the welfare of child victims and decreases the number of convictions of sex offenders to accurate charges. Consequently, many offenders will not be made fully accountable for their acts and will not be required to complete appropriate treatment or other rehabilitative measures that would enhance the safety of children. Similar unintended negative effects often accompany well-intended efforts to increase prison sentences with mandatory provisions.

14. The drastic reduction in the availability of appropriate housing, along with the forced removal of many offenders from established residences, is contrary to well-established principles of treatment and rehabilitation of sex offenders. Efforts to rehabilitate offenders and to minimize the rate of reoffending are much more successful when offenders are employed, have family and community connections, and have a stable residence. These goals are severely impaired by the residency restriction, compromising the safety of children by obstructing the use of the best known corrections practices.

For these reasons, the Iowa County Attorneys Association supports the replacement of the residency restriction with more effective measures that do not produce the negative consequences that have attended the current statute. For example, the ICAA would support a measure that includes the following:

- A statute creating defined protected areas that sex offenders would be prohibited from entering except in limited and safe circumstances. Such areas might include schools, parks, libraries, and childcare facilities.
- Entrance into the protected areas would be allowed for activities involving an offender's own child with advance notice and approval from those in charge of the location.
- The restriction should cover offenses against "children" (under age 14), rather than "minors" (under 18).
- The statute should specifically preempt local ordinances that attempt to create additional restrictions on sex offenders. Such ordinances result in a variety of inconsistent rules and promote apprehension among local authorities that they

must act to defend themselves from the perceived effects of the actions of other communities.

- Most important, any restriction that carries the expectation that it can be effectively enforced must be applied to a more limited group of offenders than is covered by the current residency restriction. This group should be identified by a competent assessment performed by trained persons acting on behalf of the state. The assessment should be directed at applying the statutory restriction only to those offenders that present an actual risk in public areas to children with whom the offender has no prior relationship

Other measures that might be considered would include educational programs for young children aimed at keeping them safe from all offenders. Illinois has begun such a program.

The observations of Iowa prosecutors are not motivated by sympathy for those committing sex offenses against children, but by our concern that legislative proposals designed to protect children must be both effective and enforceable. Anything else lets our children down.

The Iowa County Attorneys Association strongly urges the General Assembly and the Governor to act promptly to address the problems created by the 2,000 foot residency restriction by replacing the restriction with measures that more effectively protect children, that reduce the unintended unfairness to innocent persons and that make more prudent use of law enforcement resources. The ICAA stands ready to assist in any way with this effort.

Kansas Credit Attorney Association & Kansas Collectors Association

Testimony in support of Senate Bill 353.

Larry N. Zimmerman, Attorney
larry@valentine-law.com ~ 785-357-0021

I appreciate this opportunity to speak in support of SB 353 on behalf of the Kansas Credit Attorney Association (KCAA), the Kansas Collectors Association (KCA) and as a resident of Shawnee county.

KCAA and KCA are gravely concerned about the plans for electronic case access for a number of reasons including its significant cost to users and the lack of transparency and public involvement in the implementation. Today, however, I will speak of specific statutory provisions in support of SB 353.

The Legislature Has Said the District Courts Own Their Records (KSA 20-335)

The Legislature spoke clearly in 1977 when it gave ownership of "all books, records, papers, files, dockets and documents" created by the abolished courts to the newly established district courts. This statement simply carried forward what had been understood prior to court unification – records belong to the courts in which they were created.

While it is not clear in KSA 20-335 that records created by the newly created district courts are owned by the district courts, it simply makes sense to infer they are. First, no other statute exists which delivers ownership of district court records to the Supreme Court. Second, it simply does not make sense that the Legislature would give ownership of transferred county records to the district courts and not give them ownership of records they created themselves.

The Legislature has not changed the statement of records ownership made in KSA 20-335 in any statute passed in the subsequent three decades.

Supreme Court Rule 196 Attempts to Amend 20-335 by Judicial Fiat

Rule 196 issued by the Supreme Court in 2005 attempts to amend KSA 20-335 by carefully manipulating the definition of what constitutes a court record. Rule 196 essentially creates a new record – the electronic case record – which it alleges is not an official record (and not, therefore, the property of the district court).

By creating a new record that is not an official record, the Supreme Court appears to believe it has created something not anticipated in KSA 20-335 – something for which the Supreme Court claims sole ownership.

We believe they have failed. In Shawnee county in particular, a large percentage of the cases filed are filed electronically. There simply is no paper file or physical court record beyond what one can call up on a computer screen. The electronic case record in Shawnee county is the only record and, by necessity, must be the official court record and must be the property of Shawnee County District Court.

The Supreme Court should not be allowed to amend Legislative intent and claim by semantic eminent domain that which is not theirs.

We join the concerns of others who have contacted and appeared before you in support of SB 353. We encourage you to again ratify your prior words and communicate to the Supreme Court that the records of the district courts are theirs to make available to their public.

20-335

Chapter 20.--COURTS
Article 3.--DISTRICT COURTS

20-335. Abolishment of certain courts; transfer of records; certain officers of abolished courts to become employees of district court. (a) On January 10, 1977, the following courts of limited jurisdiction shall be and are hereby abolished:

(1) County courts established pursuant to K.S.A. 20-802 or 20-802a;

(2) city courts established pursuant to K.S.A. 20-1424, 20-1424a, 20-1501, 20-1601 or 20-2403;

(3) magistrate courts established pursuant to K.S.A. 20-1801, 20-1901, 20-2501, 20-2521 or 20-2541;

(4) courts of common pleas established pursuant to K.S.A. 1975 Supp. 20-2001;

(5) juvenile courts established pursuant to K.S.A. 38-803; and

(6) probate courts established pursuant to section 8 of article 3 of the Kansas constitution, prior to the revision of such article in 1972.

(b) On January 10, 1977, the judge or judges of each of the courts designated in subsection (a) shall transfer all books, records, papers, files, dockets and documents of such court to the district court of the county in which such court is located, and such books, records, papers, files, dockets and documents shall become the property of said district court. All actions and proceedings commenced in any court designated in subsection (a) prior to January 10, 1977, including all pleadings, motions, orders, judgments and other papers therein, shall become actions and proceedings of the district court of the county in which such court is located. Any judgment of a court designated in subsection (a) shall not become a lien on real property by virtue of the transfer of documents pursuant to this subsection unless the court rendering such judgment was a court of record immediately prior to January 10, 1977. Nothing herein shall preclude a party in whose favor a judgment is rendered by a court designated in subsection (a) from filing a transcript of such judgment with the clerk of the district court in the manner provided in K.S.A. 60-2202, and amendments thereto, and in such event such judgment shall become a lien on real property as provided in K.S.A. 60-2202, and amendments thereto.

(c) Any person who was elected at the general election of 1974 for a four-year term of office as an officer, other than a judge, of a court specified in subsection (a), which office is abolished by this act on January 10, 1977, shall become an employee of the district court and shall have such duties as may be prescribed by the chief judge thereof and shall receive compensation which is not less than that prescribed for such office until January 10, 1979.

History: L. 1976, ch. 146, § 15; L. 1999, ch. 57, § 18; July 1.

