

MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairperson Pat Colloton at 1:30 p.m. on January 27, 2009, in Room 535-N of the Capitol.

All members were present except:  
Representative Nile Dillmore

Committee staff present:  
Jackie Lunn, Committee Assistant  
Athena Andaya, Kansas Legislative Research Department  
Christina Butler, Kansas Legislative Research Department  
Jerry Donaldson, Kansas Legislative Research Department  
Jason Thompson, Office of the Revisor of Statutes

Conferees appearing before the Committee:  
Russell Jennings, Commissioner, Juvenile Justice Authority

Others attending:  
See attached list.

Chairperson Colloton opened the meeting by calling the Committee's attention to a handout entitled *House Corrections and Juvenile Justice Bill List* by Jason Thompson, Revisor's Office. (Attachment 1). Chairperson Colloton then recognized Jarod Waltner, Legislative Research. Mr. Waltner stated that the tour of the Juvenile Justice Detention Complex was still scheduled for today and transportation would be available in the basement, ground level, at 3:30 p.m. for those wishing to go. Chairperson Colloton asked for a show of hands for those going.

Chairperson Colloton then called for bill introductions, being none, she turned the floor over to Commissioner Jennings to continue his presentation from January 26, 2009.

Commissioner Jennings called the Committee's attention to a new handout entitled *JJA Community Funding Methodology* (Attachment 2) and gave a brief explanation before he continued with his presentation. His presentation started with reviewing Medicaid Transition and the screening to classify Psychiatric Residential Treatment Facility (PRTF) placement and Youth Residential Care (YRC) placement while addressing questions from the Committee. All YRC youth qualify for medical card coverage for health services as well as incidental mental health and substance abuse treatments. Commissioner Jennings reviewed all the programs available, average length of stays, and capacity. He noted that there are four Juvenile Correctional Facilities in the state:

- Larned Juvenile Correctional Facility
- Beloit Juvenile Correctional Facility
- Kansas Juvenile Correctional Complex in Topeka
- Atchison Juvenile Correctional Facility

He stated the goal of these facilities is to provide protection through changing the behavior of the youth residents. They provide a safe and humane environment for these youth to live in along with effective opportunities for education and also program opportunities. They provide medical and psychiatric services that meet the communities standard of care. They remain focused on the youth and their outcome. The Juvenile Justice Authority's work is two fold: to protect the public and to change the behavior of the youth so they do not re-offend and end up back in the juvenile system or in the adult correctional system. Commissioner Jennings reviewed each of these facilities citing changes and improvements along with the capacity.

Commissioner Jennings stated the Governor formed a Facilities Closure and Realignment Commission to review the facilities and report its findings by December 1, 2009. The Governor will issue an Executive Reorganization Order based on the findings of the Commission. The Beloit Juvenile Correctional Facility is on that list for review. He also stated that the Atchison Facility will be closed by December 8, 2009 with a plan to repurpose the facility, but due to budget restraints this facility plan may not go forward and some of the present programs may be cut.

CONTINUATION SHEET

Minutes of the House Corrections And Juvenile Justice Committee at 1:30 p.m. on January 27, 2009, in Room 535-N of the Capitol.

In closing, Commissioner Jennings stated the budget cuts are systemically taking apart a system that has just gained health in the last six months.

A question and answer session followed regarding the budget cuts.

With no further questions, Chairperson Colloton, commended Commissioner Jennings for an excellent presentation and adjourned the meeting at 2:55 p.m. with the next meeting scheduled for January 28, 2009 at 1:30 p.m. in room 535 N.

# CORRECTIONS & JUVENILE JUSTICE GUEST LIST

DATE: 01-27-09

NAME	REPRESENTING
Russ Jennings	JJA
Brian Dempsey	SRS
KID MENTLY	KEMER & Assoc.
Tina Waterman	JJA
Robin Clements	Child Welfare Companies
Chris Meher	OJA
Rebecca Heathman	Judicial
Jane Carter	KOSZE
Scott Henricks	Kelley Juvenile Justice Resources

House Corrections and Juvenile Justice Bill List - 01/27/09

Bills Requested as Committee Bills

(1) 01/14 Recodification Commission - New drug code  
Reorganizes and moves drug code from Chapter 65 to Chapter 21, no change in substantive law.

(2) 01/14 Recodification Commission - Proportionality  
Recodified drug code plus all proportionality recommendations except sex offense changes, merges drug and non-drug sentencing grids plus various other changes.

