



Kansas Sheriffs Association

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Testimony to the Senate Judiciary Committee In Opposition to HB2170 March 14, 2013

Chairman King and Committee Members,

The Kansas Sheriffs Association understands the need to adjust some of our processes to look at best practices in the handling of offenders. We also understand the balance of fiscal concerns and public safety. There are certain provisions of this bill that cause sheriffs across the state concern.

There is universal concern among Kansas sheriffs that the provision with the new 120 day and 180 day DOC sanctions will result in additional transportation costs to the local sheriffs as more admissions take place under these provisions. The main area of these provisions are on page 20 line 38 through page 21 line 12. The largest concern is with allowing these sanctions to occur multiple times. Specifically the words "at least one sanction" on page 20 line 43 and page 21 line 5 are troubling. Clearly the intent is to allow these 120/180 day sanctions to occur without limit. We believe limiting the new sanctions to a one time use is essential. This will limit the trips sheriffs must make to deliver offenders to the DOC drop-off points but more importantly is, in our opinion, in the interest of public safety.

Our association also supports the amendments proposed by the KCDAA to further limit the use of the new shorter 120/180 day DOC sanctions. As we understand their proposal, the sanction would be limited to one sanction the judge can impose prior to the sanction of (c)(1)(E) and that sanction would be from 120 days to 180 days. It also retains a reduction of up to 60 days in that sanction as determined by the Secretary and clarifies the reduced time will not be counted toward their sentence. We believe these amendments are consistent with good public safety policy while still allowing a shorter DOC sanction in an effort to apply best practices to achieve reduced recidivism.

Finally, we are concerned that some courts will attempt to require sheriffs to transport the offender from the prison release point back to the home county upon release from the 120/180 day sanctions. Sheriffs simply do not have the resources to do this. Included in this concern is the phrase "shall be returned to" on page 22 line 12 with no clarification about who is responsible for the action, or if it simply means the defendant "is placed back on" supervision. Therefore, we have proposed an amendment to make it clear the sheriffs will not be required to return the offenders to their home county upon release from the 120/180 day prison sanctions. This amendment will appear on page 22 in line 12 and at the end of line 13.

Kansas sheriffs support the quick and certain sanctions proposed in the bill on page 20 lines 33-37. The data shows these sanctions can not only be more effective in reducing recidivism, but they also will most likely reduce the local jail days required for local probation violators.

If the amendment we have proposed and those proposed by the KCDAA are adopted, our opposition to this bill would be addressed. We urge your consideration and adoption of these proposed amendments.

Amendment: Page 22 lines 12 and 13

(6) Except as provided in subsection (f), upon completion of a violation sanction imposed pursuant to subsection (c)(1)(C) or (c)(1)(D) such offender shall ~~be returned~~ *return* to community correctional services supervision. *The Sheriff shall not be responsible for returning the offender to the county where the community corrections supervision is assigned.*