

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on March 14, 2007 in Room 313-S of the Capitol.

All members were present.

Committee staff present:

Jerry Ann Donaldson, Kansas Legislative Research
Athena Andaya, Kansas Legislative Research
Jill Wolters, Office of Revisor of Statutes
Cindy O'Neal, Committee Assistant

Conferees appearing before the committee:

Kyle Smith, Kansas Bureau of Investigation
Jennifer Roth, Kansas Association of Criminal Defense Lawyers
Peter Ninemire, Families against Mandatory Minimums
Laura Green, The Drug Policy Forum of Kansas
Chuck Sypher, Individual
Rick Guinn, Office of Attorney General
Marilyn Keller, Attorney from Kansas City
Stacey Donovan, Kansas Association of Criminal Defense Lawyers
Andrew & BelleAnne Curry, Overland Park
Rabbi Amy Katz, Overland Park
Debra Nordyke, Butler, Missouri

The hearing on **SB 14 - offender registration; convictions for manufacture of controlled substances, possession of certain drugs with intent to manufacture controlled substance required to register**, was opened.

Kyle Smith, Kansas Bureau of Investigation, explained that the proposed bill would expand the list of offenders who would be required to register pursuant to the Kansas Offender Registration Act. It would include anyone convicted of unlawfully manufacturing or attempting to manufacture methamphetamine (meth), those who have been convicted of possession of precursor chemicals with the intent to manufacture meth, and those convicted of selling or distributing opiate or narcotic drugs within 1,000 feet of school property. (Attachment 1)

Mr. Smith voiced his concern with the senate amendments including all illegal narcotics and trafficking convictions, because law enforcement does not have the resources needed to handle the extra work and it would be diluting the registry.

Written testimony in support of the bill was provided by Senator Dwayne Umbarger. (Attachment 2)

Jennifer Roth, Kansas Association of Criminal Defense Lawyers, informed the committee that *State v. Myers* precludes information about meth-related offenders whose offense dates were before the passage of **SB 14** from being posted on the KBI's website or made public records. Ms. Roth suggested that the committee consider patterning their offender registry after Tennessee. (Attachment 3)

Peter Ninemire, Families against Mandatory Minimums, voiced his concern that the adoption of the proposed bill would make people who have been convicted of these types of crimes, and who have served their time, outcast. Many drug users are trying to get help and do not need the stigmatism that this bill would create. It simply eliminates hope. (Attachment 4)

Laura Green, The Drug Policy Forum of Kansas, appeared as an opponent of the bill. She commented that there are more important funding needs in the area of corrections that should be addressed before spending money on this program. (Attachment 5)

Chuck Sypher, Individual, has a son who is incarcerated and should be getting out soon. He was concerned that the proposed bill will simply expand his punishment after he has served his time. He strongly believes

CONTINUATION SHEET

MINUTES OF THE House Judiciary Committee at 3:30 P.M. on March 14, 2007 in Room 313-S of the Capitol.

that non-violent offenders do not belong on the registry. (Attachment 6)

The hearing on **SB 14** was closed.

The hearing on **SB 204 - requirements for persons required to register pursuant to the Kansas Offender Registration Act**, was opened.

Rick Guinn, Office of Attorney General, testified that the bill would tighten the procedures involved with the offender registration process. The proposed bill would bring Kansas into compliance with several of the federal Adam Walsh Child Protection & Safety Act. (Attachment 7)

Kyle Smith, Kansas Bureau of Investigation, explained that states have till July of 2009 to adopt the Adam Walsh Act. Upon adoption of the whole Act, Kansas would receive \$2,155,339. If the state does not adopt the Act, Kansas would lose 10% of what it received from the JAG/Byrne funding grant. The provisions on pages 5, 6, 8, 9, and 14 are requirements of the Act. (Attachment 8)

Marilyn Keller, Attorney from Kansas City, appeared before the committee to request that the committee strike the retroactive provisions for those who move into the State of Kansas. She suggested that those individuals moving into the state should be notified that they will be required to register for whichever sentence is longer. (Attachment 9)

Stacey Donovan, Kansas Association of Criminal Defense Lawyers, commented that it is unconstitutional to require an individual who moves to Kansas from another state to register for the longer sentence. (Attachment 10)

Andrew & BelleAnne Curry, Overland Park, relayed their story of Andy being convicted as a sex offender in the state of Missouri and moving to Kansas. They opposed the bill because it would treat people differently depending on the laws of the state where they were convicted. (Attachment 11)

Rabbi Amy Katz, Overland Park, opposed the bill but understood it was important to have a sexual offender registry. She believes the bill would unfairly brand individuals who have served their time and have moved forward with their lives. (Attachment 12)

Debra Nordyke, Butler, Missouri, opposed the bill because it "paints too-wide of brush stroke" by including all sexual offenders, disregarding those offenses which were not physically, emotionally or mentally pervasive. (Attachment 13)

The hearing on **SB 204** was closed.

The committee meeting adjourned at 5:30 p.m. The next meeting was scheduled for March 15, 2007.



Kansas Bureau of Investigation

Larry Welch
Director

Paul Morrison
Attorney General

House Judiciary Committee Testimony in Support of SB 14

Kyle G. Smith
Deputy Director
Kansas Bureau of Investigation
March 14, 2007

Chairman O'Neal and Members of the Committee,

I appear today on behalf of the KBI and the Kansas Peace Officers Association in support of the original version of SB 14. That bill simply added persons convicted of manufacturing methamphetamine to the list of offenders who must register under the Kansas offender registration act.

Registration has several benefits to both law enforcement and the public. The public has access to the registration lists and can use that information in making important decisions such as whom to rent a house to or helping them decide whether suspicious activity by a neighbor should be referred to law enforcement.

Besides actually giving law enforcement a lot of information about a person who has demonstrated a certain criminal ability, the act of registering is a regular reminder to the offender that law enforcement has their information and is aware of their previous activity, and has all their information such as DNA, vehicles, etc., surely a bit of deterrence. The registry is also a handy resource to check for matching information on possible suspects. The idea of the registry works best with crimes that show a high risk of recidivism and pose a substantial risk to the public. Certainly the manufacture of methamphetamine fits both categories and such information would be helpful to both the public and law enforcement.

We do have some concern with the Senate floor amendment, adding all other illegal narcotic trafficking convictions (page 2, line 24, adding K.S.A. 65-4161) to the list of convictions requiring registration. It is certainly true that drug trafficking, in any form and any drug, can be a very dangerous profession. And it is true that innocent bystanders are shot or injured when deals go bad or retribution is attempted. However, our first concern is resources – we estimated 100-200 meth cooks who would need to register, a number we could absorb. But there may be 1000 to 2000 convictions *each year* for sale, attempted sale and possession with intent to sale under K.S.A. 65-4161. And after 14 years, we have around 4656 offenders. Obviously, additional personnel and resources will be necessary.

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1620 S.W. Tyler / Topeka, Kansas 66612-1837 / (785) 296-8200 FAX (78: Attachment # 1

Our second concern would be the impact on the local sheriff offices. While the bill contemplates collecting a fee, that might be problematic with some offenders. Furthermore, even with a fee, the number of registrants might strain the support staff at many sheriff offices.

Third, there is a question is about dilution – we need to keep the registry workable so that the public can readily find the registrants that concern them. Too many people on the list will make it unwieldy and less useful.

A possible solution to some of these concerns may be available in the near future. Within the next two years, the KBI will be dividing the registry into “tiers” to comply with federal legislation. At that time, assuming resources, federal or state, are available for the reprogramming, a ‘drug offense’ tier and separate web page will likely be created. This would allow people to search the specific area of concern – sex offenders, murderers, armed, violent criminals, and methamphetamine producers.

In the meantime, we would respectfully suggest that SB 14 be amended by removing the senate floor amendment (strike line 24 on page 2) and having a more thorough discussion of these issues next year.

Thank you for your interest and support. I would be happy to answer your questions.

State of Kansas
Senate Chamber

DWAYNE UMBARGER

SENATOR, FOURTEENTH DISTRICT
LABETTE & NEOSHO COUNTIES
AND PARTS OF CHEROKEE
AND MONTGOMERY COUNTIES

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(TTY FOR HEARING/SPEECH IMPAIRED)

COMMITTEE ASSIGNMENTS
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KANSAS CAPITOL RESTORATION
COMMISSION
SPECIAL COMMITTEE ON
MEDICAID REFORM

Mr. Chairman and members of the committee:

Thank you for the opportunity to provide testimony in support of SB 14. This bill is an important tool in the fight against methamphetamine in Kansas. In 2005 The Legislature amended K.S.A. 65-1643 in order to stop the soaring production and use of methamphetamine in the state. Although restrictions on the precursor pseudoephedrine provided assistance in limiting its distribution, meth remains the principal drug threat to Kansas today. It places entire communities at risk through the violence and environmental harm that results from its production and abuse.

SB14 takes the next step in curbing the abuse of methamphetamine in Kansas. It amends the Kansas Offender Registration Act by requiring individuals convicted of:

- Unlawful manufacture or attempted manufacture of methamphetamine
- Possession of ingredients with intent to manufacture methamphetamine
- Selling of methamphetamine

to register with the sheriff's office of the county in which they reside. An individual registering with the office would also be required to pay a \$20 registration fee. It specifically targets those who perpetuate the use of meth within the state, and does not require registry for those convicted of simple possession or use.

A convicted offender must register with the sheriff's office their current residence and place of education or employment, as well as any change in this status. Additionally, offenders must report in person with the office once every six months. This will assist law enforcement in keeping tabs on offenders to deter instances of recidivism.

SB 14 received two amendments to provide greater assistance in combating drug use in Kansas. The first requires additional registration for offenders convicted of sale or distribution of opiate or narcotic drugs within 1,000 feet of a school. The second amendment would amend current statute by stipulating the \$20 fee go directly to the sheriff's department. Current language allows the fee to go to the county as a whole, and this would guarantee that the department directly receives the funds necessary for monitoring offenders.