(3) 01/14 Recodification Commission - Proportionality  
Proportionality recommendations on sex offenses, puts some back on the sentencing grid and changes severity level of others.

(4) 01/20 KCDAA - electronic solicitation  
Amends K.S.A. 21-3523 to clarify categories of: (1) under 14 years of age; and (2) 14 years of age or more but less than 16.

(5) 01/20 KCDAA - rape shield law  
Amends K.S.A. 21-3525 to add aggravated trafficking and electronic solicitation so that evidence of complaining witness' previous sexual conduct only admissible in certain circumstances.

(6) 01/20 KCDAA - withdrawal of guilty plea  
Amends K.S.A. 22-3210 to put time limits on withdrawal of guilty pleas related to end of direct appeal.

(7) 01/20 KCDAA - alternate juror selection  
Amends K.S.A. 22-3412 to allow courts to select additional or alternate jurors at the same time as regular jurors.

(8) 01/20 Rep. King - battery of a LEO [Filed - HB 2060]  
Amends K.S.A. 21-4704 to add special sentencing provision stating that sentence is presumed imprisonment for battery against a law enforcement officer causing bodily harm.

(9) 01/20 Judicial Council - drug proceeds [Filed - HB 2059]  
Amends K.S.A. 65-4142 to include proceeds derived from violation of the uniform controlled substances act or any substantially similar offense from another jurisdiction.

(10) 01/21 Rep. Dillmore - clergy, unlawful sexual relations  
Amends K.S.A. 21-3520 to add clergy so that consensual sexual relations between clergy and person being counseled are unlawful.

(11) 01/26 Rep. Colloton - bonding fee increase  
Amends K.S.A. 22-2802 to allow collection of \$15 per week charge of person on bond supervision (currently \$10 per week).

(12) 01/26 Rep. Pauls (Rep. Davis) - flee and elude  
Allows charging of person fleeing or eluding unmarked car or plainclothes officer.

(13) 01/26 Rep. Pauls (Rep. Mah) - SRS investigations  
SRS shall forward all investigations of abuse/neglect to the district attorney, rather than just substantiated claims.

Bills Referred to Committee

HB 2039 - Identification of defendant by unique DNA profile sufficient for reasonable certainty requirement of warrant.

HB 2040 - Giving the Kansas parole board the authority to defer subsequent parole hearings for up to 20 years for crimes involving two or more victims or a minor.

HB 2059 - (Committee Bill) Proceeds derived from violation of the uniform controlled substances act or any substantially similar offense from another jurisdiction.

HB 2060 - (Committee Bill) Violation of battery against a law enforcement officer causing bodily harm, sentence is presumed imprisonment.

## JJA Community Funding Methodology

The language below depicts the methodology used by JJA in determining the amount of core program funding available for each judicial district. The attached table represents the distribution of funds by judicial district for FY09 as approved in the FY09 budget.

*The funding methodology uses three data points that are currently available in the agency's case management databases: total number of intakes conducted within the district annually; total number of new case plans created within the district annually; and average daily population of youth in intensive supervision probation or case management. Data for the most recent three-year period will be averaged to determine a value for the data points used in the formula allocation of funds. The data points will then be assigned a relative weighting factor. Intake and assessment will have a 33% weighting factor, new case plans will have a 17% weighting factor and the average daily population for intensive supervision probation and case management will have a 50% weighting factor. Each district will be allocated a minimum of \$107,000. The total amount of base funding is deducted from the total amount of funding available. The difference is then allocated to each district by multiplying the value of the remaining funds by the percentage of statewide allocation entitlement as determined through the three-year average weighted allocation.*

