

March 9, 2012

Testimony on Senate Bill 453 Senate Judiciary Committee

Chairman Owens and Members of the Committee,

I am here today on behalf of the Kansas Community Corrections Association (KCCA) to offer some comments regarding Senate Bill 453.

The Kansas Community Correction Association is comprise of thirty-one statutorily mandated community corrections agencies in each part of the state, governed by county commissions and community advisory boards for both adult and juvenile offenders. They provide cost-effective community-based supervision instead of prison for adult and juvenile offenders with lower severity level offenses (although the offenders are increasingly more severe and high-risk). The courts and sentencing guidelines determine whether an adult offender is assigned to regular probation (through the courts) or intensive supervise probation with graduated sanctions in a community corrections program. Juveniles are also sent to community corrections by district courts through the juvenile offender placement matrix and after they leave the juvenile correctional facilities.

Community corrections agencies are responsible for the supervision of most medium and high-risk DUI offenders. First, KCCA wants to thank the Legislature for the lengthy and thoughtful process that was used to craft SB 6. We are also thankful for the Legislature's commitment to adequately fund the supervision of offenders as a result of changes in the DUI laws in Sub for SB 6.

We are supportive of legislative efforts to ensure DUI offenders are punished and that appropriate sanctions, treatment funding, and supervision funding are available to protect the public.

We wanted to raise one point of concern as you consider SB 453. When the last DUI bill was passed a major concern was to ensure that adequate supervision funding was included in the legislation. The supervision funds created in Sub for Senate Bill 6 have not yet fully materialized. The addition of \$1.5 million in State General Fund was appropriated and budgeted by KDOC. Thank you. Senate Bill 6 from 2011 also approved an estimated \$1.1 million in increased fines and fees. One section, Sec. 8 (q) established a fine increase of \$250 for DUI offenses to be deposited in the "community corrections supervision fund." The bill also created fees from those seeking modifications of their current DUI status in Sec. 15 (g) that would deposit revenues in excess of \$100,000 into the "community corrections supervision fund."

The Kansas Department of Corrections FY 2013 budget does not include expenditures from those funds. That means there is \$1.1 million the Legislature appropriated for FY 2013 is not included in their budget submission. Not only were the funds from supervision not spent this year, Senate Bill 453 eliminates some of those funds.

As written, Senate Bill 453 eliminates the \$250 fine increase that was included in SB 6 from the 2011 legislative session. The bill does continue the fees charged for offenders obtaining ignition interlock through a modification. The Department of Transportation will retain \$100,000 of those fees for operating costs annually. Revenue over that amount will be transferred annually to the Department of Corrections community corrections supervision funds. Those funds are to be distributed statewide to community corrections agencies.

We believe the Committee should be aware that the offenders are entering the system and will have required supervision for one year but none of these two funding sources have been provided to your community corrections agencies yet. Further, if the \$250 fine increases are eliminated, the \$1.1 million will be reduced by at least one-half.

The Kansas Community Corrections Association does not believe it is wise public policy to send these offenders to community corrections for supervision without additional funding. Moreover, it is counterproductive to now eliminate one of the two funding sources to cover the costs of supervision.

We appreciate your consideration of these issues and I would be happy to stand for questions at the appropriate time.

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