Rule 196
Public Access to
District Court Electronic Case Records

(a) Scope

(1) This rule governs public access to and confidentiality of electronic case records in district courts. Except as otherwise provided by this rule, access to electronic court records is governed by the Kansas Open Records Act (K.S.A. 45-215 et seq. [KORA]), Kansas Supreme Court Rules and Administrative Orders, and relevant state and federal law.
(2) Non-case records or case records which are not available in electronic form, which are determined to be open records under the KORA, Supreme Court rule or order, or other state or federal laws, will be made available in a format determined by the appropriate records officer.
(3) Information in district court electronic case records available for public access in electronic format will be available at each respective court through the use of public access terminals. Only information from the county the courthouse is located in will be available; access to information in other counties will not be available. In addition, county information may be available through the Internet at the discretion of the chief judge and the judicial administrator. Statewide information is not available at each respective court.
(4) This rule applies only to electronic case records as defined in this rule and does not authorize or prohibit access to information gathered, maintained, or stored by a non-Judicial Branch governmental agency or other entity.

(b) Definitions
For the purpose of this rule, the following definitions apply to the terms used in this rule.

(1) Bulk Distribution - the distribution of all or a significant subset of the information in court records in electronic form, as is, and without modification or compilation.
(2) Case-by-Case Access - each electronic case record is available only individually. When a search for an individual electronic case record returns multiple results, each result may be viewed only individually.
(3) Compiled Information - information that is derived from the selection, aggregation, or reformulation of all or a subset of all the information from more than one individual court case record in electronic form.
(4) Court Case Record - filings or other activity relating to a particular case. This does not include e-mail, correspondence, notes, etc. not filed in a court case.
(5) Electronic Access - access to court case records available to the public through both public terminals at courthouses and remotely, unless otherwise specified in these rules.
(6) Electronic Case Record - a digital court case record, regardless of the manner in which it has been converted to digital form. The term does not include a case record that is maintained only on microfiche, paper, or any other medium that can be read without the use of an electronic device.
(7) Public Access - the process whereby a person may inspect the information in a court record that is not closed by law or judicial order.
(8) Remote Access - the process whereby a person may inspect information in electronic case records through an electronic means at a location other than the court.
(9) Register of Action - Basic information for an individual court case provided by the court, consisting of dates of case activity and a brief description of the case activity. Information provided by a Register of Action does not include all information pertinent to the case and does not include information that is not public.
(10) Records Custodian - the person responsible for the safekeeping of records held by a court.
(11) Records Officer - the person responsible for safeguarding the access to records held by a court under the Kansas Open Records Act, Kansas Supreme Court Rules and Administrative Orders, and relevant state and federal law.

(12) Judicial Administrator - The position responsible to the Chief Justice of the Kansas Supreme Court for implementing the policies of the Court with respect to the operation and administration of the courts, under supervision of the Chief Justice.

(c) Persons Who Have Access

(1) All persons have access to electronic case records as provided in this rule.
(2) Judges, court employees, and others as determined by the Supreme Court, may have greater access than the public in general to electronic case records.
(3) This rule does not give any person access to any record to which the person is not otherwise entitled.

(d) Access Provisions and Restrictions

(1) Public access to electronic case records or information contained in electronic records shall be available on a case-by-case basis only and may be conditioned on the user's consent to access the records only as instructed by the court and the user's consent to the monitoring of access to electronic court records.
(2) A court record available electronically through a public access method does not constitute the official record of the court.
(3) Due to privacy concerns, some otherwise public information, as determined by the Supreme Court, may not be available through electronic access. A nonexhaustive list of information generally not available electronically includes Social Security numbers, dates of birth, and street addresses. Except for electronically filed documents, to which adequate public access will be provided as determined by the records custodian, only information contained in the court's Registers of Action will be available electronically. District courts may provide other information provided that first, a request to provide other information is made in writing to the judicial administrator, who will make a recommendation on the request and forward it to the Supreme Court.
(4) Electronic case records will be available for public access in the courthouse during regular business hours. Access may be disrupted due to unexpected technical failures or normal system maintenance.
(5) This rule applies to all electronic case records in the district courts; clerks and courts need not redact or restrict information that was otherwise public in court records created before the effective date of this rule.

(e) Bulk and Compiled Information Distribution
Information in bulk or compiled format will not be available.

(f) Correction of Electronic Case Records
Clerical mistakes in electronic case records may be addressed as detailed in K.S.A. 60- 260.

(g) Contracts With Vendors Providing Information Technology Services Regarding Public Access to Statewide Electronic Case Records

(1) Subject to the approval of the Supreme Court, the judicial administrator shall have authority to contract with a third party vendor to provide access to statewide electronic case records in accordance with this rule. The Supreme Court retains ownership of all court electronic case records and retains the right to approve any other contracts by any other records custodian.
(2) Contracts with a vendor to provide information technology support to gather, store, or make accessible electronic case records or information in court electronic case records will require the vendor to comply with the intent and provisions of this rule. For purposes of this section, the term "vendor" also includes a state, county, or local governmental entity that provides information technology services to a court.

(3) Each contract for access to statewide electronic case records shall require the vendor to assist the Supreme Court in its role of educating litigants and the public about this rule. The vendor also shall be responsible for training its employees and subcontractors to comply with the provisions of this rule.
(4) Each contract shall require the vendor to acknowledge that electronic case records remain the property of the Supreme Court and are subject to the directions and orders of the Court with respect to the handling of and access to the records, as well as the provisions of this rule.
(5) These requirements are in addition to those otherwise imposed by law.

(h) Disclaimer of Immunity for Disclosure of Information
The Judicial Branch and its employees shall not be liable for monetary damages related to unintentional or unknowing disclosure of confidential or erroneous information.

{**History:** New rule effective June 1, 2005.]

OFFICE OF CHIEF COUNSEL

DONALD D. JARRETT
CHIEF COUNSEL

Testimony Before the
Senate Judiciary Committee

In Support of Senate Bill 353

Presented on Behalf of
The Board of County Commissioners
Of Johnson County, Kansas

By Don Jarrett
Chief Legal Counsel

February 13, 2006

JOHNSON COUNTY ADMINISTRATION BUILDING
111 South Cherry Street, Suite 3300
Olathe, Kansas 66061-3441

Phone: (
Fax: (91
TDD: (8(

Good Morning, my name is Don Jarrett. I am the Chief Legal Counsel for Johnson County Government, and I appear here today on behalf of the Board of County Commissioners of Johnson County. I appreciate the opportunity to appear before the Committee and to present testimony in support of Senate Bill 353.

If enacted, S.B. 353 will ensure that county governments are able to provide efficient electronic access to public information contained in local court records. Johnson County – as a direct service to the citizens – currently provides open, electronic access to public information contained in the local district court records. The Board of County Commissioners intends to continue that service.

We are aware that the Kansas Supreme Court and its Office of Judicial Administration are seeking to implement a uniform, statewide, electronic record access program for the Court system. We in Johnson County laud that effort and will provide the state court system our continued support. However, we understand that the program proposed by the Judicial Branch would force a closure of the County website, and we do not believe it is wise or in the best interests of the public to implement the state court system at the expense of closing off the local county system. The Board of County Commissioners supports S.B. 353 since it would expand ways for citizens to access public information, not limit it.