Corrections and Juvenile Justice

Date: 1-27-09

Attachment # 2

2-2

Core Funding Allocation Methodology (With Final Data) Data Components and Allocation Factors													
JD	Annual Intakes				New Case Plans				ADP: JISP and CM				Total Allocation Factor
	Comp. Value	% of Total	Comp. Weight	Comp. Weighted Factor	Comp. Value	% of Total	Comp. Weight	Comp. Weighted Factor	Comp. Value	% of Total	Comp. Weight	Comp. Weighted Factor	
1	744.3	3.4408%	33.0%	1.1355%	133.0	3.7423%	17.0%	0.6362%	134	4.3101%	50.0%	2.1550%	3.9267%
2	433.0	2.0017%	33.0%	0.6606%	55.3	1.5560%	17.0%	0.2645%	49.1	1.5793%	50.0%	0.7896%	1.7147%
3	1,934.0	8.9406%	33.0%	2.9504%	185.0	5.2054%	17.0%	0.8849%	153	4.9212%	50.0%	2.4606%	6.2959%
4	424.0	1.9601%	33.0%	0.6468%	57.7	1.6235%	17.0%	0.2760%	52.1	1.6758%	50.0%	0.8379%	1.7607%
5	346.0	1.5995%	33.0%	0.5278%	64.0	1.8008%	17.0%	0.3061%	61.4	1.9749%	50.0%	0.9875%	1.8214%
6	317.7	1.4687%	33.0%	0.4847%	92.7	2.6083%	17.0%	0.4434%	65.9	2.1197%	50.0%	1.0598%	1.9879%
7	715.3	3.3067%	33.0%	1.0912%	112.3	3.1598%	17.0%	0.5372%	85	2.7340%	50.0%	1.3670%	2.9954%
8	587.3	2.7150%	33.0%	0.8959%	118.0	3.3202%	17.0%	0.5644%	89.8	2.8884%	50.0%	1.4442%	2.9046%
9	522.7	2.4164%	33.0%	0.7974%	46.7	1.3140%	17.0%	0.2234%	50	1.6082%	50.0%	0.8041%	1.8249%
10	1,798.0	8.3119%	33.0%	2.7429%	264.7	7.4479%	17.0%	1.2662%	247.8	7.9704%	50.0%	3.9852%	7.9943%
11 CK-LB	350.0	1.6180%	33.0%	0.5339%	66.0	1.8571%	17.0%	0.3157%	33.8	1.0872%	50.0%	0.5436%	1.3932%
11 CR	228.3	1.0554%	33.0%	0.3483%	54.7	1.5391%	17.0%	0.2616%	36.8	1.1837%	50.0%	0.5918%	1.2018%
12	186.7	0.8631%	33.0%	0.2848%	20.0	0.5627%	17.0%	0.0957%	19.6	0.6304%	50.0%	0.3152%	0.6957%
13	495.0	2.2883%	33.0%	0.7551%	107.0	3.0107%	17.0%	0.5118%	95.2	3.0621%	50.0%	1.5310%	2.7980%
14	613.7	2.8370%	33.0%	0.9362%	85.7	2.4114%	17.0%	0.4099%	66.3	2.1325%	50.0%	1.0663%	2.4124%
15-17-23	409.3	1.8921%	33.0%	0.6244%	69.3	1.9499%	17.0%	0.3315%	54.4	1.7498%	50.0%	0.8749%	1.8308%
16	584.7	2.7030%	33.0%	0.8920%	86.3	2.4282%	17.0%	0.4128%	70.4	2.2644%	50.0%	1.1322%	2.4370%
18	4,185.7	19.3498%	33.0%	6.3854%	796.0	22.3973%	17.0%	3.8075%	691.4	22.2387%	50.0%	11.1193%	21.3123%
19	439.7	2.0327%	33.0%	0.6708%	93.3	2.6252%	17.0%	0.4463%	73.2	2.3545%	50.0%	1.1772%	2.2943%
20	609.7	2.8185%	33.0%	0.9301%	66.0	1.8571%	17.0%	0.3157%	69.7	2.2419%	50.0%	1.1209%	2.3668%
21	338.3	1.5639%	33.0%	0.5161%	35.3	0.9932%	17.0%	0.1689%	32.9	1.0582%	50.0%	0.5291%	1.2141%
22	245.3	1.1340%	33.0%	0.3742%	53.7	1.5110%	17.0%	0.2569%	47.6	1.5310%	50.0%	0.7655%	1.3966%
24	101.0	0.4669%	33.0%	0.1541%	12.0	0.3376%	17.0%	0.0574%	8.8	0.2830%	50.0%	0.1415%	0.3530%
25	722.0	3.3377%	33.0%	1.1014%	128.3	3.6100%	17.0%	0.6137%	140.5	4.5191%	50.0%	2.2596%	3.9747%
26	331.3	1.5315%	33.0%	0.5054%	83.3	2.3438%	17.0%	0.3985%	74.9	2.4091%	50.0%	1.2046%	2.1084%
27	929.0	4.2946%	33.0%	1.4172%	67.7	1.9049%	17.0%	0.3238%	60	1.9299%	50.0%	0.9649%	2.7060%
28	569.3	2.6318%	33.0%	0.8685%	134.0	3.7704%	17.0%	0.6410%	96.7	3.1103%	50.0%	1.5552%	3.0646%
29	1,993.7	9.2166%	33.0%	3.0415%	310.7	8.7423%	17.0%	1.4862%	289.2	9.3020%	50.0%	4.6510%	9.1787%
30	259.0	1.1973%	33.0%	0.3951%	88.0	2.4761%	17.0%	0.4209%	100.7	3.2390%	50.0%	1.6195%	2.4355%
31	217.7	1.0064%	33.0%	0.3321%	67.3	1.8936%	17.0%	0.3219%	58.8	1.8913%	50.0%	0.9456%	1.5997%
Totals	21,631.7	100.0000%		33.0000%	3,554.0	100.0000%		17.0000%	3,109.0	100.0000%		50.0000%	100.0000%



