

MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Vice Chairman Tim Owens at 1:30 p.m. on January 26, 2004 in Room 241-N of the Capitol.

All members were present except:

Representative Ward Loyd - Excused
Representative Eric Carter - Absent

Committee staff present:

Jill Wolters, Revisor of Statutes Office
Jerry Ann Donaldson, Legislative Research Department
Becky Krahl, Legislative Research Department
Nicoletta Buonasera, Legislative Research Department
Connie Burns, Committee Secretary

Conferees appearing before the committee:

Patricia Biggs, Executive Director Ks Sentencing Commission
Thomas Stanton, Assistant District Attorney
Mike Jennings, Deputy District Attorney Sedgwick County

Others attending:

See Attached List.

The vice-chairperson announced a new member to the committee. Representative Oletha Foust-Goudeau was introduced and welcomed to the committee, she has been chosen as a replacement for Representative Betts who went to the Senate.

Staff provided the answers to questions presented by the committee to Secretary Roger Werholtz, at the time of his presentation on the overview on the Department of Corrections. ([Attachment 1](#))

Patricia Biggs, Executive Director, The Kansas Sentencing Commission provided an update on SB 123 Implementation. ([Attachment 2](#))

The major highlights regarding implementation and present status of SB 123 are organized into five sections:

1. Treatment: Training and Certifications
2. Supervision: Community Corrections Programs
3. Seminars and Training Conducted on SB 123
4. Implementation Manuals
5. Bill Paying

To date, KDOC conducted eleven cognitive training sessions for treatment providers throughout the state. A total of 187 treatment counselors were trained in these sessions.

Community correction plans reviewed, while the majority of plans were viewed as satisfactory, some plans required additional work and were notified. All agencies that received notification submitted updated documents.

The funds allocated to the supervision of additional offenders to Community Corrections under SB 123, minus the "hold back" dollars, have been disbursed to each agency to accommodate the estimated case load increases due to SB 123.

The presentations, seminars and training conducted were attended by individuals representing the Kansas Legislature, Judges, Community Corrections, Court Services, District Attorneys, County Attorneys, Defense Attorneys, and Substance Abuse and Mental Health treatment professionals, as well as other interested individuals.

CONTINUATION SHEET

MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE at 1:30 p.m. on January 26, 2004 in Room 241-N of the Capitol.

A total of 635 SB 123 implementation Manuals have been printed and distributed to Community Correction and Treatment providers via US Mail. Additional manuals are being distributed to other interested individuals at their request. Implementation Manuals are also available on the Sentencing Commission's web site: www.accesskansas.org/ksc/SiteMap.htm

The bill paying process has been moved to a centralized process to parallel that used by many Community Corrections Agencies in their work with the JJA. This centralized bill paying process will alleviate the need for each Community Corrections Agency to disburse funds to individual treatment providers.

All offender reimbursements ("co-pay") collected by Community Corrections, and Insurance monies collected by Treatment providers, will be forwarded to the Kansas Sentencing Commission for deposit. No reimbursements have been received to date by the Sentencing Commission.

The Director will get back with the committee on some issues with more information.

Tom Stanton, Hutchinson Assistant District Attorney, appeared before the committee to outline several issues that the implementation of the bill that require immediate correction. (Attachment 3)

The first of those problems involves the fact that the bill does not address the issue of dealing with defendants from out-of-state who are arrested in Kansas, but will require treatment in their home jurisdiction. The second problem the bill does not address those defendants who may obtain treatment at their own expense prior to conviction and at a facility not approved by the DOC, resulting in a requirement that they repeat the treatment, possibly at taxpayers expense, at an approved facility after being convicted. There are other issues that need immediate correction, that the legislation failed to contemplate the crimes of attempted possession, conspiracy to possess or solicitation to possess a controlled substance. Some of the issues could be cleaned up adding or correcting language. There is concerns that there is not sufficient funding for the implementation for SB 123, the law as contemplated by the legislature does not address the treatment needs of drug offenders at the earliest stages possible.

Mike Jennings, Deputy District Attorney Sedgwick County appeared before the committee to bring to their attention some of his experience with implementing SB 123. He felt there is continuing likelihood that situations will arise in which the purposes of the statute can be fulfilled without complying with the letter of the statute. It might be advisable to give the sentencing judge idscretion to find that a fiven probation/treatment plan does fulfill the goals of the legislation and substantially complies with its requirement. (Attachment 4)

The committee meeting adjourned at 2:40 PM. The next meeting was scheduled for January 27, 2004.