With this legislation we hope to check the distribution of methamphetamine within the state of Kansas, thus limiting its abuse and damage to our communities. Thank you again for the opportunity to testify in favor of SB 14. I ask that you give this measure your support

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Attachment # 2

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March 14, 2007

Testimony prepared by
Jennifer Roth, Legislative Committee Chairperson
Kansas Association of Criminal Defense Lawyers
Opponent of Senate Bill 14

In its current form, SB 14 requires registration for people convicted of unlawful manufacture or attempted manufacture (both severity level 1 drug felonies), possession of certain substances with the intent to manufacture (changed in 2006 from a severity level 1 to a severity level 2 drug felony), and possession with intent to sell opiates or narcotics within 1,000 feet of a school (a severity level 2).¹

SB 14 as currently drafted is unnecessary, expensive and excessive. Resources of local sheriff's departments and the Kansas Bureau of Investigation are better used on things other than registering and tracking people who were convicted of manufacture and related offenses years ago. Our prison space is better used on something other than people who failed to register.

SB 14 is unnecessary

The law forbids dispositional departures in manufacture cases; anyone convicted of manufacture or attempted manufacture must go to prison. (See K.S.A. 65-4159(b)). Furthermore, anyone convicted of a severity level 2 offense is presumptive prison. Attached is a copy of the drug grid.

Therefore, all of the offenses covered by SB 14 are presumptive prison. When in prison, people are not required to register, because the public knows where they are (you can find them on the Department of Corrections' website). SB 14 would require registration for people who have already been incarcerated (and thus their whereabouts known) for years, once they are released from prison. Furthermore, once offenders are released, they have post-release supervision to fulfill and, again, their whereabouts are known.

SB 14 will be expensive

The fiscal note to SB 14 states these changes would not have an impact on the state budget. The fiscal note fails to account for future prosecutions of offenders for failing to register.

Attached is a copy of the 2007 Adult Inmate Population Projections from the Kansas Sentencing Commission's 2007 Report to the Legislature. I have circled the severity levels at issue here. All totaled, as of June 30, 2006, there were 825 people in prison for severity level 1 and 2 drug felonies. Manufacturing offenses make up the majority of severity level 1 drug felonies while

¹ The Supplemental Note to SB 14 explains that the Senate Committee of the Whole amended SB 14 to add offenders convicted of sale or distribution within 1,000 feet of a school to register. However, the language in SB 14 cites to K.S.A. 65-4161, which also includes possession with intent to sell NOT within 1,000 feet of a school, a severity level 3 drug felony. In this testimony, I am assuming that is an error. If it is not – if all violations of K.S.A. 65-4161 are to be covered – then that drastically increases the number of people affected.

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possession with intent to sell within 1,000 feet of a school makes up some of the severity level 2 drug felonies (and now possession of certain substances with intent to manufacture joins this level). All of these people (and more in the coming years) will be subject to the registration requirements and the penalties for non-compliance.

Last year, the Legislature amended the Kansas Offender Registration Act to make failure to register a severity level 5 person felony (it had been a severity level 10 nonperson felony). If SB 14 becomes law in its present form, people who are convicted of failing to register for manufacture-related offenses or possession with intent to sell within 1,000 feet of a school face a person felony even though their underlying conviction was a nonperson offense. The presumptive sentencing range for failing to register is 38 to 122 months, depending on criminal history. Attached is a copy of the non-drug grid. Incarcerating people for not registering will put a strain on prison space and contribute to the need for additional prisons.

SB 14 is excessive

As I write this testimony, I have not heard from the proponents about the reasons for wanting the registry. If the reason is so the public can be aware, there are other ways to accomplish that goal.² If the reason is so that law enforcement can access a list, there are other ways to accomplish that goal.

The State of Tennessee has a sex offender registry, a felony offender registry and a Meth Offender Registry Database. The Meth Offender Registry was part of the Meth-Free Tennessee Act of 2005. Furthermore, Tennessee only requires registration for substantive violations and does not include convictions for attempt. (See www.tennesseeanytime.org/methor/index.html).

Meth-related registries in other states do not include all of the information that our current offender registry does. Frankly, all of the information we keep would not be necessary in a meth-related registry. Attached is an article explaining what data Tennessee and other states collect. Tennessee does not list offenders' addresses on its online registry – in fact, apparently offenders do not have to take steps to register. Upon conviction, the court sends notice to the registry that the defendant has a conviction and the defendant is not required to do anything.

In addition, I have not researched the issue, but I would doubt any other state with a meth-related registry has such a drastic penalty for non-compliance. The Legislature should also consider restoring failure to register for a meth-related offense to a severity level 10 nonperson felony.

Thank you for your consideration,

Jennifer Roth
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² In fact, if public information is the goal, it will not be met with SB 14. *State v. Myers*, 260 Kan. 669 (1996) would preclude information about meth-related offenders whose offense dates were before passage of SB 14 from being posted on the KBI's website or made public record. In other words, the public would not be able to know about the 800+ people with pre-existing convictions.

SENTENCING RANGE - DRUG OFFENSES

Category →	A	B	C	D	E	F	G	H	I
Severity Level ↓	3+ Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3+ Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2+ Misd.	1 Misd. No Record
I	204 194 185	196 186 176	187 178 169	179 170 161	170 162 154	167 158 150	162 154 146	161 150 142	154 146 138
II	83 78 74	77 73 68	72 68 65	68 64 60	62 59 55	59 56 52	57 54 51	54 51 49	51 49 46
III	51 49 46	47 44 41	42 40 37	36 34 32	32 30 28	29 27 25	26 24 22	23 21 19	20 18 16
IV	42 40 37	36 34 32	32 30 28	26 24 23	22 20 18	18 17 16	16 15 14	14 13 12	12 11 10

LEGEND
Presumptive Probation
Parole Box
Presumptive Imprisonment

Probation Terms are:

- 36 months recommended for felonies classified in Severity Levels 1-2
- 18 months (up to) for felonies classified in Severity Level 3
- 12 months (up to) for felonies classified in Severity Level 4

Postrelease Supervision Terms are:

- 36 months for felonies classified in Severity Levels 1-2
- 24 months for felonies classified in Severity Level 3
- 12 months for felonies classified in Severity Level 4 except for some K.S.A. 65-4160 and 65-4162 offenses on and after 11/01/03.

Postrelease for felonies committed before 4/20/95 are:

- 24 months for felonies classified in Severity Levels 1-3
- 12 months for felonies classified in Severity Level 4

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III. 2007 Adult Inmate Population Projections

Severity Level	June 30 2006*	June 30 2007	June 30 2008	June 30 2009	June 30 2010	June 30 2011	June 30 2012	June 30 2013	June 30 2014	June 30 2015	June 30 2016	Total # Increase	% Increase
D1	581	524	510	486	491	511	510	508	509	522	525	-56	-9.6%
D2	244	261	283	298	327	355	379	376	368	377	380	136	55.7%
D3	484	529	522	552	555	568	589	578	585	591	605	121	25.0%
D4	641	695	728	731	768	789	788	772	822	840	792	151	23.6%
N1	806	843	869	890	917	929	939	960	960	982	992	186	23.1%
N2	449	457	442	434	440	430	428	434	434	423	413	-36	-8.0%
N3	1352	1349	1338	1310	1307	1289	1285	1258	1233	1233	1255	-97	-7.2%
N4	269	263	271	264	269	276	284	293	303	304	306	37	13.8%
N5	1050	1036	1046	1030	1014	1034	1053	1037	1031	1039	1062	12	1.1%
N6	156	167	172	192	212	203	200	193	202	214	222	66	42.3%
N7	854	887	902	888	876	877	890	891	890	906	881	27	3.2%
N8	239	279	257	253	256	266	273	280	262	298	290	51	21.3%
N9	268	348	348	357	371	376	379	387	404	386	419	151	56.3%
N10	43	62	63	56	63	71	69	67	76	63	68	25	58.1%
OFF GRID	711	729	900	1080	1269	1444	1621	1800	1980	2156	2340	1629	229.1%
Condition Parole/PIS Violators	786	756	732	684	686	656	698	676	684	679	681	-105	-13.4%
Total	8933	9185	9383	9505	9821	10074	10385	10510	10743	11013	11231	2298	25.7%

*. Based on the actual prison population on that date (for the purpose of forecasting, non-grid and missing are analyzed and assigned to each level).

SENTENCING RANGE - NONDRUG OFFENSES

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Category →	A	B	C	D	E	F	G	H	I
Severity Level ↓	3+ Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3+ Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	Misdemeanor 2+	Misdemeanor 1 No Record
I	653 620 592	618 586 554	285 272 258	267 253 240	246 234 221	226 214 203	203 195 184	186 176 166	165 155 147
II	493 467 442	460 438 416	216 205 194	200 190 181	184 174 165	168 160 152	154 146 138	138 131 123	123 117 109
III	247 233 221	228 216 206	107 102 96	100 94 89	92 88 82	83 79 74	77 72 68	71 66 61	61 59 55
IV	172 162 154	162 154 144	75 71 68	69 66 62	64 60 57	59 56 52	52 50 47	48 45 42	43 41 38
V	136 130 122	128 120 114	60 57 53	55 52 50	51 49 46	47 44 41	43 41 38	38 36 34	34 32 30
VI	46 43 40	41 39 37	38 36 34	36 34 32	32 30 28	29 27 25	26 24 22	21 20 19	19 18 17
VII	34 32 30	31 29 27	29 27 25	26 24 22	23 21 19	19 18 17	17 16 15	14 13 12	13 12 11
VIII	23 21 19	20 19 18	19 18 17	17 16 15	15 14 13	13 12 11	11 10 9	11 10 9	9 8 7
IX	17 16 15	15 14 13	13 12 11	13 12 11	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5
X	13 12 11	12 11 10	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5	7 6 5	7 6 5

Probation Terms are:

- 36 months recommended for felonies classified in Severity Levels 1-5
- 24 months recommended for felonies classified in Severity Levels 6-7
- 18 months (up to) for felonies classified in Severity Level 8
- 12 months (up to) for felonies classified in Severity Levels 9-10

Postrelease Supervision Terms are:

- 36 months for felonies classified in Severity Levels 1-4
- 24 months for felonies classified in Severity Level 5-6
- 12 months for felonies classified in Severity Levels 7-10

Postrelease for felonies committed before 4/20/95 are:

- 24 months for felonies classified in Severity Levels 1-6
- 12 months for felonies classified in Severity Level 7-10

LEGEND
Presumptive Probation
Border Box
Presumptive Imprisonment

TOP STORY ■■■

WEDNESDAY, JUNE 07, 2006

States fight meth plague with registries

By Elizabeth Wilkerson, Special to Stateline.org

Like sex offenders and tax dodgers, methamphetamine makers are now being listed on Internet registries in several states.

