

January 27, 2011

Testimony Opposing SB 7  
By Karl Peterjohn, Sedgwick County Commissioner  
District 3

Kansas citizens need to be protected from law breakers and SB 7 is an effort to address one aspect of the crime problem in this state involving DUIs. Sadly, this effort is flawed since this bill expands the use of county jails for housing felons.

Legislation like SB 7 should be revised so it will not impose additional costs onto counties. SB 7 continues to weaken or may even eliminate the division between convicted felons that are serving their sentences in the KS Dept. of Corrections and convicted misdemeanants who are incarcerated in county jails.

The fact that a sizable number of people have been convicted of felony crimes and are serving their sentences in county detention facilities is common today. This is a factor in raising property taxes in Kansas. The most recent figures I have indicate that in 2010 there were 175 people serving felony sentences in Sedgwick County.

The cost of housing an inmate in the Sedgwick County jail that includes all costs is approximately \$66 a day. The annual cost for 175 people is over \$4.2 million. Statewide, the property tax cost could be close to an order of magnitude higher.

There are a number of felons who have been convicted of other charges besides DUI convictions who are serving their sentences in the Sedgwick County jail. I have been told by other county commissioners that their jails are also housing felons assigned there under Kansas law.

This raises an equal protection problem. The Secretary of Corrections can waive a significant portion of felony sentences for "good time," behavior by inmates. I believe that is as much as 20% of the sentence. There is no good time for felons serving sentences in county jails. This creates a significant inequity for felons sentences and raises basic fairness questions that are often litigated in federal courts under violations of the equal protection provisions of the 14<sup>th</sup> Amendment.

The state has already started turning county jails into a subsidiary of the Kansas Department of Corrections and does so without paying for this cost. This is transforming justice in Kansas at several different levels and is creating significant problems for county government as well as everyone who pays local property taxes for detention in this state.

If the state wishes to continue or expand the practice of housing felons in county jails under legislation like SB 7, then there should be a payment to the local government housing these felons that covers the full cost of their incarceration. This would improve SB 7 and eliminate this primary objection.

Senate Judiciary

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Attachment 5

A jail fee is common for municipalities to pay to counties in Kansas. This is imposed for convicted misdemeanants of municipal charges. The state should do the same when it houses its felons outside the Kansas Department of Corrections.

The state tracks the number of felons in the Department of Corrections. The state needs to track and make public the total number of felons who are incarcerated and serving sentences in Kansas regardless of their location inside or outside of the direct control of the Kansas Department of Corrections. These numbers need to be regularly compiled and made available to Kansas taxpayers.

This testimony is solely my own comments, but this problem with felons being housed in county jails has been included in both the Sedgwick County legislative platform for 2011 as well as the current Kansas Association of Counties legislative platform.