



KANSAS ASSOCIATION OF COURT SERVICES OFFICERS

Senator Rick Wilborn, Chair
Senate Committee on Judiciary
Kansas State Capitol
300 SW 10th Street
Room 541-E
Topeka, KS 66612

Re: HB2093 - Allowing certain juvenile adjudications decay from criminal history

Dear Senator Wilborn:

On behalf of the Kansas Association of Court Services Officers (KACSO), I am writing to request that the Senate Committee on Judiciary consider the attached amendment to HB2093.

I am Bree Gibson, currently employed as a Court Services Officer II (CSO) for the 10th Judicial District Court and supervisor of the adult pre-sentence investigations (PSI) unit for Johnson County Court Services. PSI writers are tasked with investigating and compiling an offender's criminal history and determining an offender's criminal history category and any applicable special sentencing rules pursuant to guidelines set forth by the Kansas Sentencing Guidelines Act (KSGA).

The new provision in HB2093 will require a Court Services Officer to obtain official court paperwork to determine the "date of final discharge of the adjudication." Determining the date of discharge is challenging in juvenile cases as many jurisdictions do not issue official documentation releasing the juvenile from supervision. Some juvenile courts will not release ANY juvenile court information without an official motion filed and considered by the family court judge. In these situations, it is practically impossible to obtain juvenile court information at all—let alone determining the date of "final discharge" from any juvenile adjudications. Furthermore, the time involved in obtaining this documentation will require that the time between conviction and sentencing to be extended, further delaying justice for the offender.

If the Sentencing Commission wishes to pursue additional decay factors, it might be more expeditious to make revisions to paragraph 5(A) and consider changing the language to read "date of prior adjudication".

Additionally, I have concerns about the language in paragraph 5(B) being vague. What constitutes a new adjudication or conviction? Currently as I interpret the language a simple traffic infraction up to an off-grid person felony would disqualify an offender from qualifying for this relief. Additional clarification or guidance would be greatly appreciated if this proposed legislation passes.

KACSO thanks the committee for allowing us to provide testimony and would request the committee to consider the attached amendment.

The mission of the Kansas Association of Court Services Officers is to challenge, educate, support and advocate for the membership by promoting fellowship and professionalism, providing relevant training opportunities and maintaining communication with all members. The organization will further this mission by encouraging collaboration with our Court Services Officers and professional organizations and by recognizing member excellence.

An American Probation and Parole Association Affiliate

1 (1) Only verified convictions will be considered and scored.

2 (2) All prior adult felony convictions, including expungements, will
3 be considered and scored. Prior adult felony convictions for offenses that
4 were committed before July 1, 1993, shall be scored as a person or
5 nonperson crime using a comparable offense under the Kansas criminal
6 code in effect on the date the current crime of conviction was committed.

7 (3) *Except as provided in paragraph (5), there will be no decay factor*
8 *applicable for:*

9 (A) Adult convictions;

10 (B) a juvenile adjudication for an offense ~~which~~ *that* would constitute
11 a nondrug severity level 1 through 4 person felony if committed by an
12 adult. Prior juvenile adjudications for offenses that were committed before
13 July 1, 1993, shall be scored as a person or nonperson crime using a
14 comparable offense under the Kansas criminal code in effect on the date
15 the current crime of conviction was committed;

16 (C) a juvenile adjudication for an offense committed before July 1,
17 1993, which would have been a class A, B or C felony, if committed by an
18 adult; or

19 (D) a juvenile adjudication for an offense committed on or after July
20 1, 1993, which would be an off-grid felony; **or** a nondrug severity level 1
21 *through 4 felony, if committed by an adult.*

22 (4) Except as otherwise provided, a juvenile adjudication will decay
23 if the current crime of conviction is committed after the offender reaches
24 the age of 25, and the juvenile adjudication is for an offense:

25 (A) Committed before July 1, 1993, which would have been a class D
26 or E felony if committed by an adult;

27 (B) committed on or after July 1, 1993, which would be a nondrug
28 severity level 5 through 10, a non-grid felony or any drug felony, if
29 committed by an adult; or

30 (C) which would be a misdemeanor if committed by an adult.

31 (5) *A juvenile adjudication will not be considered and scored if:*

32 (A) *The current crime of conviction is committed at least five years*
33 *after the date of ~~final discharge of the~~ adjudication;*

34 (B) *the offender has no new adjudications or convictions during such*
35 *five-year period; and*

36 (C) *the juvenile adjudication is for an offense that would be a*
37 *nondrug severity level 5 through 10 felony, drug felony, nongrid felony or*
38 *misdemeanor, if committed by an adult.*

39 (6) All person misdemeanors, class A nonperson misdemeanors and
40 class B select nonperson misdemeanors, and all municipal ordinance and
41 county resolution violations comparable to such misdemeanors, shall be
42 considered and scored. Prior misdemeanors for offenses that were
43 committed before July 1, 1993, shall be scored as a person or nonperson

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