Johnson County initiated its electronic records program entitled JIMS (Justice Information Management Systems), in 1992. The initial cost to set up the system, which included the local district court, the District Attorney, and the Sheriff, was nearly $4,000,000, and its current annual operating cost is nearly $2,000,000. Essentially, all of those funds were county funds. The JIMS network was implemented with full support from the judiciary, and it is the district court's basic records management system.

This past year, at a cost of over $400,000, the County established the local JIMS website, which provides direct, no cost, access to basic, critical information in the local court system – information commonly referred to as the Docket Sheet. Access to that information by electronic access has proven to be invaluable for many citizens of the County, including witnesses, victims and others involved in the court system.

In implementing JIMS, it was the intent of the County to make access to the courthouse available through the internet and not just by means of telephone or automobile. That access is provided to information which is open and which is required to be available to the public at the Courthouse under current statutory provisions. (See K.S.A. 60-2601a). To restrict that access would be a disservice to the citizens. Moreover, for the County Government, it is a beneficial service that enhances efficiency and, frankly, saves money. Electronic access to this public information means less staff and less accommodation that must be provided to respond to inquiries of residents. It enables the citizens to more easily obtain the information they need.

We understand that the proposal from the Judicial Branch is intended to help generate revenue for a statewide system. We believe that the intent is good but not pragmatic. We support funding for a statewide system from other, more appropriate, sources of revenue. To rely upon transactional "user fees" for electronic records access is not, in our opinion, wise. Too many people, today, believe that internet access to information is a way of life. They do not

expect to pay for simple, basic information. More importantly, most of the people who access this local court information will not pay even nominal charges. Instead, they will go back to the telephone call, which is perhaps less convenient, but does not cost them extra. Please understand though that those calls will cost the Court and County money, money that can be better spent elsewhere.

We also understand that the Judicial Branch, in implementing its one source system, would consider providing "exemptions" to the fee requirement for some citizens, including the victims and witnesses. We applaud that willingness and strongly encourage the judiciary to do that. However, an "exemption" does not cure the defects in the court proposal, nor does it justify prohibiting counties from providing access. In fact, such "exemptions" would be nearly impossible to implement, would increase administrative workload and cost, and would reduce the money collected by the Court – which is contrary to the reason asserted by the Court for wanting a limited system.

Finally, we are aware that this bill affects the Courts and may be perceived as crossing that line for the separation of powers between branches of government. We, at the County level, greatly respect the Court, and are confident that this bill does not violate the separation doctrine. The bill does not legislate about or in any way affect judicial functions. It affects the courts only with regard to their administrative responsibilities for public records, which are subject to regulation by the Legislature, and does so only to the extent that it enables counties to open the Courthouse doors through electronic means. The counties are responsible for many support functions of the court at the local level, and this bill would aid the counties in performing those functions.

We urge this Committee to strongly support S.B. 353 and urge its passage by the Legislature. Funding of a statewide system can be achieved through means other than restricting the ability of local county government providing beneficial services to local residents who need access to local, public information.

We thank you for your time.

J.I.M.S.

Justice Information Management Systems
100 North Kansas Avenue, Suite 603
Olathe, Kansas 66061

Phone: 913-715-4050 E-mail: timothy.mulcahy@jocogov.org Fax: 913-715-4065

Testimony Regarding Senate Bill 353
Senate Judiciary Committee

Tim Mulcahy, Director of JIMS - Tenth Judicial District
February 13, 2006

Mr. Chairman and Committee members, thank you for the opportunity to speak to you today in support of Senate Bill 353. I am Tim Mulcahy. I serve as the Director for the Johnson County Justice Information Management System and have been involved with the development of JIMS since 1993.

In the Twenty-first Century, access to courts will increasingly be provided electronically. Consistent with both that emerging reality and the longstanding Kansas priority of providing good local access to the courts, the Johnson County District Court and Johnson County government have worked for many years to develop Justice Information Management Systems (JIMS) that would provide comprehensive access to court records for both the court and the public.

JIMS is a fully-integrated case-management system, integrating operations of the courts, the sheriff's office, the district attorney's office, and community corrections into a single system.

The JIMS program was established in 1993, with staged integration of the entire court system into that system. Traffic cases were the first to be included in 1995; civil cases were the last to go fully online with JIMS in late 1999. Over a period of several years, imaging was added to the system, again working incrementally through the court system. Once the system was up and fully operational for internal court users, we turned to the task of making court information easily available to the public. In June 2004, the county added a real-time public-records search capability to the court's website, which had been started in 1998.

The public-record search function has been a great success since it went online in June 2004. The easy access provided to court records in Johnson County has been heavily used by the public: between 250,000 and 270,000 "hits" now occur per month on the public-record search page of the Johnson County District Court website. We can only provide an overview of the significance of this resource to its users—or of the unintended negative consequences that may result from its demise.

Some of the regular users of the public-access website include:

- School resource officers;
- Safehome, a domestic-violence shelter, and Sunflower House, a nonprofit organization providing help to child victims of sexual assaults:

Senate Judiciary
2-13-06
Attachment 5

J.I.M.S.

Justice Information Management Systems
100 North Kansas Avenue, Suite 603
Olathe, Kansas 66061

Phone: 913-715-4050 E-mail: timothy.mulcahy@jocogov.org Fax: 913-715-4065

- Law-enforcement agencies;
- Probation officers;
- Workers at Johnson County Mental Health Center; and
- Individual litigants

Through the County's service, citizens do not have to call or drive to the courthouse to obtain basic information, which reduces the phone calls and foot traffic not only at the courthouse, but also in the DA's office, Sheriff's office, and other County departments.

The Johnson County District Court Clerk's office, which manages the district court records has only 53 staff members, an increase of just 2 new positions over the last 10 years to deal with over 500,000 residents and hundreds of thousands of records. The residents of Johnson County depend upon local government for the efficient administration of justice. The JIMS website has helped the Clerk's office, as well as, the District Attorney's Office in coping with the requests for information.

The staff support for that office is primarily provided by the county: as of January 1, 2006, JIMS has two state employees and 18 county employees. In addition, all of the hardware and infrastructure costs of the system have been paid for by the county.

Because of the significant service provided to the citizens of Johnson County and elsewhere, the Johnson County District Court has recommended to the Kansas Supreme Court that these locally provided services remain available free of charge. Other revenue sources, whether through appropriations or an increase in the portion of the court filing fee allocated to technology, would be a better way to fund court technology needs statewide than forbidding local courts and counties from providing easy access to the public for public court records.

In the near future, if we are allowed to continue improving our services to the public, users will have the ability to do electronic filing through the website and even view the full file in child-in-need-of-care cases for the attorneys of record. All of these enhancements will benefit both the public and help the short staffed Clerk's office and District Attorney's Office to better serve the public.

If this bill is passed it will allow counties the ability to be innovative and resourceful in meeting the needs of their citizens, by having a user-friendly system, and the ability to customize the site to fit the users' needs. Thank you for your time.