Tennessee brought the nation's first such registry online in 2005, and it now carries information on almost 400 convicted meth manufacturers, according to the state Bureau of Investigations. In Illinois, Gov. Rod Blagojevich (D) signed a law June 4 creating a convicted meth manufacturer registry .

The registries mark a new tool for states in combating the abuse and production of the illegal drug, also known as crystal meth, ice, glass and speed. It can cause stroke, paranoia, anxiety, delusions and violent behavior, as well as damage to blood vessels and skin abscesses in those who inject the drug, according to the National Institute on Drug Abuse. Meth production labs are dangerous, smelly and toxic to children exposed to the fumes. Nearly all states already have laws limiting sales of cold tablets containing pseudoephedrine, a key ingredient in meth production.

At least four states -- Georgia, Oklahoma, Washington and West Virginia -- have bills pending that would create a meth-maker registry. An Oregon bill would require the state to alert residents -- whether through an Internet registry or other means -- when a convicted meth maker is released from prison into their area. And Montana has included meth makers in its sexual and violent offender registry since 2003, though it does not list them separately.

States differ on how they expect their registries to be used. In Tennessee, the registry is posted on a publicly accessible Web site and was established in response to complaints from residents and from landlords whose property had been damaged or destroyed by meth production, according to Jennifer Johnson, director of communication for the state's bureau of investigation.

State Sen. William R. Haine (D), the primary sponsor of Illinois' law, said his state's meth registry primarily will be used to help law enforcers by reducing the time and expense of searching through conviction records rather than to inform the public. The public isn't restricted from viewing the registry online, he said, "but as a practical matter it would be rather boring to the average person unless they're curious."

In Tennessee, the registry lists the offender's name and date of birth, the offense, the county in which it took place and the date of conviction. The Illinois registry will contain similar information, as would registries proposed in West Virginia and Oklahoma.

Lawmakers and law enforcers said the meth-maker registries differ from sex-offender registries, which states now rely on to post the whereabouts and often pictures of released sexual molesters. In Tennessee, the names and date of birth -- but no picture or current address -- of convicted meth manufacturers are sent directly to the registry by the courts, Johnson said, unlike sex offenders who are required to register in person and re-register regularly. Also, those on the meth registry can appeal to have their names removed from the list after seven

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years.

Johnson and Haine said the costs of running the meth registries were minimal. The start-up costs for the Tennessee registry were about \$50,000, covered by a grant.

The number of seized meth labs nationwide decreased from 1999 to 2004, but rose in the Midwest, according to the National Institute on Drug Abuse (NIDA). The U.S. Drug Enforcement Administration said more meth labs were seized in Tennessee (786) and Illinois (923) than in California in 2005 (434).

Oklahoma estimated that an average meth case costs \$350,000, including \$54,000 to treat the meth user, \$12,000 in child welfare services and \$3,500 to decontaminate the area, which essentially is a hazardous waste site. For every pound of meth produced, about six pounds of toxic waste are left behind, said Blake Harrison, a senior policy specialist specializing in criminal justice for the National Conference of State Legislatures.

Oklahoma was the first to restrict the availability of cold medications containing pseudoephedrine by moving certain non-prescription cold tablets such as Sinutab and Sudafed behind the pharmacy counter. Shoppers in Oklahoma are limited in how many packets of the medication containing pseudoephedrine they can buy at one time and must show ID and sign for the pills.

Send your comments on this story to letters@stateline.org. Selected reader feedback will be posted in the Letters to the editor section.

Contact Elizabeth Wilkerson at ewilkerson@stateline.org.

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[Oklahoma sets pace in fighting meth](#)

[War on meth epidemic targets cold medicines](#)

ISSUES AND TOPICS ■■■

Issues: Crime and Courts Technology Welfare & Social Policy



Families Against Mandatory Minimums

F O U N D A T I O N

March 14, 2006

Chairman O'Neal and Honorable Committee Members:

My name is Peter Ninemire. I am the Midwest Regional Organizer/Trainer for Families Against Mandatory Minimums, a national sentencing reform organization headquartered in Washington, D.C. I am also a Therapist and Substance Abuse Counselor working on the clinical aspect of my LMSW at the Wichita Day Reporting Center. In both my capacity working for sentencing reform and as a therapist and counselor, I respectfully oppose SB14. I say respectfully because I like and respect both of the Senators who are sponsoring this bill, but I believe there are many unintended consequences that are being overlooked with this proposed legislation.

From both the policy and therapist perspective, this amounts to lifetime disenfranchisement of an entire segment of our population – it makes them outcasts. It isolates people; which does not promote recovery. All of the sex-offender research tells us that it in fact increases recidivism. This classifies people in that same bill and category as a sex-offender, but the difference is between a predator and an addict. Methamphetamine addiction is a disease that people can and do recover from at close to the same rates of other drugs. This was evidenced by Dr. Logan in California, and I am beginning to see this too with the methamphetamine matrix model of treatment that we have recently started doing groups around at the day reporting center.

Research and my experience clearly dictate that people do not change because we punish them into oblivion. They change because of they find worth, meaning, direction and hope for change in their lives. Jails and prisons do not treat addiction. The useful purpose they serve is removing people from their lifestyle, cycle and associates involved with their addiction, and then they meet their point of diminishing returns. The effects of overly punitive approaches like this bill create shame and eliminate elements of hope of change and leading a better life at the most critical juncture when they reenter society. I find it a sad irony that at the time when I am most encouraged about reentry efforts in this state and presently underway at the Capital, that we are also proposing legislation that will insure that people never get employment, or find housing and feel connected to the communities they are from. This bill is blatantly anti-reintegration.

I think we have to ask ourselves, WHAT DO WE WANT TO ACCOMPLISH HERE, and for what purpose? If it is lifetime disenfranchisement, and more people in prison, then it works very well. By making people outcasts, you also make them outlaws, and SB14 means they will either be that, or in our prisons and jails for the rest of our tax-paying lives. Another thing that SB14 accomplishes is identify drug dealers for other drug users and dealers. The sad truth is, the people who want recovery and change will sign up for the registry, but those that don't, will not. I believe that meth sentences are severe, but if you think they are not severe enough, then work at it from that end, but at least give these people some hope for change and bettering themselves when they reenter society.

This bill is in effect a life sentence. People can overcome an addiction, but not a lifetime disenfranchisement. How much will this Registry costs to implement and maintain? How about

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spending those dollars on treatment, implementing the methamphetamine matrix model, and other approaches that do work? We don't have to look much further than mandatory minimums and other purely punitive measures to realize that the unintended consequences of this law are far more destructive and counterproductive than the intended efforts of improving public safety by preventing meth manufacturing. The best way you prevent that is give these people drug treatment and get them to feel self-worth and have hope of turning their lives around.

As someone who was very involved in both the use and sales of illicit drugs, and served 10 years in federal prison on drug charges, and is now a therapist conducting groups with this population on a daily basis, I can tell you that most drug users are drug dealers, and drug sales and manufacturing are often the symptomology of addiction. Family members are concerned about their loved ones having to deal with the stigma associated with this for the rest of their lives. Perhaps when you hear from some of the family members here today, it may lessen some of the demonization about people convicted of manufacturing meth, and give you a different perspective about who these people are. And in that, perhaps you too will consider how you would feel if your son, daughter, grandchildren or other family members were to be treated like SB 14 is proposing to treat people who become addicted and involved with methamphetamine manufacturing. Thank you sincerely for listening to and considering my testimony.

Sincerely,



Peter Ninemire, LMSW, SAPTR
LSCSW Licensure Candidate
Midwest Regional Organizer/Trainer
Families Against Mandatory Minimums
1926 S. Estelle St. – Wichita, KS 67211
Ph:(316)651-5852; E-mail: pninemire@famm.org



Families Against Mandatory Minimums

F O U N D A T I O N

KS FAMM TALKING POINTS
IN OPPOSITION OF SB 14

- Amounts to - lifetime disenfranchisement of entire segment of our population – makes them outcasts – and eventually outlaws. It prevents recovery, which is re-connection to community
- Works to prohibit successful reintegration, by enforcing a lifetime sentence/ban upon release
- NACDL research clearly shows that isolating people from community increases recidivism
- Creates lifetime ban on employment, housing and successful reintegration from prison
- Methamphetamine is addictive. It is also very easy and inexpensive to make. Meth manufacturing is often symptomology of this addiction that requires intensive treatment
- Individuals have about the same rate of recovery from methamphetamine as with other drugs
- Methamphetamine is an addiction that people can recover from. The lifetime registry creates a barrier to recovery, and in effect, guarantees lifetime disenfranchisement
- Both family members and offenders will be stigmatized for the rest of their lives
- The Meth Registry will be costly to implement and maintain and is counterproductive
- Allocate these funds to treatment dollars, something research proves works
- People that want recovery will sign up for the registry, but those that don't, won't
- Registry identifies drug dealers for drug users and makes outcasts outlaws
- Adds a lifetime sentence to tough sentence that was already served
- People change because of they find worth, meaning, and hope for change in their lives
- The effects of overly punitive approaches like this bill create shame and eliminate elements of hope for change and leading a better life.
- Recovery wants people to own and take accountability for their recovery and begin to feel better about themselves. SB14 places and keeps these people in victim mode.
- Unintended consequences of SB14 far outweigh any potential effects of legislation

4-3



Drug Policy
Forum of Kansas

March 14, 2007

Testimony before the House Judiciary Committee

RE: Kansas Senate Bill #14 – Drug Offender Registration

The legislature broadens the scope of mandatory offender registration to include offenses associated with manufacturing, sale, or distribution of methamphetamine. The proposed legislation would require semi-annual registration through the Sheriff's office, and require a \$20 fee to be paid at each registration.

