



STATE OF KANSAS
TENTH JUDICIAL DISTRICT

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March 9, 2011
Honorable Tim Owens, Chair
Senate Judiciary Committee
Kansas Statehouse

Re: HB 2118

Members of the Committee:

In 2001, the Kansas Legislature passed legislation (KSA 22-2802 sub. 12) specifically allowing the Court to order a defendant to pay \$5 per week for the cost of bond supervision. Since that time, the Kansas Legislature has approved subsequent increases with the current rate of up to \$15 per week approved in 2009.

HB 2118 was introduced as result of the recent Kansas Court of Appeals ruling *Kansas v. Gardner*, in which the court ruled that the total of all bond supervision costs could not exceed \$15.00 per week. Clearly, this was not the intention of the legislation as it was proposed in 2001 through the efforts of Johnson County justice officials. Most defendants on pretrial release are required to complete many conditions to be allowed released on bond. These conditions may include drug testing at a rate of \$18 per screen, house arrest at a rate of \$14 to \$16 per day, SCRAM (24 alcohol detection at the rate of \$11 per day, and/or completion of evaluations and related treatment recommendations. Knowing all these costs could be incurred, it is unrealistic to implement a pretrial program limited to a total of \$15 dollars per week in costs. It was the original intention of the legislation for the bond supervision fees to be applied to the direct cost of the supervision personnel.

At this time the following is suggested as a language clarification to the bill that passed out of the House.

Under line #34 on page one please insert the following language:

(e) place the person under the supervision of a court services officer responsible for monitoring the person's compliance with any conditions of release ordered by the magistrate.

The magistrate may order the person to pay for the cost of the supervision provided by the court services department not to exceed \$15 per week. All other costs associated with conditions for compliance are at the additional expense to the defendant.

This is the only language change seen as necessary to clarify the statute. Your support of this change in the language is needed to allow for Judicial Districts across Kansas who provide pretrial services to continue in their efforts.

Thank you for your consideration.

Stephen R. Tatum
District Court Judge
10th Judicial District

Senate Judiciary

3-9-11

Attachment 2