STATE OF KANSAS
Tenth Judicial District

OFFICE OF DISTRICT ATTORNEY

PAUL J. MORRISON, DISTRICT ATTORNEY

Testimony Regarding Senate Bill 353
Senate Judiciary Committee

Linda Carter, Director of Administration
Johnson County District Attorney's Office
February 13, 2006

The Johnson County District Attorney's Office has always pursued two primary interests: protect the public safety by seeking justice, and serve the public. No one, however, could have anticipated the tremendous growth Johnson County would experience in recent decades. This growth has brought with it a correlating increase in crime across the board, from petty thefts to the most egregious acts of violence against persons. The Johnson County website has enabled the staff of the District Attorney's Office, at every level of the organization, to provide this growing public the information they seek by allowing the citizens the ability to peer directly into the system designed to protect them.

JIMSWeb, coupled with public-access computers at each Johnson County library, ensures every citizen is provided access to the public records of the local criminal court system. When neighbors become aware of a random crime that has occurred nearby they can turn to the information in JIMSWeb to learn whether the suspect is in custody, the amount of bond set, the exact charges filed, whether there are co-defendants in the case, scheduled court sessions, and other important information. Even parents concerned for their children and the peers with whom their child spends time can access JIMSWeb to learn if those juveniles have a record of filed criminal charges. Parents seeking childcare services can, through a simple name search, determine if their prospective childcare provider has a criminal history in Johnson County. Likewise, any of the 12,000 or more victims of crime in Johnson County we serve annually can closely monitor the proceedings of their case if they are unable to attend court sessions due to emotional distress or other hardship.

Ending public access to JIMSWeb will negatively impact the public served by this office. In recent months, victims, witnesses, law enforcement officers, and members of the general public have become increasingly aware of the availability of online court records. This awareness has empowered these individuals to seek information at their convenience, including court dates, case filings, dispositions, and other court actions. Because this information has been afforded to the public free of charge, it is firmly believed that citizens will simply revert to phone queries in seeking the information they need. Based upon analyses of current call volume compared to the call volume prior to JIMSWeb, our office would expect to receive 150% of the calls currently received in this office. This increase alone will reduce the ability of staff in this office to respond to queries in as timely a fashion as our citizens have become accustomed to.

In addition to a staggering increase in call volume, public access to court records has allowed for greater cooperation among the 17 separate law enforcement entities located within Johnson

JOHNSON COUNTY COURTHOUSE, P.O. BOX 728, OLATHE, KANSAS 66051
PHONE NUMBER: (913) 715-3000

County. Even more so, it is quite common for judicial districts outside of Johnson County to suspend criminal proceedings against a defendant while that same individual is prosecuted in the 10th Judicial District. Continued access to JIMSWeb allows these other jurisdictions to monitor Johnson County's case progress to better predict and prepare for their own proceedings.

Members of the defense bar have also stated that free access to court records via JIMSWeb has enable them to better monitor and prepare their cases. Unlimited access to court records has allowed them to monitor for filed continuances, motions, etc. This access also allows them to receive case updates and information on evenings, weekends, or holidays, allowing them more flexibility as they attempt to balance time spent in court with time spent prepping their cases.

Finally, it is worth mentioning that our office does work directly with a small sample of defendants through our various Diversion programs. These defendants are typically low-level offenders with little to no criminal history who have been granted an opportunity, in accordance with Kansas statutes, to rehabilitate rather than face the full extent of punishment that might otherwise be instituted against them. Many conditions are required of Diversion participants and these clients have come to rely upon JIMSWeb to monitor their own progress towards successful completion of their contract. This includes court dates and accounting inquires, among other items these defendants might access.

While a broad spectrum of individuals benefit from the transparency of the Johnson County court system made possible through JIMSWeb, local businesses also benefit from this service. Many of the smaller, entrepreneurial endeavors which serve as the foundation of Johnson County's economic success cannot afford to suffer embezzlement or other fraudulent schemes that can result from hiring dishonest employees. Through JIMSWeb, these businesses have now been able to complete a simple "background check" to discern if job candidates have a history in the 10th Judicial District of even petty crimes which might serve to warn the employer of potentially deceitful applicants.

Without the continued availability of JIMSWeb, and all of the information provided therein, the citizens of Johnson County will be disempowered. A barrier will be placed between them and their ability to monitor what should be a transparent criminal court system. Members of the public deserve to be unencumbered in monitoring that system charged with their safety and protection. Any failure to fight for this inherent right of the citizenry of this community would be a disservice.

I would ask that this bill be passed in order to protect the rights of our citizens to have ready access to information essential to feeling safe and involved in the justice process.

Submitted for your further review is a letter from a user of the local website, a mother whose daughter was raped in 2004.

Dear Board,

Tuesday afternoon I was informed about the possibility of the jococourts.org web site being changed to a subscription with fees website. This was very disturbing to me.

Nobody wants to become a victim, or the mother, father, sister, or brother of a victim. I became the mother of a rape victim on January 24th, 2004. My daughters case has been in the courts system exactly 14 months today. (Thurs. Jan 12)

The DA and his assistants are not always available to return calls. Many times the jococourts website has given me the information I need. In the past year my daughter and I have accessed the site many times. We've used it to verify dates, times and room numbers of hearings, all of which are subject to change at a moments notice. We've used it to see if the defendant has other charges filed against him. We check it from time to time to see if anything is happening with the case. On really bad days I've used it as reassurance that our trial is scheduled... and there it is in black and white.

2005 was a long hard year. A year of scheduling conferences and continuances. It wasn't necessary for me to attend all these hearings but I felt it was a way of supporting my daughter as well as giving me a shred of control by hearing information first hand. I realize that many families are unable to do this because of work schedules, children, transportation, etc. I'm sure the website is a very important tool of communication for them.

I believe the jococourts web site empowers victims and their families by giving them easy, instant access to their cases when they need it. I can't even imagine why you would want to make that more difficult for us.

Thank you for the opportunity to express myself.

TESTIMONY REGARDING SENATE BILL NO. 353
SENATE COMMITTEE ON JUDICIARY
FEBRUARY 13, 2006
SCOTT C. GYLLENBORG
PRESIDENT-ELECT, JOHNSON COUNTY BAR ASSOCIATION

Chairman Vratil and Members of the Committee on Judiciary, I am Scott Gyllenborg, President-Elect of the Johnson County Bar Association. I am also an attorney in private practice with my home in Leawood and my office in Olathe. On behalf of the 1,400 members of the association, thank you for the opportunity to speak with you this morning regarding this matter. I am here today to express the SUPPORT of the Johnson County Bar Association for Senate Bill No. 353.

Passage of this bill into law will allow Johnson County to continue its mission of free electronic access to public district court records. This is an especially critical mission for the benefit of Johnson County residents and taxpayers because of several factors: 1) The large population that the district court serves, 2) the large number of requests for basic information, e.g., case numbers, litigant names, court assignments, hearing dates, prosecutor assignments and case dispositions, and 3) the inadequate amount of public parking for the Johnson County District Courthouse.