In passing the full Senate the proposal was *further broadened* to require registration of anyone convicted of K.S.A. 65-4161, also commonly referred to as the "drug free school zone" law. As you know, K.S.A. 65-4161 prohibits the sale, delivery or distribution of *any opiate, narcotic or stimulant within 1,000 of a school property* and is a much more commonly charged offense than the manufacturing, sale or distribution of methamphetamine.

When the State Budget Director originally made estimates to the Legislature about the impact of SB 14 he was only able to report estimates from two counties, due to time constraints. Shawnee Country stated costs to implement the bill were \$50,000 and Trego County, \$30,000.

There are a myriad of programs that need to be funded for persons released from prison, including day-release centers, more probation officers, housing, job training, and day care.

"Community Corrections funding across the state has been stagnant even as caseloads pile up and more high-risk sometimes dangerous, offenders find themselves on probation instead of in prison." From a recent Lawrence Journal-World article (attached).

Total funding for Community Corrections state-wide which offers probation services for felony offenders, has lost funding for adult supervision between 1996 and 2006.

"Somewhere, somebody in the state has to step up and say 'We have a problem,'" said Annie Grevas, director of Community Corrections Association in the state's 28th District.

The proposed registry would place an unfunded mandate on sheriff departments across the state. Any monies Topeka would kick-in toward maintaining the registry would take away funding for more cost effective programs to deter recidivism.

From a fiscal standpoint, it does not make sense to add more expenses to over-strapped law enforcement agencies, when there needs to be more funds placed in community corrections to monitor persons on probation and parole.

Sincerely,

Laura A. Green
Executive Director
The Drug Policy Forum of Kansas

The Drug Policy Forum of Kansas is a 501(c)(3) organization dedicated to research and education about drug control policies in Kansas and fiscally responsible alternatives.

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Date 3-14-07

Attachment # 5

Community Corrections funding problem means corners are being cut

Money not available for crime reduction programs

By Ron Knox

Friday, February 16, 2007

In a perfect world, Annie Grevas would give ex-convicts on probation every tool to help them and the communities in which they live stay crime-free.

But for now, Grevas and other Community Corrections officers in Kansas are struggling to pay their own staff.

“Somewhere, somebody in the state has to step up and say, ‘We have a problem,’” said Grevas, director of the Kansas Community Corrections Association and the state’s 28th Judicial District.

Community Corrections funding across the state has been stagnant even as caseloads pile up and more high-risk, sometimes dangerous, offenders find themselves on probation instead of in prison.

The same holds true for Douglas County, even as the county’s probation officers for lesser offenders are saddled with the highest caseloads in the state.

State records show that the level of funding for the Community Corrections program, which offers probation services for felony offenders across the state, actually has lost funding for the adult supervision program between 1996 and 2006.

Total funding for all Community Corrections programs, including adult supervision, drug and residential programs, fell from \$15.6 million in 2001 to \$15.5 million last year, records show.

The program lost funding even as more felony offenders entered the system. From 1996 until last year, Community Corrections statewide has added nearly 2,000 offenders, records show.

“We are being asked to do more with less and have struggled for years in our efforts to seek any new funding increases,” Stuart Little, a lobbyist with the KCCA, told lawmakers earlier this month.

With stagnant funding levels, the system has had to cut corners, Grevas said. Programs that could help keep criminals off the street have been brushed aside, and with mandatory cost-of-living raises and insurance rate increases for employees, layoffs have become common.

For example, Grevas said programs that use “motivational interviewing” — allowing the client to direct their services and goals while on probation — have helped ease recidivism rates. But those programs take money for staff and training that isn’t available now.

Plus, in the past five years, offenders guilty of violent crimes and sex crimes have more often entered the Community Corrections system rather than prison — leaving probation officers tasked with more intense supervision of criminals who pose more of a danger to the community.

The change came after a 2000 law charged the Community Corrections system with monitoring offenders who, because of a departure from sentencing guidelines, were placed on probation rather than in prison.

The law also defined the system’s target population as people who have been convicted of severe felonies or have

violate their probation conditions at least once.

“Those are some hard facts to look at,” Grevas said of the increasingly dangerous criminals the system watches over. “We’re expected to protect the safety of our communities with no funding.”

But officials with the Department of Corrections, which oversees the program, said the department hopes to reduce recidivism by other means.

The department proposed an initiative last year to boost probation completion and reduce recidivism, in part, by relying more on community resources for programs Community Corrections can’t afford to implement, said Keven Pellant, deputy secretary of community and field services for the department.

“We’re looking at new methods with very little money,” Pellant said. “Methods that don’t include more time seeing them but more coordinating with the community.”

And funding hopes in the Legislature aren’t over, either. Although Gov. Kathleen Sebelius declined to endorse new money in the fiscal year 2008 budget, lawmakers tabled the issue until they knew the outcome of a House bill that could grant new funds to the program.

House Bill 2141 would establish a grant fund to help Department of Corrections officials generate a plan to reduce the recidivism many judicial districts face. If the fund is established, lawmakers likely will adopt Sebelius’ recommendations.

But if not, lawmakers have to step up to fix what has become a broken system, said state Rep. Sharon Schwartz, R-Washington, chairwoman of the House Appropriations Committee

“We understand we have a problem here we need to address,” Schwartz said.

To: Mike O'Neil, Chairman, and Judiciary Committee Members
Date: 3-14-2007
From: Chuck Sypher
Re: Opposition to SB 14

We are here today as parents of an adult son that became addicted to "Meth" and in his attempt to fuel his addiction learned to manufacture "Meth." He was incarcerated and has been imprisoned for several years. He was not a dealer and did not manufacture to sell the drug. He is one of the 65%-75% of the low-level, non-violent, non-sexual offenders that are currently incarcerated in the State of Kansas under the Mandatory Minimum Laws. His release is near and now he is faced with a potential devastating consequence of SB 14. I was always under the impression that in America when a person broke a law there would be consequences. Once the debt was repaid to society the individual should have the opportunity to prove they are capable of living a meaningful and productive life back in society. SB 14 continues to punish these individuals long after they have paid their debt to society. If SB 14 passes our son and thousands of others will continue to suffer the consequences for behavior that they have corrected and changed. A Registry will affect him and thousands of others released from prison in the following ways:

- a. Even though his behavior has changed others in the community will view him as a dangerous individual, which he is not.*
- b. Many in the community will immediately discriminate against him and all those in his situation. Many will accidentally find him and others on the web simply because they can and are snooping around.*
- c. A Registry is like the "Yellow Pages" describing exactly who these individuals are and where they live and their criminal record. "Meth" addicts have been so demonized by the public and law enforcement that they will immediately be viewed as evil, dangerous and someone to avoid. True, some may be dangerous, but all are not. The majority of society will discriminate without knowing the facts. Anyone that has taken the most basic of Psychology classes understands that ALL White people are not alike, ALL Black people are not alike and ALL Asian people, etc. are not alike. The same holds true for those incarcerated for manufacturing "Meth" or growing "Marijuana". The general public does not understand drug addiction. This Registry will further demonize these individuals that are on the list.*
- d. Our son's goal upon release is to find meaningful employment to provide for himself and his family and to be a contributing member of society. SB 14 will be a stumbling block for this goal.*
- e. NON-VIOLENT OFFENDERS DO NOT BELONG ON THIS LIST!*

One more interesting fact; depending upon which study you read, approximately 75% of the men in prison on drug charges have been physically, emotionally or sexually abused as children, prior to their involvement in drugs. Although many do not turn to drugs to deal with the pain and guilt, many do turn to drugs. Many of these men believe they were victimized by society not only once, but a second time when arrested and incarcerated. These are

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feelings that must be addressed through professional counseling and therapy, which is basically non-existent in our prison system. SB 14 will victimize them yet again.

Felony convictions carry a devastating burden in and of themselves. The Police and Sheriff's Department already know where these individuals live. They are required to report to probation officers and take random UA's. Since they are non-violent, non-sex offenders and low-level Felons why do we need another registry.

If you want to make the community safer, here are a few suggestions:

- a. Understanding drug addiction and addressing it in a constructive manner.*
- b. Professional and meaningful treatment and rehabilitation programs while in prison.*
- c. Upon release, effective Day Reporting Centers, well-managed halfway houses.*
- d. Follow-up therapeutic support by professional, well trained staff.*
- e. Job skill training programs while in prison and upon release.*
- f. Treating these individuals with dignity and respect for positive efforts demonstrated.*
- g. Earlier release for successful completion of effective programs.*

I view SB 14 as a discriminatory piece of legislation for the following reasons:

- a. It singles out a group of individuals that are in need of counseling and therapy, re-entry programs and transitional programs back into society instead of further punitive measures.*
- b. Many citizens in the community will immediately discriminate against these individuals in a multitude of ways.*
- c. SB 14 demonstrates a lack of knowledge regarding drug addiction. It is punitive in nature and further supports the private prison interest.*
- d. SB 14 makes a generalization that ALL people charged with certain crimes are alike.*
- e. SB 14 assumes that "Meth" addiction cannot be cured. This is simply not true. The State of Kansas has failed to provide effective programs in the Kansas Prison System to deal with "Meth" addiction. How can anyone assume that this addiction cannot be cured when we have not provided the appropriate resources to attack the problem?*

Thank you for your time and consideration in this matter. Please defeat SB 14!

