

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Thomas C. (Tim) Owens at 9:37 a.m. on March 4, 2009, in Room 545-N of the Capitol.

All members were present.

Committee staff present:

Jason Thompson, Office of the Revisor of Statutes
Doug Taylor, Office of the Revisor of Statutes
Athena Andaya, Kansas Legislative Research Department
Karen Clowers, Committee Assistant

Conferees appearing before the committee:

Mark Gleeson, Office of Judicial Administration

Others attending:

See attached list.

The Chairman opened the hearing on **SB 283 - Criminal procedure; community corrections, high risk or needs offenders determined by the risk assessment tool, LSI-R; delay use until January 1, 2011.**

Mark Gleeson appeared in support of the bill to delay the implementation of the risk assessment tool by one year. Mr. Gleeson indicated due to limited funds for training the delay is required. (Attachment 1)

There being no further conferees, the hearing on **SB 283** was closed.

The Chairman called for final action on **SB 208 - Abolishing the death penalty.**

Senator Kelly moved, Senator Vratil seconded, to amend SB 208 on page 48, Section 22, by changing the effective date upon publication in the Kansas Register and change other dates accordingly. Motion failed.

Senator Schmidt moved, Senator Donovan seconded, to amend SB 208 on page 12, line 8, by changing the date to "1 July, 2009." Motion carried.

Senator Vratil moved, Senator Schodorf seconded, to amend SB 208 on page 1, line 18, by striking the word "Ten". Motion carried.

Senator Vratil moved, Senator Haley seconded, to recommend SB 208 as amended favorably for passage.

Senator Schmidt made a substitute motion to refer SB 208 for an interim study, Senator Lynn seconded. Motion carried.

The next meeting is scheduled for March 5, 2009.

The meeting was adjourned at 10:30 a.m.

PLEASE CONTINUE TO ROUTE TO NEXT GUEST

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: 3-4-09

NAME	REPRESENTING
Ramy Heyka	
UNO Don Heyka DiGianni	victims families
Sy (Styka) Ramy	Beard's families
Bill Leonard	MVFR
Joe Molina	KS Bar Assn
Whitney Damron	KS Bar Assn.
Andrew Holmes	Senator Bruce
Bryon Ashman	Inken-Senator Hensley
Deana Schneider	Amnesty International
Necca Whisman	
Mark Gleeson	Judicial Branch
JEREMY S BARCLAY	KDOC
Richard Samaniego	Kearney & Assoc.
Cristi Cain	Prevention and Recovery Services
Michelle Cutrer	KCSL Oasis
Deputy Desiree Wright	Shawnee Co. Sheriff's Office
Helen Pedigo	KS Sentencing Comm.
Brenda Harman	" "

PLEASE CONTINUE TO ROUTE TO NEXT GUEST

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: 3-4-09

NAME	REPRESENTING
Dan Gibb	KSAG
KRIS AULSLIEGER	KSAG
Donnie Morehouse	ACLU



State of Kansas

Office of Judicial Administration

Kansas Judicial Center
301 SW 10th
Topeka, Kansas 66612-1507

(785) 296-2256

Senate Judiciary
Senate Bill 283
Amending K.S.A. 2008 Supp. 75-5291

Mark Gleeson
Family and Children Program Coordinator

Thank you for the opportunity to testify. I am Mark Gleeson, Family and Children Program Coordinator for the Office of Judicial Administration, and I appear in favor of SB 283.

Senate Bill 283 moves the implementation date by which a standardized risk assessment tool is to be administered for the purpose of determining the supervision assignment of felony offenders placed on probation. Simply put, offenders convicted of a felony who score high risk or high needs on the Level of Service Inventory – Revised (LSI-R) will be supervised by community corrections. All other offenders placed on probation will be supervised by court services. SB 283 also continues the Johnson County pilot project until January 1, 2011.

Court services is the only entity supervising felony offenders that is not using the LSI-R. Acquiring funding to train approximately 270 of our 352 court services officers has been a significant challenge. Starting in 2003, the Office of Judicial Administration has submitted applications for 3 separate Byrne grants to pay for this training. All applications were denied. Funding was included in the base budget for FY 2010 and our most optimistic guess is that funding would be available in time to implement the LSI-R but not earlier than January 1, 2011.

It is also important to note that the Kansas Judicial Branch does not have a training budget for court services officers, as all training expenses are paid by the counties. By law, funding for the Judicial Branch is divided between the state and the counties. The State General Fund pays for salaries and benefits. County funds pay for all operating expenses, including training, travel, equipment, supplies, facilities, and communications. Because of this bifurcated funding method, the Kansas Supreme Court is reluctant to impose significant training obligations on county governments. This does not diminish our commitment to the LSI-R.

As noted previously, we plan to train only 270 of our 352 court services officers on the use of the LSI-R. This is because CSOs perform many duties for the court. In addition to preparing presentence investigations and supervising adult felony and misdemeanor offenders, CSOs prepare predisposition reports and supervise juvenile offenders, supervise offenders on bond and pretrial status, supervise children in need of care who are not in the custody of the Secretary of SRS, conduct child custody and visitation mediations, perform home studies, screen protection from abuse and protection from stalking applications, as well as perform managerial

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duties. Not all functions occur in every judicial district and in many districts, all court services officers perform all of the duties noted.

The Judicial Branch remains committed to implementing this important procedure. However, without appropriate funding in the Judicial Branch FY 2011 base budget, successfully implementing and sustaining the LSI-R will not be impossible.

I appreciate your time and will stand for questions.