Basic Johnson County court case information is currently available electronically to the public free of charge. By providing basic case information electronically, the public and the court system are better served by giving the information to the public quickly and at all hours, and by relieving court personnel of the burden of responding to requests for basic information either in person or by telephone, which allows them more time to devote to their primary responsibilities.

We believe that free electronic dissemination of basic court information is essential to a modern justice system, and that Kansas should lead the way in providing its residents with free electronic access to basic court information in a time when virtually everyone has access to the Internet. The argument, propounded by some, that free access already is provided to those who can get to the courthouse during regular business hours fails to consider those persons who, because of age or infirmity, cost or inconvenience, cannot travel to the courthouse. It seems untenable to us that in the twenty-first century, this type of basic information cannot be provided free of charge, twenty-four hours a day, to anyone with Internet access.

The members of the Johnson County Bar Association ask for your support of Senate Bill No. 353. I will be happy to answer your questions.

Scott C. Gyllenborg
President-Elect
Johnson County Bar Association
130 North Cherry, Suite 202
Olathe, Kansas 66061
Telephone: (913) 782-1400
scott@gyllenborg.com

Senate Judiciary
2-13-06
Attachment 7

SAFEHOME
SUPPORT FOR SURVIVORS OF DOMESTIC VIOLENCE

Testimony Regarding Senate Bill 353
Senate Judiciary Committee
KATIE MCCLAFLIN – SAFEHOME
January 30, 2005

My name is Katie McClaflin and I am the staff attorney for SAFEHOME, Johnson County's only agency providing services to survivors of domestic violence. SAFEHOME provides emergency shelter, individual and group therapy, and economic and legal advocacy for women and children dealing with domestic violence. I am here today to express SUPPORT for Senate Bill 353.

As the Staff Attorney for SAFEHOME, I represent women who are trying to escape abusive relationships. Some women are seeking protection from abuse orders, some want to establish or enforce child support, and some want to divorce abusive husbands. Many of my clients are involved in several court cases at once, as a victim/witness in their abuser's criminal case, and as a party in a civil protection from abuse or divorce action.

Regardless of the legal situation facing the client, the women who walk into my office have at least one thing in common. They often feel confused, overwhelmed and helpless when faced with the legal system. The first thing I try to do is to help ease that feeling of helplessness.

Domestic abuse is about power and control. Women who are fleeing abusive relationships are fighting to regain a sense of control over their bodies, minds and lives. It is crucial that they take an active and informed role in their legal cases in order to regain a sense of control over their own lives.

Having free and open access to the court records pertaining to their cases allows them to begin to regain that sense of control. As their lawyer, I want to engage them in the legal process. We discuss what their case is going to look like, how it will proceed, and make strategic decisions together. I always provide my clients with the Johnson County public records website address at our first meeting, so they can follow the progress of their case- check on court dates and check the status of service of papers at every step along the way. I explain how to use the website, and ensure my clients how incredibly user friendly it is. My clients use the website. They understand how it works and appreciate how easy it is to find crucial information regarding their cases. I use the website several times each day to manage a hectic caseload. SAFEHOME does not have the resources to access this information if it becomes fee based. Furthermore, I have attempted to use the INK system and it is nowhere near as helpful and user friendly as the JIMS system.

Taking away free access to this information will further disempower abused women. I implore you to do what is necessary to maintain free access to public records through the Johnson County website.

P.O. BOX 4563 • OVERLAND PARK, KS 66204-0563 • 913.432.9300 • FAX 913.432.9302 • www.safe

KANSAS BAR
ASSOCIATION

TESTIMONY IN SUPPORT OF SENATE BILL NO. 353
BEFORE THE SENATE JUDICIARY COMMITTEE
BY RICHARD F. HAYSE, PRESIDENT,
KANSAS BAR ASSOCIATION
February 13, 2006

The Kansas Bar Association believes it is in the public interest for the citizens of this state to be able to inform themselves about the workings of the courts and the progress of specific cases in which they have a legitimate interest. For that reason we support access to information about the courts and their activities that is as open and complete as is consistent with necessary protection of privacy. This access should extend to the public at large as well as to litigants, the legal community and those otherwise affected by the administration of justice.

Because SB 353 apparently seeks to prevent the erosion of electronic access to case information in those counties that now offer excellent access, the KBA has voted to lend its support to the bill. However, the Association would not want such legislation to impede efforts by the Judicial Branch to develop a uniform statewide system of electronic access to case records and, ultimately, electronic filing in all cases. We encourage and support such a system so long as it is not cost-prohibitive to users and does not restrict the flow of information currently available.

Our ability as working professionals to efficiently and effectively represent our clients is increasingly dependent on the use of the tools of the electronic age to interact with the courts. The days are long past when case information could only be gleaned through a trip to the courthouse for a manual review of the case file maintained by the clerk of the district court. The clerks in those courthouses with open electronic access save countless hours when case information can be obtained electronically without the intervention of the clerk's staff to respond to each inquiry.

These considerations all point in the same direction for the public, the legal profession and the courts: computerized filing, storage and retrieval of case information. The KBA urges the Legislature to work together with representatives of the judicial branch and the counties to develop a uniform statewide electronic system, and to appropriate the funds necessary to establish and maintain the system to allow free and open access for the benefit of all citizens.

* * *

Senate Judiciary
2-13-06
Attachment 9

Kansas Press Association, Inc.

Dedicated to serving and advancing the interests of Kansas newspapers

5423 SW Seventh Street • Topeka, Kansas 66606 • Phone (785) 271-5304 • Fax (785) 271-7341 • www.kspress.com

Feb. 12, 2006

To: Sen. John Vratil, chairman of the Senate Judiciary Committee, and committee members

From: Doug Anstaett, executive director, Kansas Press Association

Re: SB 353

Thank you for the opportunity to give our qualified support to SB 353.

We say "qualified" because while we believe counties and district courts should maintain control of their own judicial documents, we have a concern about what fees may be charged to the public to access those records.

The public already pays the salaries of records custodians, court clerks, court secretaries, district attorneys and judges who produce these records and for the materials used to record them in print or electronically. To expect the public to pay a second time to access what already has been financed with public money seems unfair, even if the charge is "reasonable," whatever that means.

The Kansas Press Association's stance is simple: Keep the control of court records at the county level, and keep access to those records stored online free of charge.

Thank you.

Senate Judiciary
2-13-06
Attachment 10

TESTIMONY FOR SB 353
Darrel L. Eklund, President
SHAWNEE COUNTY LANDLORD ASSOCIATION
February 13, 2005

Honorable Chairman and members of the Senate Judiciary Committee:

I am here on behalf of the Shawnee County Landlords Association (SCLA) as a proponent for SB 353.

Last night between 5:00 pm and 11:30 pm I received eight e-mails from SCLA members who were in strong support of maintaining the open access as it is now available, on-line and free, to Shawnee County criminal and civil court records to help landlords better screen their applicants to have the end effect of cleaner, safer neighborhoods and communities. It is my belief that the vast majority of SCLA members are frequent users of these records

It is ironic that I receive comment after comment from local community groups in Topeka that landlords need to do a better job of screening their applicants in order to improve our neighborhoods, yet efforts have been introduced to make it more difficult and costly to screen our applicants.