Chuck Sypher

Chuck & LaDean Sypher
2574 South Shore Drive
Vassar, Kansas 66543

785-828-4145

785-633-0306

To: Kansas Legislators
From: Chuck Sypher, Retired Psychologist and Director of Special Education
Re: Oppositional Statement to SB 14
Date: 2-5-2007

Oppositional Statement to SB 14

I am opposed to this bill for the following reasons:

- 1) Most of the individuals that manufacture "Meth" have a history of drug abuse and addiction, first purchasing the drug from a friend that is addicted to "Meth" and later learning how to manufacture the drug from the Internet or from friends. The addiction to "Meth" is a terrible addiction, but like all addictions a person can overcome the addiction with proper treatment, therapy and support. Requiring all individuals that have been in prison for manufacturing "Meth" to be placed on a State Registry assumes that the "Meth" addiction cannot be cured. This is simply not true!
- 2) Hundreds of State and Federal Judges now recognize that the Mandatory Minimum Sentences issued in during the Regan Administration are truly an injustice for the "Small Fry", as they are called. The true criminals somehow escape conviction and continue their illegal activity. The individuals that are without financial funding or influential contacts comprise approximately 95% of the arrests and convictions. As a consequence our prison systems are clogged with thousands of low-level, non-violent, non-sexual offenders with drug addictions. The State of Kansas does not provide adequate treatment, therapy or rehabilitative services to address the problems of this group of individuals. They experience years of incarceration, removing them from society without providing the necessary services to assist them upon their release from prison. The majority of inmates released from prison have become institutionalized and re-enter society without the appropriate skills to be successful on the outside.

- 3) The Felony convictions are tremendous barriers for obtaining meaningful employment. Requiring these individuals to be listed on a registry further alienates them in society, making it more difficult to find jobs and suitable housing. Developing a registry that indicates where every individual lives that has been in prison for growing marijuana or manufacturing drugs is like providing a "Yellow Page" directory for every individual in the State of Kansas that is searching for "Meth" or Marijuana. Everyone agrees that recovering addicts need to separate themselves from their previous friends. A registry might possibly make this separation more difficult. This registry may very well have the reverse affect on drug abuse. It may also have the reverse affect on reducing the prison population. The local Police Departments and the local Probation Officers already know where these individuals live. The individuals on probation are also required to have periodic drug tests.
- 4) Developing a registry can also place the released inmates and their families in danger of harassment from neighbors and other community members. Developing a registry might also create additional complaints to the local Police Departments from neighbors and others in the community creating additional and unnecessary search warrants and possible harassment of the inmate and their families. Many of these individuals may be forced to live in rural areas or in the country to avoid the harassment. This will place an increased burden on the County Sheriff's Department and may require additional personnel to monitor the individuals on the registry. This will likely increase the local budgets that will be passed on to the taxpayers.
- 5) Developing a registry will also create additional secretarial time for constant maintenance of the file that translates to additional taxes.

The State of Kansas needs to first understand what addiction is and then provide appropriate services to address these problems. There are numerous ways to provide support and assistance to inmates that are far less expensive than simple incarceration and punitive matters. Professional and meaningful treatment, rehabilitative programs and job training programs should be provided for inmates while in prison. Upon their release from prison, Day Reporting centers with

professional staff and well managed half-way houses such as The Oxford House and follow-up support through therapeutic programs, support in relocation and re-integration are very effective ways of addressing these issues. The State of Kansas needs to stop demonizing addiction and deal with the problems in a creative manner. If we continue to punish these individuals for behavior long after they have changed and are trying to live constructive and meaningful lives then we have created a tremendous injustice for all of mankind. It appears to me that SB 14 dovetails with the private prison initiative that will create a greater need for private prisons in Kansas. It certainly increases the likelihood of revocation of probation and a increase in the prison population.

Thank you for your time. I hope you will defeat this terrible piece of legislation.



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

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House Judiciary Committee
SB 204
Rick Guinn, Chief Counsel
March 14, 2007

Mr. Chairman and members of the committee, thank you for allowing me to testify today.

I am here to testify in support of Senate Bill 204. SB 204 seeks to tighten the procedures involved with the sex offender registration process and bring Kansas into compliance with several provisions of the Adam Walsh Child Protection and Safety Act, passed by Congress in 2006. In short, SB 204 will improve law enforcement's ability to track the activity of registered sex offenders without creating an increased burden.

The Adam Walsh Act

The Adam Walsh Act requires state sex offender registration programs adopt certain standardized provisions by July 20, 2009. SB 204 includes several of the mandated provisions because they are sound public policy and can be efficiently implemented at this time.

Under current state law, sex offenders have 10 business days to register and update registration information. SB 204 would reduce that timeframe to allow only 3 business days.

SB 204 will require registrants to appear at their Sheriff's office to update their information at least three times a year, as opposed to the current requirement of two appearances. This is an affirmative obligation that would replace the current system of having the KBI send out letters to the offenders' last known address every 90 days. In addition to increasing the reliability of the process, the KBI saves money and resources that can be used for other law enforcement activities.

When registering in person, offenders must report the same information that is currently required by Kansas law, but in addition, report the license tag information for any vehicle normally operated by the offender.

While not mandated by the Adam Walsh Act, SB 204 requires offenders provide any email addresses and online identities used by them on the internet. This provision is a

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recognition of the fact that it is especially important to track sex offenders activity, not only in the physical world, but online as well.

Finally, in accordance with the Adam Walsh Act, SB 204 requires the KBI to provide the public with sex offender safety and education resources on their website. This provision is good public policy that will be implemented regardless of a statutory mandate.

Clarifications

SB 204 requires that jurisdiction for prosecution of violations of the act under K.S.A. 22-4903 is in the county of residence of the offender or the county where a non-resident offender is required to register. This clarifies an issue that has arisen about whether the prosecutions should take place in the county where the registry is physically located (Shawnee County).

SB 204 clarifies that last year's amendment to K.S.A. 22-4906 requiring that people moving into Kansas have to comply with their original state's registration requirement, or Kansas law, whichever is longer, applies to anyone with a covered conviction, not just those convicted after the law went into effect. It also encompasses those adjudicated as juvenile offenders.

SB 204 amends K.S.A. 22-4902 to include the new crime of aggravated trafficking, K.S.A. 21-3447, to the list of criminal convictions requiring registration.

I have asked that Kyle Smith, the Deputy Director of the KBI, provide you with testimony that further details some of the provisions that I have spoken about today. Thank you for your time and I look forward to answering any questions.



Kansas Bureau of Investigation

Larry Welch
Director

Paul Morrison
Attorney General

Testimony in Support of SB 204
Before the House Judiciary Committee
Kyle Smith, Deputy Director
Kansas Bureau of Investigation
March 14, 2007

Chairman O'Neal and Members of the Committee,

I appear today on behalf of the Kansas Bureau of Investigation and as legislative chair of the Kansas Peace Officers' Association in support of SB 204. This legislation tightens up the procedures involved in tracking registered offenders in Kansas. The KBI has been charged with maintaining the offender registration system since its inception in 1993. We are always looking for better ways to maximize public safety and improve the system. The KBI believes strongly that SB 204 does just that.

We have been working with Attorney General Paul Morrison and his staff on ways to improve the offender registration system, based on problems we have encountered as well as federal mandates. Last year congress passed the Adam Walsh Act which sets out several standards that states are supposed to adopt by July of 2009. Some of the proposed standards may be problematic, but SB 204 incorporates those federal standards that seem to be solid public policy and fiscally feasible at this time. Changes in SB 204 include:

- Page 2, Sec.1, lines 14-15: Adds a new crime created last year aggravated trafficking, K.S.A. 21-3447, to the list of criminal convictions requiring registration. This crime was added to the list for life time registration under K.S.A 22-4906 last year in "Jessica's law", but was accidentally omitted from the list of crimes requiring registration.
- Page 4, Sec. 2, lines 31-35: Clarifies an issue that keeps coming up – does jurisdiction for prosecution under the act lie in the county where the registration is to be done or where the registry is physically located (Shawnee)? Decision is to have it in the county of residence where the legal duty, acts and witnesses are located.
- Page 5, 6, 8, and 9 all have a simple change requiring registration and changes be done within 3 days, not the current 10 days. This is to keep tighter control and will be required under the Adam Walsh Act.
- Page 6, Sec. 3, line 24: Adds the KBI to the sheriff's office as agencies to be notified of a change of address. This is primarily to assist in tracking out of state transfer

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- Page 6, lines 25-43, Page 7, lines 1-37: Under the Adam Walsh Act, serious sex offenders will be required to report in person three times a year. Having an offender appear in person, verify their data and having a new photograph taken is a much better way of keeping track of offenders than the current system of sending letters to their last known address every 90 days, which procedure is stricken on page 6-7. The amendments set out this system, which will increase public safety and save the KBI resources that can better be used tracking down absconders. The language would also clarify the legislature's intent that the \$20 fee approved last year is supposed to go to the sheriff's office to offset their expenses in handling the registration.
- Page 12, Sec. 5, lines 14 to 20: These amendments are intended to clarify that registered offenders who have moved into Kansas, both adults or juveniles, shall have to register for the time frame required in Kansas or their state of offense, whichever is longer. This section was designed to make sure Kansas was not attracting offenders from other states by having lower registration periods.
- Page 12, sec. 6, lines 38-40: This amendment would require license plate numbers, not just make and model.
- Page 13, sec.6, lines 7-8: Knowing the identity of registered offenders may be even more important in cyberspace than in the real world. This amendment would require registrants to provide their e-mail addresses and any chat room identities they use while on the Internet.
- Page 14, Sec.7, lines 19-20: This is another Adam Walsh requirement, that state websites have links to sex offender safety and education resources.

Thank you for your prompt attention and consideration.



WYRSCH HOBBS MIRAKIAN P.C.

