

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on January 16, 2008 in Room 313-S of the Capitol.

All members were present except:

Representative Annie Kuether - excused

Committee staff present:

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

Conferees appearing before the committee:

Randy Hearrell, Kansas Judicial Council
Dr. Tony Fabelo, Justice Center of the Council of State Governments
Marshall Clement, Justice Center of the Council of State Governments
Secretary Roger Werholtz, Department of Corrections

Randy Hearrell, Kansas Judicial Council, appeared before the committee with requests for bill introductions:

1. A bill amending statutes relating to the Commission on Judicial Performance, and amending statutes relating to confidentiality to allow the Commission access to certain case information.
2. A bill amending K.S.A. 60-736 relating to conflict in the Civil Code regarding the amount of response time available to an insurance company served with garnishment papers.
3. A bill amending a number of sections of the Guardianship and Conservatorship Act.

Representative Kinzer made the motion to have the bills introduced as committee bills. Representative Owens seconded the motion. The motion carried.

The committee received a presentation from Marshall Clement & Dr. Tony Fabelo on the impact and implementation of SB 14 from 2007 Legislative Session. One year ago, the State of Kansas was going to need to build 1,800 prison beds. Sixty-five percent of admissions were due to probation and parole revocations. Most individuals being released from prison had not completed programs to reduce their likelihood of recidivism.

SB 14 was projected to reduce community corrections revocations & hold offenders accountable in communities; reduce recidivism rates by creating an incentive for people to complete vocational treatment, and educational programs prior to the end of their sentence; reserve prison space for the most serious and violent offenders.

There has been a significant effect on anticipated prison bed space with a combination of revocation policies that were already in place and SB 14. The prison population was projected at 10,869 without SB 14 at the end of 2016, which would have meant we were over capacity in 2009. Current projections, without SB 14 impact, is 9,868 which would mean we would be over capacity in 2012. The newest projects with SB 14 has the state below capacity up till 2017. The actual population is 8,721. Since the enactment of SB 14, the state has saved an estimated \$80.2 million dollars. There seems to be nothing to suggest the immediate need or future need for bed space.

Secretary Roger Werholtz appeared before the committee to answer questions and discuss the request & approval of \$39 million dollars in prison bonds. He stated that he requested the bonds be approved by Legislative Coordinating Council during the off session, but not issued, in case SB 14 was not approved and there were no changes in sentencing policies, there would be the need to add prison beds.

Chairman O'Neal pointed out that because SB 14 was approved, there was, and is, no need to increase bed space and therefore no need to request the bonds. He commented there was speculation that the bonds were issued for the sole purpose of building new prison beds in southeast Kansas.

CONTINUATION SHEET

MINUTES OF THE House Judiciary Committee at 3:30 P.M. on January 22, 2008 in Room 313-S of the Capitol.

Secretary Werholtz acknowledged that, based on the projections, that there is no current need for the bonding. He stated he had no intention on issuing the bonds unless there is an increase in felony DUI offenders being sent to prison.

Secretary Werholtz stated that the bonds are "simply a safety net for when the time comes and will allow the Department of Corrections to respond quickly."

The committee meeting adjourned at 4:50p.m.. The next meeting is scheduled for January 22, 2008.