The SCLA is launching a Blue Ribbon Landlord Program in Shawnee County and has adopted a set of 10 Best Property Management Practices for landlords/property managers to use. The practices include an emphasis on screening applicants and monitoring procedures with performance measures to ensure that Blue Ribbon Landlords are good property managers in Shawnee County. Last Saturday, February 4, the SCLA held a training session at the Ramada Inn Downtown in Topeka for persons interested in being Blue Ribbon Landlords and it was attended by 221 persons.

I urge members of the Senate Judiciary Committee to assist the Shawnee County Landlords Association in launching our Blue Ribbon Landlord Program by passing SB 353, so that we do not lose free access to Shawnee County criminal and civil court records.

Thank you for your consideration.

Senate Judiciary
2-13-06
Attachment 11

Supreme Court of Kansas

KAY MCFARLAND
Chief Justice

Kansas Judicial Center
Topeka, Kansas 66612-1507

(785) 296-5322

Senate Judiciary Committee

Monday, February 13, 2006

Kansas Supreme Court Testimony in Opposition to 2006 SB 353

The Kansas Supreme Court is firmly committed to the philosophy of maximizing free public access to court information. The Court is equally committed to carrying out its administrative authority over our unified court system, a responsibility entrusted to it by the people of Kansas through the state Constitution and laws enacted by this Legislature.

The enactment of 2006 SB 353 would undercut both of these essential precepts.

First, SB 353 purports to empower any of Kansas' 105 counties to provide electronic access, for a fee, to county district court records. Each county would control access to court records and would determine independently whether fees would be charged, the amounts of any fees, and what would be done with resulting revenue.

Second, SB 353 threatens the Court's ongoing effort to establish convenient and uniform electronic access to statewide court records, access that would be available to all of Kansas' citizens as well as anyone with access to the Internet.

There has been a great deal of incorrect and incomplete information circulated about the Supreme Court's plans for electronic access to statewide court records. The following should be helpful to legislators attempting to separate fact from fiction.

In the 1970s, the Legislature ordered statewide unification of the court system. Both the Kansas Constitution and numerous enactments of the Legislature confirm that the Supreme Court is the administrator of that system. Because of the legislatively-created dual funding system, the Court, as administrator, annually submits a budget to the Legislature for State General Fund money to support personnel serving in the Judicial Branch throughout the state. The system requires many other operating expenses for district courts to come from the counties they serve.

In addition, certain operations of the Judicial Branch are supported by filing fees or "user fees." Since 1993, a small percentage of filing fee revenue has gone to the judiciary's technology fund, which supports certain information technology staff, hardware, and software at the Judicial Center in Topeka and, in part through a grant system, in the state's 31 judicial districts.

In 2002, the Court received federal grant money to support the installation of FullCourt, an electronic case management and accounting system now installed in all but Johnson and Shawnee counties. The district courts in Johnson and Shawnee counties decided not to install FullCourt because their greater county resources had earlier enabled them to adopt different systems. The federal grant serving the rest of the state required matching dollars from the technology fund during FY 2002, 2003, 2004, and 2005. The total investment in installation of FullCourt, including federal and technology fund dollars, was approximately $5.5 million. Of course, these developments have been detailed in the Chief Justice's annual reports to the Legislature.

FullCourt enhances uniformity and equity. It has alleviated some of the "haves-and-have-nots" situation created by the dual State General Fund/county funding of our district courts. It has also given the vast majority of counties a state-of-the art case management and accounting system that they could not otherwise afford. Now all of the state's clerks, judges, and court services officers can deal effectively and efficiently with ever-increasing caseloads, growing demands for information sharing, and additional statutory requirements for notices, hearings, and other court functions – regardless of whether they have the good fortune to live and work in a wealthy county.

It is no surprise that FullCourt has been very popular with users within the court system. It also enhances the Court's ability to provide information electronically to the Kansas Bureau of Investigation, the Kansas Department of Revenue, the Kansas Department of Health and Environment, the Juvenile Justice Authority, and law enforcement.

FullCourt made court information digital. However, Internet access to that court information is currently available in only eight of the 105 Kansas counties – and only to that particular county's records. Of those eight counties, Shawnee County provides entirely free electronic public access; six counties provide access to limited court records for a fee through the Information Network of Kansas (INK); Johnson County provides access both for a fee through INK and free public access. Those counties that provide access through INK retain a portion of any fee charged by INK. There is no ability to perform searches of statewide district court records in these counties or anywhere.

The Court is therefore investigating a workable plan for court technology and public access advancement. The Court wants to capitalize on the capabilities of FullCourt to enhance electronic public access to local court information and to create electronic public access to statewide court information. The Court has been negotiating with- INK to provide such access. Those negotiations are continuing.

Pursuant to a current draft contract for Internet access through INK, if the case number is known, a $1 fee to view the records would be charged. If the case number is not known, the fee will be $1 to search and $1 to view the records. A search for either all civil or all criminal records statewide would cost $17.50, the same amount currently charged by the KBI for a similar search. It is also important to remember that no INK contract would impair or reduce free public access to all digital district court records through computer terminals located in every courthouse across the state.

Throughout the negotiations conducted with INK during the last several months, the Court has consistently emphasized that, for many users, free access must be maintained in the counties and created statewide. These users would include law enforcement and prosecutors, crime victims and their advocates, children's advocates such as CASA and others, indigent litigants, and those lawyers representing indigent litigants. The Court would ask all 31 judicial districts to identify persons and entities whose needs support free access. The Court made such a request of the district court in Johnson County weeks ago and has never received its response. SB 353's fee provision makes no allowance for such individuals or organizations.

The Court has not ordered either Johnson County or Shawnee County to shut down their websites. In fact, for many months, the Court has been attempting to work with the counties to integrate their systems into the new model in a way beneficial to all. Two members of the Court will meet with representatives of those counties on Friday, February 17, to continue that effort.

Any revenue coming to the Judicial Branch from an INK contract would be used to fund the ongoing FullCourt maintenance cost, estimated at $500,000 annually. To the extent revenues exceed that amount, they would be used to move all courts toward electronic imaging and electronic case filing, taking the Kansas Judicial Branch from the cumbersome paper flow of the 19th century into the digital data flow of the 21st century.

Another point also bears mention: The Court has taken an active role during the last two years to ensure the privacy and safety of court users by limiting access to certain highly sensitive private information such as Social Security numbers, dates of birth, and children's names and ages. The Court has been particularly concerned about "data miners," companies or persons who scour public records, particularly computer records,

for information about a person's criminal records, bad debts, and other information for resale to credit companies, health and life insurance companies, and others. Rejection of SB 353 would reinforce the Supreme Court's role as sole administrator of court records, ensuring that its efforts to protect privacy and safety will be enhanced rather than thwarted.

Since court unification, legislative leaders have repeatedly informed the Supreme Court that it must look to increased user fees, rather than the State General Fund, for any future enhancements. The Court's consideration of an INK contract explores a "user fee" route to respond to the Judicial Branch's budget needs and follows the Legislature's directive that all state entities should choose INK as a partner to distribute their electronic data. Stated frankly, the goal of "free public access to court information" cannot be achieved at no cost to those providing it. If the Legislature agrees with the Court's philosophy on free public access, the Legislature may wish to step forward with money from the State General Fund. The Court would welcome any such initiative.