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March 14, 2007

The Honorable Mike O'Neal, Chairman
House Judiciary Committee
Statehouse, Room 313-S
Topeka, Kansas 66612

**Re: SB 204 - Requirements for persons required to register pursuant to
Kansas offender registration act**

Dear Hon. O'Neal:

The following comments are respectfully submitted to the Committee. The comments are narrowly tailored to present opposition to the last sentence of the proposed amendment to KSA 22-4906(i) found at SB 204, Section 5, page 12, lines 22-24. In that regard, please be advised of the following:

As proposed, SB 204 at Section 5, page 12, lines 22-24, will amend KSA 2006 Supp. 22-4906(i) as follows:

(i) Any person moving to the state of Kansas who has been convicted in another state *or who has been adjudicated as a juvenile offender in another state*, and who was required to register under that state's laws, shall register for the same length of time required by that state or Kansas, whichever length of time is longer. *The provisions of this subsection shall apply to convictions or adjudications prior to June 1, 2006 and to persons who moved to Kansas prior to June 1, 2006.*

The last sentence of subsection (i) should be removed so that the subsection reads as follows:

(i) Any person moving to the state of Kansas who has been convicted in another state *or who has been adjudicated as a juvenile offender in another state*, and who was required to register under that state's laws, shall register

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for the same length of time required by that state or Kansas, whichever length of time is longer.

The proposed last sentence should be deleted because it is not rationally related to any legitimate state interest. Further, the provision is not reasonably enforceable. Finally, efforts to enforce the provision will be cost prohibitive.

1. The proposed amendment is not rationally related to a legitimate state interest.

The proposed amendment will require an established Kansas resident offender to fulfill a new obligation to register, and to maintain and update the registration even if the offender has complied with and completed his obligation to register in Kansas. An offender who has previously satisfied his/her registration requirement will be required to register again, having committed no new conduct that would otherwise trigger a registration requirement.

Pursuant to KSA 22-4906, the registration period for offenders convicted in Kansas is ten (10) years for those convicted of a sexually violent crime as defined in KSA 22-4902(c), ten (10) years for offenses defined in KSA 22-4902(a), and ten (10) years for any offense defined in KSA 22-4902(d). The ten year period begins to runs from the date of conviction, or the date the offender is released from custody, if confined. Certain other offenses require a lifetime registration, as do second or subsequent convictions.

As applied, and by way of example, assume an offender is convicted in another state in July 1995. As a resident of that state, the offender is required to register for life under the terms of the convicting state's registration statute. The offender complies with the registration obligation as required in the convicting state. In 2002, the offender moves to Kansas as a result of his marriage to a Kansas resident. After moving to Kansas, the offender has no further obligation to register in the convicting state. As a Kansas resident, however, the offender is required to register in Kansas for 10 years from the date of conviction. Under Kansas law, the offender's registration requirement terminates in July, 2005.

Last year, KSA 22-4906(i) was enacted and became effective June 1, 2006. The subsection mandates that any person *moving to the state of Kansas* who has been convicted in another state must register for the length of time required by the convicting state registration statute or the Kansas statute, whichever is greater. It is my understanding that the legislature's intent in enacting 22-4906(i) was to prevent forum-shopping by registered

offenders who were looking to relocate to a less restrictive state and thereby circumvent original registration requirements.

It is possible that the Kansas legislature has an interest in reducing the future risk that convicted sex offenders will move to Kansas to avoid more rigorous registration statutes enacted by other states. However, this interest, if constitutionally permitted, is satisfied by a prospective application of KSA 22-4906(i). Certainly, the language, "any person moving to the state of Kansas" suggests a prospective application of the subsection. Similar language contained within the Missouri registration statute was interpreted by the Missouri Supreme Court to be prospective and applicable to those who take up residence *after* the law's effective date. *J.S. v. Beaird*, 28 S.W.3d 875 (Mo. 2000).

Significantly, the proposed amendment has no deterrent effect as to those prior offenders who have previously moved into the state of Kansas. There is no conduct to deter since the *move* has already occurred. Conversely, offenders who move into Kansas *after* the effective date of KSA 22-4906(i) are on notice that the length of their registration requirement will be the same as the state in which they were convicted. Such notice may have the desired effect of deterring offenders from relocating to Kansas to circumvent the original registration requirements.

If certain sex offenders convicted in Kansas are subject to a 10 year registration requirement, what is the legitimate state interest in treating differently a sex offender convicted in another state who has established Kansas residency prior to June 1, 2006. There is no information to suggest that over the years there has been an influx of convicted sex offenders into the State of Kansas trying to circumvent their original registration requirements. However, prospective application of 22-4906(i) will serve to meet the stated legislative intent of the provision.

2. The proposed amendment is not reasonably enforceable.

Those offenders living in Kansas prior to June 1, 2006, who complied with and satisfied the ten-year registration requirement who are no longer required to register, are not readily identifiable or located. Law enforcement agencies have no mechanism to track the location of prior sex offenders who have established residency in Kansas and who have no present obligation to register. The proposed amendment is not reasonably enforceable as to this class of prior offenders.

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It is my understanding that the KBI believes the application of 22-4906(i) is fair, especially if applied to all offenders evenly. Clearly, this proposed provision can not be applied evenly to all offenders since all offenders will not be identified or located.

3. The enforcement of the proposed amendment is cost prohibitive

The proposed amendment essentially constitutes an unfunded mandate to an unspecified law enforcement agency to identify all prior sex offenders living in Kansas, determine each offender's state of conviction, interpret the applicable law in the state of conviction to determine the length of the offender's registration requirement (including changes to that state's law that may have occurred since the date of conviction), monitor that state's registration statutes to ensure that the registration requirements have not changed, and, of course, locate the offender within Kansas. In addition to possible civil liability for erroneous determinations by local government, if these efforts are not made in a uniform and consistent manner, any effort to prosecute prior offenders for failing to register will be subject to challenge under a theory of selective or vindictive prosecution, or as a violation of the Equal Protection Clause of the United States Constitution.

In summary, the last sentence in proposed amendment that states that *the provisions of this subsection shall apply to convictions or adjudications prior to June 1, 2006 and to persons who moved to Kansas prior to June 1, 2006* should be deleted from KSA 22-4906(i) for the reasons stated herein. Thank you for your consideration of these comments.

Very truly yours,

WYRSCH HOBBS & MIRAKIAN, P.C.

BY: 
MARILYN B. KELLER

/mk

cc: House Judiciary Committee members

House Judiciary Committee
March 14, 2007

Testimony prepared by
Jennifer Roth, Legislative Committee Chairperson
Kansas Association of Criminal Defense Lawyers
Opponent of Senate Bill 204

The Kansas offender registry includes sex offenders, violent offenders, offenders who committed person felonies with deadly weapons (meaning just about any item you can imagine and some you would not) and, if SB 14 passes, offenders with convictions for manufacturing-related offenses or possession with intent to sell within 1,000 feet of a school.

SB 204 is unrealistic: people who already live a day-to-day, on-the-fringe existence because of their conviction(s) and/or inclusion on the offender registry cannot comply with a three-day (as opposed to the present 10-day) period to report changes. Even people with resources can seldom make all address changes, etc. upon moving in a three-day period.

SB 204 is overreaching: the KBI website lists certain information about offenders on its website. However, the KBI website also points out that “[f]urther information on any registered offender in this file can be obtained from the sheriff’s office in the registrant’s county of residence.” (See attached.) What business do members of the public have to offenders’ e-mail addresses? The license plate numbers to their cars? Can you image what consequences access to this information may have? The Supplemental Note to SB 204 makes reference to the KBI having to expend resources “to maintain the additional internet and vehicle information required by the bill.” Does this mean the KBI plans to include license plate numbers, etc. under offenders’ names on the internet database? Can you image what consequences that may have?

SB 204 is excessive: why have a new picture taken every four months instead of every six months? This creates more work for the sheriff’s departments. How is it worth it?

SB 204 still requires much work by the KBI: While the KBI wouldn’t have to send out 90-day notices, it would have to receive and deal with all address changes, all photo submissions, etc. In fact, the Supplemental Note states that KBI “cannot estimate the exact savings the bill would generate.” Would it generate any savings at all?

SB 204 is arguably unconstitutional: requiring people from other states to register for longer than their state’s requirements is arguably unconstitutional.

With every change comes a new way that offenders can be charged with non-compliance. The numbers and costs associated with that are significant, especially now that failure to comply is a severity level 5 person felony.

Thank you for your consideration,



Jennifer Roth
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(785) 832-9583

House Judiciary
Date 3-14-07
Attachment # 10

Official Kansas Bureau of Investigation Web Site



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KBI Registered Offender Website – Disclaimer

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The information contained in a registration entry has been provided by the registrant. Neither the Kansas Bureau of Investigation (KBI) nor the sheriff's office can guarantee the accuracy of this information. It is common for offenders to move and fail to notify the sheriff's office in their county of residence of that change. This information is updated continuously, however, the KBI cannot guarantee accuracy from day to day.

As a result of the Kansas Supreme Court's decision in State v. Myers, 260 Kan. 669 (1996), this website contains information only on offenders who committed their offenses on or after April 14, 1994.

Effective July 1, 2005, K.S.A. 22-4909 was amended to require prominent notice on this website as to whether a registered offender is or is not a sex offender. Any offender who by virtue of their registering offense meets the definition of "sex offender", "sexually violent predator" or was convicted of criminal sexual conduct with a person less than 18 years of age, as set forth in K.S.A. 22-4902, shall be designated as a "sex offender" on this website.

Any person who uses information obtained through this website to threaten, intimidate or harass another, or who otherwise misuses the information may be subject to criminal prosecution and/or civil liability.

Further information on any registered offender in this file can be obtained from the sheriff's office in the registrant's county of residence.

If you believe any information contained on this website is erroneous or if you have information

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regarding an offender whose address is shown as being verified, please contact the KBI Registered Offender Unit by mail, email or telephone.

- Conduct a Registered Offenders Search

The Department of Corrections (DOC) maintains a site that allows users to search for offenders in the DOC database. The site is "Kansas Adult Supervised Population Electronic Repository". (KASPER)

- Conduct a KASPER (DOC) Search

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Testimony of Andy Curry to the Kansas House Judiciary Committee
Concerning Senate Bill 204
March 14, 2007

My name is Andy Curry. Born and raised in Wichita, I have spent most of my life in Kansas and currently live in Overland Park with my family. My roots in Kansas are deep: Both parents, and their parents, were Kansans, and my mother's father played basketball for Phog Allen at KU. I make my living as a computer programmer.

