

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Arlen Siegfroid at 1:30 P.M. on February 7, 2007 in Room 313-S of the Capitol.

All members were present except:

Representative Ted Powers- excused

Committee staff present:

Kathie Sparks, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Mike Heim, Revisor of Statutes Office
Carol Doel, Committee Assistant

Conferees:

David Stuckman - American Bail Coalition
Chris Joseph - General Counsel KPBBA
Darrel Manning - Bail Bond Recovery Agent
Manuel Baraban - Bail Bondsman
Shane Rolf - Bail Bondsman
Randall Kahler - Bail Bondsman

Others attending:

See attached list

Chairman Siegfroid directed the committees' attention to information regarding the "Guidelines for Catered Event Notification" which had been requested at the hearing on **HB 2202** - concerning alcoholic liquors; relating to farm wineries. (Attachment 1)

The Chair opened the floor for introduction of bills and recognized Stuart Little, Kansas Association of Addiction Professionals.

Mr. Little requested a bill that amends the Kansas State Gaming Funds. The Chairman moved the bill, seconded by Representative Loganbill. With no objections, the bill will be accepted.

Representative Judy Morrison requested a bill regarding certification of behavior analysts. The Chairman moved the bill, with a second by Representative Olson. With no objections, the bill will be accepted.

There were no further bill introductions and Chairman Siegfroid opened the floor for hearing on **HB 2203** - concerning crimes; criminal procedure and punishment; relating to release prior to trial; conditions of release.

Kathie Sparks of Legislative Research gave an explanation of **HB 2203**.

The Chair recognized Representative Mike Peterson who spoke in favor of **HB 2203** relating that the bill is a request of the administrative judge in Wyandotte County. It allows for an alternative method of pre-trial release for individuals accused of crimes. The amount of cash, not less than 10%. It could be whatever the court feels is adequate. It allows the family of an individual to put up money and allow the individual out to work and take care of his family and the money would still be there to pay fines, or restitution to higher counsel when the case is over and they get their money back. It also allows judicial districts to hold down the number of people who are in jail. (No Attachment)

There was a question as to whether or not there was a Supreme Court order still in effect which provided for pretrial release and if so **HB 2203** would not be necessary. Kathie Sparks of Legislative Research verified that this order did exist and was still in effect.

There were no other persons wishing to speak in favor of **HB 2203** and Chairman Siegfroid opened the floor for opponents of **HB 2203** recognizing Christopher Joseph, General Counsel for Kansas Professional Bail Bond Association, Inc. Mr. Joseph related that studies have shown that such programs as described in the bill result in a high rate of defendants failing to appear in court as well as overwhelming law enforcement with warrants and while they are free, they continue to roam the streets and commit other crimes.

CONTINUATION SHEET

MINUTES OF THE House Federal and State Affairs Committee at 1:30 P.M. on February 7, 2007 in Room 313-S of the Capitol.

([Attachment 2](#))

Mr. Joseph call attention to a study by Helland & Tabarrok. ([Attachment 3](#))

Also submitted for review by Mr. Joseph was an article entitled "[Shirk's Criminal History](#)" ([Attachment 4](#)) as well as a request from former Attorney General, Robert Stephen to former Representative Marvin Smith, Senator Oleen and Judge Carpenter regarding their opinion concerning a pretrial release program embodied in district court rule no. 3.324 of the third judicial district. ([Attachment 5](#)) Also submitted to the Committee was a copy of the Supreme Court Order Number 96 regarding Pretrial Release signed by Chief Justice Richard W. Holmes. ([Attachment 6](#))

David Stuckman, spokesman for American Bail Coalition, gave testimony opposing **HB 2203**. Mr. Stuckman stated that the bail agents are members of the Professional Bail Agents of the United States. They guarantee and ensure that justice is served without coercion of the citizens who may be charged with a crime, maintaining innocence until proven guilty, additionally, guaranteeing that the victims of crime have their day in court. This is done with no cost to the taxpayers. ([Attachment 7](#))

Bail bond recovery agent, Darrel Manning spoke opposing **HB 2203**. Mr. Manning opined that the bill would put the courts in the role of the bail bondsman and would put sheriffs in the recovery agent business when they are already spread too thin to actively deal with the number of outstanding warrants. ([Attachment 8](#))

Manuel Baraban appeared before the committee in opposition to **HB 2203**. Mr. Baraban has been in the bail bond business for almost 40 years. Mr. Baraban feels that the enactment of **HB 2203** would place a greater burden on law enforcement to find criminal defendants who fail to appear, as well as unnecessarily delaying a victim's right to their day in court. ([Attachment 9](#))

Randall Kahler, General Manager of Mannie's Bonding Company, presented testimony opposing **HB 2203** relating that 10% cash bonding is a big black hole and will cost the state of Kansas and its taxpayers millions of dollars. He further related that if the bill passes, he has three suggestions: 1) build more jails to compensate for extra prisoners, 2) increase the budget of every sheriff's department, and 3) give the courts more help because of the overwhelming work load defendants jumping bond will cause. ([Attachment 10](#))

Professional bail bondsman, Randall Kahler, opposes **HB 2203**. It is his opinion that from a cost standpoint, a State should choose a system of pre-trial release that produces the lowest instance of failures to appear. He further opined that the criminal justice system cannot legitimately function when large percentages of charged defendants do not appear to address the charges against them. All studies have shown that a pre-trial system utilizing surety bail bonds produce the lowest rate of failure to appear of all the various methods of pre-trial release as well as be the most inexpensive method. ([Attachment 11](#)) Mr. Kahler also submitted a copy of a Bureau of Justice Statistics Bulletin entitled "*Pretrial Release of Felony Defendants, 1992*" ([Attachment 12](#))

Written testimony in opposition to **HB 2203** was supplied by Eric Rucker, Chief Deputy District Attorney Johnson County, Kansas ([Attachment 13](#)) and Attorney Scott Gyllenborg of Olathe, Kansas. ([Attachment 14](#))

Also provided to the committee by Kevin Barone, was "*The Effectiveness and Cost of Secured and Unsecured Pretrial Release in California's Large Urban Counties 1990-2000*" authored by Michael Block, PhD. Professor of Economics & Law, University of Arizona. ([Attachment 15](#))

Eric Willis, bail bondsman; Chris Fisher, bail bondsman; and Doug Smith addressed the committee opposing **HB 2203**. ([No Written Testimony](#)).

With no other person wishing to speak to the bill, the Chair closed the hearing on **HB 2203**.

There being no further business before the committee, Chairman Siegfried adjourned the meeting.