Total Allocation Factor	JD	FY09	FY10	FY10	FY10	Formu <sup>l</sup>
		GS/I	Fixed	Variable	Total	Inc/(Dc
		Actual	Formula	Formula	Formula	To FY 09
		Allocation	Allocation	Allocation	Allocation	Actual
3.9267%	1	\$686,227	\$107,000	\$660,674	\$767,674	\$81,447
1.7147%	2	\$354,759	\$107,000	\$288,506	\$395,506	\$40,747
6.2959%	3	\$1,009,130	\$107,000	\$1,059,304	\$1,166,304	\$157,174
1.7607%	4	\$438,146	\$107,000	\$296,246	\$403,246	-\$34,900
1.8214%	5	\$460,887	\$107,000	\$306,460	\$413,460	-\$47,427
1.9879%	6	\$408,656	\$107,000	\$334,471	\$441,471	\$32,815
2.9954%	7	\$603,268	\$107,000	\$503,982	\$610,982	\$7,714
2.9046%	8	\$560,407	\$107,000	\$488,703	\$595,703	\$35,296
1.8249%	9	\$382,737	\$107,000	\$307,044	\$414,044	\$31,307
7.9943%	10	\$1,379,047	\$107,000	\$1,345,059	\$1,452,059	\$73,012
1.3932%	11 CK-LB	\$275,193	\$53,500	\$234,414	\$287,914	\$12,721
1.2018%	11 CR	\$304,859	\$53,500	\$202,199	\$255,699	-\$49,160
0.6957%	12	\$217,224	\$107,000	\$117,053	\$224,053	\$6,829
2.7980%	13	\$528,068	\$107,000	\$470,771	\$577,771	\$49,703
2.4124%	14	\$475,842	\$107,000	\$405,896	\$512,896	\$37,054
1.8308%	15-17-23	\$734,464	\$321,000	\$308,032	\$629,032	-\$105,432
2.4370%	16	\$491,053	\$107,000	\$410,029	\$517,029	\$25,976
21.3123%	18	\$3,531,900	\$107,000	\$3,585,857	\$3,692,857	\$160,957
2.2943%	19	\$455,399	\$107,000	\$386,021	\$493,021	\$37,622
2.3668%	20	\$595,530	\$107,000	\$398,214	\$505,214	-\$90,316
1.2141%	21	\$289,721	\$107,000	\$204,267	\$311,267	\$21,546
1.3966%	22	\$307,008	\$107,000	\$234,982	\$341,982	\$34,974
0.3530%	24	\$158,621	\$107,000	\$59,394	\$166,394	\$7,773
3.9747%	25	\$886,170	\$107,000	\$668,756	\$775,756	-\$110,414
2.1084%	26	\$389,370	\$107,000	\$354,749	\$461,749	\$72,379
2.7060%	27	\$605,842	\$107,000	\$455,292	\$562,292	-\$43,550
3.0646%	28	\$524,784	\$107,000	\$515,631	\$622,631	\$97,847
9.1787%	29	\$2,313,619	\$107,000	\$1,544,336	\$1,651,336	-\$662,283
2.4355%	30	\$486,334	\$107,000	\$409,786	\$516,786	\$30,452
1.5997%	31	\$338,021	\$107,000	\$269,149	\$376,149	\$38,128
100.0000%	Total	\$20,192,286	\$3,317,000	\$16,825,279	\$20,142,279	-\$50,007