Over twelve years ago, I committed a crime in Missouri. My offense was of a voyeuristic and surreptitious nature: I put a hidden camera in my own home. There was no touching, coercion, or solicitation, and my victim was a stepdaughter, the physically-mature teen-aged daughter of the wife from whom I was separated and getting a divorce. I pled guilty in circuit court, receiving a suspended sentence and five years probation. As required, I registered in Missouri as a sex offender.

I completed my probation successfully. I remained employed. I underwent a full course of psychoanalysis for seven years, voluntarily and at my own expense. I apologized for my bad act. I attended twelve-step meetings. I involved myself deeply in the activities of my religious community. I rediscovered my love of music and began to sing more and more. In summary, I was rehabilitated. I earned my bachelor's degree.

In 2002, I married again and moved from Missouri to Overland Park to join my wife and her two children, because she wanted to keep her children in good schools. I did *not* move in order to escape sex-offender registration: Even though Missouri requires lifetime registration for almost any sex offense, the Missouri list was not published on the internet at that time, and I *knew* that my name and face would appear online once I had registered in Kansas. In my view, the public notoriety is the most onerous aspect, for the offender, of the registration system.

I did register as a sex offender in Kansas but looked forward to July of 2005, when my ten-year registration term would expire. I am not now required to register.

My concern is for one sentence in Senate Bill 204. Section 5, subsection (i) of this bill, contains language, introduced by Ms. Patricia Kilpatrick, which became law last year, the effect of which is to requires an offender moving to Kansas to register for the length of time required by the state where he was convicted or by Kansas, whichever term is longer. The intent of this language, according to a letter to my attorney from the General Counsel of the KBI, was to deter "forum shopping" by sex offenders seeking to reduce the length of time they are required to register. I don't like this law, because it treats people differently depending solely on the laws of the state where they were convicted, but I can understand the argument for it.

This year, however, a new sentence has been added to this subsection:

"The provisions of this subsection shall apply to convictions or adjudications prior to June 1, 2006 and to persons who moved to Kansas prior to June 1, 2006."

Who are the people to whom this sentence applies? Kansas law *already* requires lifetime registration for those who, in *any* jurisdiction, have committed an aggravated offense or more than one sex offense.

House Judiciary
Date 3-14-07
Attachment # 11

This sentence targets the offender who:

- 1) Is **not** a repeat offender, *and*
- 2) Did **not** commit an aggravated offense, *and*
- 3) Committed his offense **over ten years ago**, *and*
- 4) Is **not** now required to register, *and*
- 5) Was convicted of his one crime in a jurisdiction having lengthier registration requirements.

In other words, the affected group is fairly small and consists *wholly* of less-risky offenders.

The first question which a lawmaker might ask of any bill is "**Does it benefit the State?**"

- ◆ It will not deter offenders from moving to Kansas, as those to whom it applies are *already here*.
- ◆ Perhaps you will say that it makes the public safer. But: If the public is safer because a few less-risky offenders are on the registry longer, then the logical lawmaking approach would be to extend registration terms for *everyone*, not just for a select few who offended in other states.
- ◆ Perhaps some offenders will decide to leave the state. This outcome is undoubtedly true; but again, if an exodus of offenders is your goal, it would be far more effective to increase registration terms for *all* offenders, causing many more to depart.

The second question is, "**What problems might be caused?**"

- ◆ There will certainly be a number of Kansas residents who, through no action of their own, will suddenly find themselves in violation of the law. A law which creates a criminal by its very passage is questionable.
- ◆ There will be a number of people who thought that they had put their past misdeeds behind them and have been law-abiding citizens for years but now find themselves faced with the requirement to register once more. Some will lose their jobs and/or will be unable to find new ones. As more people see their faces on the KBI website, they will experience difficulties. Neighbors will shun them. They will dread having to show their "special" driver's licenses. They will face awkward silences in social situations. The rehabilitation they had achieved will be threatened, and they may end up being problems for the state once again.
- ◆ The KBI will need to track the laws for every state in the union. If Ohio, for example, changes its laws regarding length of registration, will that change affect ex-Ohio offenders living in Kansas? Will the KBI take them off the list or put them on it if the new Ohio law warrants it? Does the term of registration follow the statute in effect at the time of conviction, or the statute currently in effect? Many states have multiple-tiered classifications and provide the offender with the right to petition for relief. Will the Kansas law allow for that? I would think that this one sentence is certain to attract some litigation.
- ◆ I would posit that lifetime registration for less-risky offenders actually *decreases* the public-safety benefit in that it becomes harder for those accessing the registry to discern a dangerous offender from one who, for example, exposed himself decades ago and has behaved himself since. Since the KBI website does not post dates of conviction, determining which offenders are most threatening would be very difficult.

The third question to be asked is "**Is it reasonable and fair?**"

- ◆ It is, if you believe, despite overwhelming evidence to the contrary*, that no person who commits any sex offense can ever be rehabilitated;
- ◆ It is, if you believe, despite a mountain of *prima facie* evidence to the contrary, that the registration of sex offenders does not have a punitive aspect;
- ◆ It is, if you believe that one who commits a crime in Kansas is less dangerous than one who commits the same crime elsewhere. This assertion is implied by the provision in question;
- ◆ It is, if you believe that one who commits a crime in Mississippi is more dangerous than one who commits the same crime in Nebraska but not as dangerous as one who commits the same crime in Missouri. This assertion, because of the differing laws in each state, is implied by the provision in question;
- ◆ Furthermore, it is inconsistent with other laws concerning those moving from other states, even in cases where the state's interests are not served by welcoming another person. For example, if I apply for welfare assistance, there is no provision to limit my benefits to what I could have received in my previous state.

I have argued that this one sentence in SB 204 provides no benefit to the state, will certainly harm people's lives, and is unreasonable and unfair. I ask that you consider my arguments and, should you agree with any of them, strike this sentence from the bill. Thank you.

* Phrases like "Sex offenders can't be rehabilitated" have been repeated so often that many people believe them to be true. The facts show otherwise. Here are a few findings gleaned from research:

"Sex offenders were less likely than non-sex offenders to be rearrested for any offense — 43 percent of sex offenders versus 68 percent of non-sex offenders."

– United States Department of Justice, Bureau of Justice Statistics, 2006
<http://www.ojp.usdoj.gov/bjs/crimoff.htm#findings>

"The ten-year sexual recidivism rate for the group of sex offenders in this study was 11%. Eight percent of the offenders returned for a new sex crime. Another 3% were revoked for a parole violation that was sexual in nature (sex crime), or a relapse behavior (sex lapse).

TABLE 18: SEX OFFENSE RECIDIVISM

	FREQUENCY	PERCENT
No Recidivism	782	89.0%
New sex offense -	97	11.0%
-New Sex Crime	(70)	(8.0%)
-Technical violation – sex crime	(12)	(1.4%)
-Technical violation – sex lapse	(15)	(1.7%)
Total	879	100.0%

This low rate of sexual re-offense is similar to other research findings:

- A study that used sex offense conviction as the outcome found a recidivism rate of 4%, with the follow-up time of twelve years after conviction (Gibbons, Soothill, and Way, found in Furby, Weinrott & Blackshaw, 1989).
- Another study done by the same group, in 1980, found that after thirteen years, 12% of their population of rapists were subsequently convicted of a new sex offense. (Gibbons, Soothill, and Way 1980, found in Furby, Weinrott & Blackshaw, 1989).
- Perhaps the largest study of sex offenders was a meta-analysis conducted by Hanson and Bussiere. This study examined the results of 61 recidivism studies, with a total of 28,972 sex offenders. The average follow-up time for all of these studies was four to five years. The average sex offense recidivism rate was 13.4% (Hanson, & Bussiere, 1996).
- A study of sex offender recidivism done by the New York Department of Corrections followed a group of sex offender releases for nine years. This study found that the rate of return to prison for committing a new sex crime was 6%, compared to the 8% new sex crime rate of this ten-year follow-up study."

- Ten-Year Recidivism Follow-Up Of 1989 Sex Offender Releases, Ohio Department of Rehabilitation and Correction, 2001
http://www.drc.state.oh.us/web/Reports/Ten_Year_Recidivism.pdf

"In many instances, policies and procedures for the management of sex offenders have been driven by public outcry over highly publicized sex offenses. However, criminal justice practitioners must avoid reactionary responses that are based on public fear of this population. Instead, they must strive to make management decisions that are based on the careful assessment of the likelihood of recidivism."

- Recidivism of Sex Offenders, by the Center for Sex Offender Management, 2001.
<http://www.csom.org/pubs/recidsexof.pdf>

Testimony of BelleAnne Curry to the Kansas House Judiciary Committee
Concerning Senate Bill 204
March 14, 2007

My name is BelleAnne Curry. I have lived all my life in Overland Park and am now married to Andrew Curry. I have 2 children from a previous marriage, a son aged nineteen and a daughter aged thirteen. I am writing you concerning Senate Bill 204, specifically the last sentence in Section 5, Subsection (i), which retroactively requires offenders who have moved from other states to register for longer periods than they would have to if they had committed their offenses in Kansas - even if they have already finished their "term of registration" and are off the list.

When Andy and I were married in 2002, he moved across the state line to live with us not to escape from lifetime registration - at that time, Missouri was not putting its offenders on the internet - but because I wanted my children to stay in good schools. He was willing to do so knowing that his name and face might be exposed on the internet for another three years.

I have known my husband for almost nine years. I knew him when my first husband was still alive. I saw how he conducted himself in business and in his personal life. I was very impressed by how he has worked so hard to evaluate and overcome his bad act earlier in life. Who in life doesn't make poor choices? I have letters from many friends and supporters that attest to his good character. Andrew is the only father figure that my children have. He has been excellent with these kids, under challenging circumstances. He shows them by the good example he sets at home and in social situations. He recently finished his bachelor's degree. He is active in our synagogue and is often asked by the clergy to help them out with the service and to fill in when they are absent. During the High Holy Days, he is the Cantor in Columbia Mo. My wonderful husband has done everything possible to turn his life around. What more can he do to prove that he is a valuable member of society? How long do you wish to punish him and us? Forever? No hope? Being treated like a pervert? a criminal? Is this a Judaeo-Christian value?