In conclusion, the enactment of SB 353 would do violence to the Supreme Court's coordinated effort to enhance statewide equity, uniformity, efficiency, and effectiveness in the Judicial Branch and would jeopardize achievement of the goal of maximizing free public access to court information. Accordingly, the Court urges this committee to reject SB 353.

WILLIAM J. BURNS, JR
COURT ADMINISTRATOR

KATHLEEN M. COLLINS
CLERK DISTRICT COURT

PHILIP L. SIEVE, DIVISION 1
CHIEF JUDGE

THE DISTRICT COURT

TWENTY-NINTH JUDICIAL DISTRICT, KANSAS
COURTHOUSE
710 NORTH 7TH STREET
KANSAS CITY, KANSAS 66101

Senate Judiciary Committee
Monday, February 13, 2006

Testimony in Opposition to SB 353

Bill Burns, Court Administrator, 29th Judicial District (Wyandotte County)

Thank you for the opportunity to present testimony in opposition to SB 353. My name is Bill Burns, and I am from the 29th Judicial District (Wyandotte County), where I have been the court administrator for 20 years.

Wyandotte County, as well as the rest of the state, will benefit from the Supreme Court's proposal to make internet access to court records available to all of the citizens of Kansas. The proposal will also make statewide records available for the first time. This is a service that has been long awaited by clerks and court administrators statewide, and I believe it will serve the public well.

The FullCourt software that is in use in 108 courts in 103 Kansas counties has helped to make this move to statewide internet access possible. FullCourt software brought to most counties a case management and accounting system that otherwise would never have been possible. The move to statewide internet access is a logical one, and the Information Network of Kansas (INK) is the logical entity to provide that access. I serve on the District Court Technology Committee, and we are exploring statewide imaging and e-filing. Revenue from the proposed INK internet access would be used to implement these projects. These projects and the Supreme Court's proposal to provide them to all counties has been very popular with clerks and court administrators.

I have read with interest the articles about the objections of some Johnson County residents to the minimal convenience fee that will be charged for internet access. Many of the same attorneys, abstracters, and other persons who frequently access court records in Johnson County also access Wyandotte County records on a regular basis. I have not had a single complaint about the Court's plan to provide internet access through INK. Some people who use the free public access terminals in our Wyandotte County courthouse have commented that they will continue to use the free access. Others have commented that they are willing to pay a small fee for the convenience of internet access that will be available twenty-four hours a day, seven days a week.

Senate Judiciary
2-13-06
Attachment 13

Like Johnson County, Wyandotte County currently sells court records through INK, and the county retains the fees generated from internet access to court records. My county has voiced no objection to the Court's proposal. The county benefits from not having to purchase and maintain its own system because of the FullCourt software, and it will benefit further from imaging and e-filing.

Throughout my years as a court administrator, one of the many things I have enjoyed is the way in which court employees from 105 counties across the state have worked together to provide a unified system that serves all Kansans. SB 353 does nothing to promote unity or statewide service. It would provide that each county is on its own and may generate whatever revenue it wants from selling access to court records. The bill requires that the counties give nothing back to Kansas citizens in the way of service to the public.

I urge you to defeat SB 353.

FOURTH JUDICIAL DISTRICT OF KANSAS
DISTRICT COURT ADMINISTRATOR
NEW COURT BUILDING
P.O. BOX 637
OTTAWA, KS. 66067

ANDERSON COUNTY
COFFEY COUNTY
FRANKLIN COUNTY
OSAGE COUNTY

TELEPHONE #:
Office # (785) 242-6000
Fax # (785) 242-5970

JOHN K. STEELMAN, COURT ADMINISTRATOR
E-MAIL: JSTEELMAN@MAIL.FRANKLINCOKS.ORG

February 13, 2006

Testimony by John K. Steelman,
District Court Administrator
Fourth Judicial District of Kansas

Thank you for the opportunity to appear before you today to speak regarding House Bill 353.

I serve as the District Court Administrator of the Fourth Judicial District of Kansas, which consists of Anderson, Coffey, Franklin, and Osage Counties. Franklin County in the Fourth Judicial District began offering court case information to the public through Kansas.gov in June of 2005. Anderson, Coffey, and Osage Counties began transferring case information in October 2005.

The Fourth Judicial District implemented this project to provide court information through the internet for one reason, to improve the ease and ability of court users to obtain court case information. Prior to providing this information via the internet, citizens were only able to obtain court information by physically going to a courthouse and personally obtaining the court files from court staff, using a public information computer terminal, or submitting requests for documents in writing. The Fourth Judicial District received many requests from citizens, attorneys, and other criminal justice agencies for a more efficient way to obtain court case information other than requiring them to physically come to the courthouse.

Prior to the Kansas Judicial Branch's development and implementation of a state-of-the-art case management software program, our Judicial District did not have the ability to provide court case information electronically. I served on the statewide development team that looked at all the existing case management software programs prior to implementation. One of the main reasons the current software was chosen, other than the software's ease of use for court staff, was

the potential of this particular case management software program to provide a wide variety of court case information to the public electronically.

Even with this sophisticated software, the Fourth Judicial District did not have the technological or financial resources to provide the court information through the internet without partnering with an entity such as Kansas.gov (which is also known as INK, the Information Network of Kansas) or the Office of Judicial Administration. I would respectfully submit that currently, the majority of rural judicial districts do not have the resources to provide this information using county technology alone.

I have also believed that the ultimate goal of this kind of endeavor would be a system that would allow citizens, and criminal justice agencies especially, to obtain court case information on a statewide basis rather than through each individual county. The court services officers in the Fourth Judicial District, who perform Pre-Sentence Investigations (PSI's), continue to advocate for the ability to obtain criminal and juvenile court case information on a statewide basis rather than through individual courts.

For these reasons, I have been and remain an advocate for the Supreme Court proposal to provide electronic access to statewide district court records through INK. My counties will lose the revenue they currently receive from INK, but the benefits far outweigh that loss. My counties, as well as all 103 FullCourt counties, will not have to pay for the costs of FullCourt case management software, and they will not have to pay for the costs of the anticipated advances into imaging and e-filing. We see the broader picture and the good that will result for all Kansans from statewide electronic access to district court records. SB 353 would do nothing to promote statewide unity and the common goals I have noted. It appears to me it would create a system of "have" and "have not" counties that will not serve the state as a whole.

Thank you again for the opportunity to present my views.

Senate Judiciary Committee
Monday, February 13, 2006

Testimony in Opposition to SB 353

Chief Judge Richard Ballinger
18th Judicial District (Sedgwick County)

Thank you for the opportunity to tell you about how this bill would impact Sedgwick County and the rest of the state. Sedgwick County currently uses the FullCourt software (which we call KICS) that is used by 103 counties statewide. I will not say that FullCourt offers all things to all people, and will not say that there have not been issues that have needed to be worked out in our district, which has the largest number of case filings of any district in the state. However, the Office of Judicial Administration (OJA) and the other judicial districts have united our resources to work through issues and have ended up with a product that is both workable and clearly improves the service to Kansas citizens, both locally and statewide.

