

Approved: June 22, 2012  
(Date)

## MINUTES OF THE SENATE JUDICIARY COMMITTEE

The Chairman called the meeting to order at 9:35 a.m. on February 14, 2012, in Room 548-S of the Capitol.

All members were present except Senator Haley, who was excused.

### Committee staff present:

Jason Thompson, Office of the Revisor of Statutes  
Lauren Douglass, Kansas Legislative Research Department  
Bob Allison-Gallimore, Kansas Legislative Research Department  
Theresa Kiernan, Committee Assistant

### Conferees Appearing before the Committee:

Scott Schultz, Executive Director, Kansas Sentencing Commission  
Tim Madden, Senior Counsel to the Secretary of Corrections  
Sarah M. Hansen, Executive Director Kansas Assn of Addiction Professionals  
Dulcinea Rakestraw, Program Director, Preferred Family Healthcare  
Bev Metcalf, Mirror, Inc.  
Gary Steed, Interim Ex. Director, Kansas Commission on Peace Officers' Standards and Training

### Others in Attendance:

See Attached List

The Chairman opened the hearings on **SB 368—Amending provisions regarding supervision of drug offenders.**

Mr. Thompson briefly reviewed the bill. He stated the bill had been introduced at the request of the Kansas Sentencing Commission. The bill would expand the drug grid blocks 3-C and 3-D to the border boxes and 4-C and 4-D to the probation boxes. The bill also would change which offenders are subject to mandatory drug treatment as well as which offenders would be supervised by community corrections services or court services.

Scott Schultz testified in support of **SB 368**. The changes proposed in the bill would allow for the most effective use of state money, which would be expended to meet the needs of offenders who are at the moderate and high levels of risk of recidivism. He noted that the rate of recidivism has declined because of the program established under **2003 SB 123**. (Attachment 1).

Tim Madden testified in support of **SB 368**. He stated that the bill amends the drug grid to mirror the sentencing disposition provisions of the non drug grid of the Sentencing Guidelines, which would provide parity between the non drug grid and the drug grid. (Attachment 2).

## CONTINUATION SHEET

Minutes of the Senate Judiciary Committee at 9:35 a.m. on February 14, 2012, in Room 548-S of the Capitol.

Sarah Hansen testified in opposition to **SB 368**. She stated the bill would result in a cost-shift, not a cost-savings. The demand and need for treatment will still exist for the offenders who no longer would be eligible for state-funded treatment. The bill would limit the tools which would be utilized in the assessment of substance abuse disorders. She noted that the definition of “mental health professional” is out-of-date due to legislative changes made in 2010 and 2011. (Attachment 3).

Dulcinea Rakestraw testified in opposition to **SB 368**. She stated her concern related to the provisions concerning which individuals would have mandatory and funded treatment. Limiting mandatory funding and treatment to only those individuals demonstrating high risk on the LSI-R and the SASSI, creates a risk of failing to provide treatment services for individuals that have a need for treatment. (Attachment 4).

Beverly Metcalf testified as a neutral party to **SB 368**. She stated she concurred with the concerns raised by Sarah Hansen. (Attachment 5).

Written neutral testimony on **SB 368** was submitted by Bryan Weiser. (Attachment 6).

The Chairman closed the hearings on **SB 368**.

The Chairman opened the hearing on **SB 394—Relating to transfer or discharge of certain offenders.**

Mr. Thompson reviewed the bill. He stated the bill would allow the Secretary of Corrections to order an offender discharged from the prison portion of a sentence if a minimal amount of time remains to be served at the time the Secretary receives notice of the transfer of the prisoner to the custody of the Secretary. The threshold would be increased from 10 days to 20 days.

Tim Madden testified in support of **SB 394**. He stated that the policy contained in the bill passed the Committee last session. He noted the policy change would be a cost-savings to the state and there would be no shift of cost to the counties. (Attachment 7).

The Chairman closed the hearings on **SB 394**.

The Chairman opened the hearings on **SB 424—Kansas law enforcement training act; Kansas commission on peace officers' standards and training.**

Mr. Thompson reviewed the bill. He stated the bill would amend the Kansas Law Enforcement Training Act to change the organizational structure for the Kansas Law Enforcement Training Center, adjust course admission requirements and continuing education requirements, give the Commission of Peace Officers' Standards and Training (CPOST) explicit investigatory authority, revise fingerprinting requirements, adjust disciplinary provisions and create a certificate reinstatement procedure.

## CONTINUATION SHEET

Minutes of the Senate Judiciary Committee at 9:35 a.m. on February 14, 2012, in Room 548-S of the Capitol.

Gary Steed testified in support of **SB 424**. He stated many of the amendments were technical in nature and were necessary to update statutory language. He said the bill would clarify the initial qualifications for applicants who seek provisional certification. The bill would give CPOST investigatory authority and allow CPOST to require fingerprinting and to receive full criminal history of applicants. (Attachment 8).

In response to a question raised by Senator Kelly relating to juvenile diversions for felonious conduct, Mr. Steed stated it had been the policy to exclude all persons convicted of felonious conduct, but an Attorney General Opinion had ruled that a juvenile adjudication is not the same as a conviction. The amendment would codify prior policy.

In response to a question raised by Senator Haley relating to a test for “good moral conduct,” Mr. Steed stated it would be a subjective test, determined on a case-by-case basis.

Written testimony in support of **SB 424** was submitted by Ed Klumpp. (Attachment 9).

The Chairman closed the hearing on **SB 424**.

The next meeting is scheduled for February 15, 2012.

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