When my husband was on the offender list in Kansas, we were shunned, harassed, had our car egged in the driveway, and received threatening and obscene phone calls.

Andy had trouble finding permanent employment even for jobs for which he was eminently qualified.

Our neighbors do not speak to us at all.

My friends have received phone calls from organizations as far away as California (USPACS) who feel it is their job to alert the populace about sex offenders living in their neighborhoods.

The police came to our door under the direction of the local Sheriff for "random checking" on offenders. At the time, Andy was at the synagogue because it was the Sabbath, and only my children and I were home. My daughter had a friend to come and play at the exact same time the police came to my door. The police stopped the playmate's father's car to check his ID and make sure he was not Andy, trying to run away. Suffice it to say, my daughter never saw her friend again. I recall that the

police were rather uncomfortable and very apologetic about the whole incident..

Two years ago, Andy was mistakenly investigated for a crime because some child saw his face on the list and thought he looked like a man that approached him. A detective came to our house, I recall, on the first Day of Passover. The real suspect was later caught, and of course it was NOT my husband!

My daughter's teachers were told by some frightened parents that her stepdad was "on the sex Offender list", and the teacher and principal were going to call social services on us. The school was in a panic. I had to sit the teacher, principal and counselor down and explain our situation to them.

My children are in the wonderful Blue Valley School district. My daughter has a diagnosis of Asperger's syndrome, and my son has high-functioning Autism. My daughter has been given a paraprofessional to work with her this year. The team at her school is outstanding. My son is in a program at Access house, where he is learning to someday, G-d willing, live independently.

I am the primary caregiver for my 91-year-old stepfather with Parkinson's disease and for my mother, who has Alzheimer's Disease. I take them where they need to go and do what I can so they can remain in their own home as long as possible.

If you allow this law to pass, we will face a terrible choice: Either my dear husband will be on the Offender list in the state of Kansas for life, or we must pull up stakes and move elsewhere. The first option is unacceptable. We will be forced to move out of the state.

What will I do with my parents? Who will help them? Where will my children find schools of equivalent value? To uproot my family at this point will be a very harmful thing, but to live on the sex offender list FOREVER with no hope of ever getting off will be even more harmful.

On television last year, there was a local Missouri woman and her grinning daughters sitting in her yard with several huge signs stating that a sex offender lived next door. There were signs with big arrows pointing to her neighbor's house. Why? The man is a sex offender in Missouri, and though his one crime was committed in 1989, this woman decided to harass him publicly. The media very happily filmed the whole ordeal. Speaking of the media, they too have been guilty of continuing to spread unreasonable blind fear about offenders and sex-offender lists in both Kansas and Missouri. Every other week, TV news shows ask their viewers, "Is there a sex offender living in YOUR neighborhood???"

Where is the common sense of all this? Yes, people that are genuine dangers to society need to be on this list. I don't have to tell you what or who these people are. I have two children. I understand the need to make the public aware when there is a real and present danger. But this phenomenon has become way overblown, far reaching, and terribly unreasonable. There really is no common sense to any of this, no judge to hear our or anyone else's case, no person to make a decision. The whole country is caught up in tremendous fear, loathing, and paranoia. I feel like we are wearing a scarlet letter, or a yellow star. My husband has had the great misfortune of dealing with two states with severe laws, having committed the crime in Missouri, and residing in Kansas. In the mean time, my family is left vulnerable, frightened, and open to attack from any crackpot or self-righteous vigilante who sees my husband on the KBI list. And you want to return him to the list FOR WHAT????

I will leave you with this final question. Who is protecting MY children?

Please, please, I beg of you on behalf of my family and others, and in the name of the G-d of Mercy, reconsider this law, and allow my family to remain in Kansas in peace.

Alan L. Cohen
Senior Rabbi

Amy Wallk Katz, Ph.D.
Associate Rabbi

Robert Menes
Hazzan

Morris B. Margolies, Ph.D.
Rabbi Emeritus

Joel Krichiver
Executive Director

Patti Kroll
Director of Education

Judy Jacks Berman
Director of
Early Childhood Education

Shelley Rissien
Director of Programming

Stefanie Williams
Director of Informal Education &
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David Sosland

*An Affiliate of United Synagogue
of Conservative Judaism*

March 14, 2007

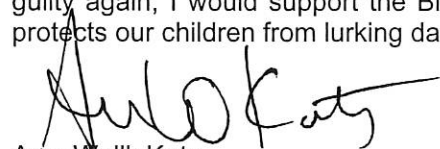
I feel that the proposed change in Kansas law (Senate Bill 204) would unfairly brand individuals who have done their time and are prepared to move forward with their lives. I am fully aware that we must protect the innocent children who live in our communities. I am a mother of three children (ages 12, 8 and 5). But at some point we must also allow for those who have erred, who have been sentenced and who have served time to move forward.

Bill 204 came to my attention because of a congregant who would be innocently harmed if this bill were to pass. He committed a crime a long time ago and has worked very hard to redeem himself. As a society we must make a place for these individuals.

I have known my congregant for 12 years. He shared his past offenses with me when it was necessary and appropriate. He has contributed a great deal to our community. He has led services and performed as part of a musical group that frequently participates in our congregation. He is a very talented person. But more importantly, he is a very spiritual person. He has set about on a course during these many years to not only acknowledge his mistake but to make sure that it is never repeated. This individual has demonstrated his ability to overcome the problems of the past. Do we as a society want to make a place for a man like this? Or do wish to mark him for life? I know my answer to these questions - -I ask you to consider yours.

I hope that this bill will not become law as it will punish individuals who should be given a chance to correct their mistakes and move forward with their lives. I also do not feel that it will benefit the State of Kansas. It seems to be an ill advised piece of legislation that I hope will not become law.

If this bill were to be amended so that it was aimed at individuals who have acted questionably, who have not been responsive to the law, or who have been found guilty again, I would support the Bill. As it stands now, I do not see how this Bill protects our children from lurking dangers



Amy Wallk Katz
Associate Rabbi

House Judiciary
Date 3-14-07
Attachment # 12

Senate Bill 204, Section 5, Subsection (i)

The purpose of my letter is concerned with the possible grave injustice which would be committed against a specific population of citizens of Kansas if Senate Bill 204 is written into law in its current form.

The population of citizens specifically affected by this Bill is:

- individuals who have moved to Kansas prior to June 1, 2006;
- first time offenders;
- and, who moved from a state which has, *erroneously, in my opinion*, required lifetime registration for all offenders, whether they are multiple or first time offenders.

It is my belief that the goal of our criminal justice system is to ultimately produce rehabilitated individuals equipped with the abilities needed to turn their lives around. Our criminal justice system upon awarding punishment for criminal acts instills the hope that those who pay the price for their crimes will become productive, successful, and responsible citizens.

Senate Bill 204, Section 5, Subsection (i) reads as follows:

“Any person moving to the State of Kansas who has been convicted in another state or who has been adjudicated as a juvenile offender in another state, and who was required to register under that state’s laws, shall register for the same length of time required by that state or Kansas, whichever length of time is longer. The provisions of this subsection shall apply to convictions or adjudications prior to June 1, 2006 and to persons who moved to Kansas prior to June 1, 2006.”

House Judiciary

Date _____

Attachment # 13

The "grave injustice" aforementioned above, is a direct consequence of the above referenced sentence of Senate Bill 204 outlined in red. This Section 5, Subsection (i) specifically targets individuals and discriminates against those persons (specifically first time offenders) who have moved to the State of Kansas prior to June 1, 2006.

The atrocity of this injustice comes into play when the individual is a first time offender, the crime involved no physical contact with any child or person, and the crime involved no physical, emotional, or mental damages to any child or person. Specifically, although morally wrong and legally a crime, an individual placed video equipment surreptitiously to view persons without their approved knowledge.

The atrocities for lifelong registration for first time offenders completely eliminates the goal of our criminal justice system to rehabilitate those individuals and help produce citizens who are productive, successful and responsible people.

- First time offenders have no chance to redeem oneself;
- First time offenders have little or no chance for advancement in job opportunities;
- First time offenders will suffer lifelong persecution, bigotry and prejudicial behavior;
- First time offenders have little or no chance for rehabilitation;
- First time offenders have little or no chance to begin a new life;
- First time offenders are not given a second chance.

After first time offenders have paid the price for their crime, they should be given the opportunity to right the wrong they committed by becoming citizens of value, contributing to society in ways that are productive, successful and responsible.

I beseech those of the House Judiciary Committee to right the wrong done by other states that require first time offenders to lifelong registration. The State of Kansas requires those who are first time offenders to register for 10 years and then are taken off the registration requirements, and multiple offenders are under the requirement for lifelong registration. I believe this is an intellectually responsible and fair requirement for all citizens. I am asking that the wording be changed in this Bill to include

these requirements and no less. *Please give first time offenders who have moved to the State of Kansas and have registered, as required by law, for 10 years, to be removed from the registration requirement after their 10 year requirement has been completed.*

Senate Bill 204 does not affect me, personally. In fact, I am the victim of incest as a young child; a victim of sexual molestation as a teen; and a victim of rape as a young adult at 23 years of age. I have experienced the horror and consequences of such brutal crimes waged against innocent children and women. However, even I can see the injustice being brought upon those who are first time offenders, never receiving the chance to redeem the wrong they committed. All of us, as human beings, deserve the opportunity for a second chance. As a human being, has any one of us ever done something they wish they hadn't?

I simply ask for balance and for rightness, in this very important Bill. Please make a provision in this section of Senate Bill 204 for first time offenders. I appreciate your time in this endeavor and I personally thank you for your commitment to all of the persons of this nation for your hard work and the giving of yourself for the benefit of all people.

Debra J. Nordyke