As in all Kansas counties, our attorneys and the community have free access to our court records. We provide computers and computer stations in the courthouse for convenient public access. With the proposal under Supreme Court consideration, it is not access to records that is being sold, but the convenience of accessing those records remotely.

FullCourt is working well, and it provides easier access to court records across the state. Sedgwick County has a commitment with the Supreme Court that helps not only the 18th Judicial District, but will help us to provide services statewide. SB 353 is an effort to derail the progress and commitment made by 103 counties, and I urge you to defeat it.

Frank Denning
Sheriff

Telephone
913-791-5800
Fax
913-791-5806

OFFICE OF THE
Johnson County Sheriff

Courthouse
125 N. Cherry
Olathe, Kansas 66061

David Burger
Undersheriff

Kevin Cavanaugh
Undersheriff

To: Chairperson Vratil, Vice-chairperson Bruce, and distinguished members of the Senate Judiciary Committee.

From: Frank P. Denning, Sheriff

Date: February 13th, 2006

Chairperson Vratil and Committee Members,

My name is Frank Denning and I am the Sheriff of Johnson County Kansas. I am submitting written testimony in support of Senate Bill No. 353. Thank you for allowing me the opportunity to offer testimony on this important bill before you.

The Justice Information Management System (JIMS) is the central computer repository for district court records that are publicly available. The Sheriff's Office places criminal warrant, civil process, and protection from abuse information in JIMS. Currently, this information is available at no cost to those who access the system electronically. The creation of a mandatory $75.00 registration fee followed by $2.00 per-search fees would have an immediate negative impact on the daily operations of the Sheriff' Office.

In 2005, The Sheriff's Office held 886 Foreclosure Sales, handled over 2800 evictions, and received 49,051 civil papers for service. The JIMS website currently experiences over 250,000 hits per month from victims, witnesses, prosecutors, defense attorneys, and abuse shelters, just to name a few. The loss of the JIMS website in its present form would require increased staffing levels in the Civil and Warrant Divisions to handle the large influx of telephone calls and visitors seeking information on criminal and civil matters.

The existence of the JIMS website allows the Sheriff's Office to efficiently deliver important criminal justice information that directly contributes to the effective operation of our court system. Altering JIMS will erode the significant efficiencies that have been gained, and represents a step backwards in the delivery of Sheriff's Office services. I urge you to support Senate Bill No. 353 and am available to answer any questions my testimony may raise.

Frank Denning
Sheriff Frank Denning
BK

Senate Judiciary
2-13-06
Attachment 16

From: <Victorwmiller@aol.com>
To: <karenc@senate.state.ks.us>
Date: 2/13/2006 7:57:35 AM
Subject: SB 353

Senator Vratil:

I apologize for the informality of this communication. We only learned last Friday that your Committee is holding a hearing this morning regarding SB 353. Unfortunately, our County Commissision meeting is scheduled squarely in conflict and we cannot attend.

Please be advised, however, that the Shawnee County Commission unanimously supports the passage of SB 353. We have invested significant time, money and resources in our electronic court records system to insure accessibility at an affordable cost to the public.

SB 353 will allow us to maintain such a system while not interfering with the agenda and goals of other entities.

Again, I apologize that we will not be in attendance at your Committee hearing. I hope our absence in no way diminishes the fact that we fully support the bill's passage.

Vic Miller, Chairman
Shawnee County Commission

Senate Judiciary
2-13-06
Attachment 17

Testimony Regarding Senate Bill 353

Senate Judiciary Committee

Paul J. Morrison, District Attorney - Tenth Judicial District
January 30, 2006

I am here today to offer testimony in support of Senate Bill 353. Twelve years ago Johnson County government embarked upon a strategic effort to ultimately allow electronic access to our District Court records. One of the main objectives was to ultimately allow the public, especially crime victims, easy access to information pertinent to their cases. These efforts have culminated in the development of the *Justice Information Management System* (JIMS) website, which is accessible to the public at no charge. This website is so successful it receives between 250,000 and 270,000 "hits" a month. Many folks who access the website are employed by other criminal justice or public entities such as the school districts, SRS, probation and parole, etc., who have a vital need for this information. Even more important, many who access the website are crime victims seeking immediate information (such as bond modifications, etc.) that can absolutely affect their immediate safety. This website has been so successful that it has cut down on foot and phone traffic to the Johnson County District Attorney's Office by one-half. The County has invested approximately $400,000 in this website.

In my opinion, to require payment to access this website would severely harm those folks who need it the most: crime victims and witnesses who need easy, free access to this information. It's the right thing to do. It is also a public safety issue. I support this bill in that it ensures any county's ability to provide this vital information to the public at no cost.

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1195 SW Buchanan
Suite 101
Topeka, Kansas
66604-1183
(785) 234-0217
FAX (785) 234-0237

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66604-0369
(Main Office)
(785) 234-0217

Lawrence, Kansas
(785) 749-4224

Manhattan, Kansas
(785) 539-6666

Emporia, Kansas
(620) 342-7788

MEMBER

ACCREDITED
COUNCIL ON ACCREDITATION OF SERVICES FOR FAMILIES AND CHILDREN, INC.

HUD Comprehensive Counseling Agency

United Ways of Greater Topeka, Douglas, Flint Hills and Riley Counties

Email: hcci@hcci-ks.org
Web: hcci-ks.org
(800) 383-0217

TESTIMONY RE: SB 353

February 13, 2006 – Senate Judiciary Committee, John Vratil, Chair
Housing and Credit Counseling, Inc.
Karen A. Hiller, Executive Director

Housing and Credit Counseling, Inc. (HCCI) has provided Tenant and Landlord, Homebuyer and Consumer Credit counseling and education throughout the state of Kansas for over 30 years. **This testimony is in support of SB 353.**

SB353 ensures that the public is able to take advantage of technology in the course of access to public information, saving substantial amounts of money for local units of government and assisting Kansans in their personal lives and business pursuits.

Where counties have chosen to put criminal records on websites and make them available at no cost to citizens through technology, versus the expensive process of providing staff and space for walk-in inquiries, the public is well-served with the savings of money.

In the case of landlords, this free service has made it easier to check references, thereby making it easier to make good business decisions regarding both criminal and bill-paying histories and to satisfy the public desire to minimize crime and drug activity in rental properties and older neighborhoods. When counseling tenants, it is useful to confirm facts and dates about service of notice and other process and issue items.

For employers, simple criminal background checks are easier as well. Particularly for nonprofits and small businesses, this is a valuable service which the state should allow local governments to provide.

Finally, in terms of the prospect of having to pay for such services through INK, often, to do a search thoroughly, a searcher will want to check various name and spelling combinations to make sure they have found their person or that, in fact, there are no records. Free access and a system such as the one Shawnee County has allow this thorough search to be quick and unencumbered, both in terms of time and cost.

We encourage your support for this bill.

Senate Judiciary
2-13-06
Attachment 19