



State of Kansas

Office of Judicial Administration

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House Judiciary

Testimony in Opposition to HB 2292

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Chairman Patton and Committee Members. Thank you for the opportunity to provide opponent testimony on 2019 House Bill 2292 (HB 2292). I am Amy Raymond, Director of Trial Court Programs in the Office of Judicial Administration (OJA).

OJA has concerns regarding HB 2292 in three primary areas: judicial branch employees taking direction from executive branch employees; the existence of adequate resources; and inconsistency in diversion programs across the state.

First, HB 2292 seeks to expand diversion programs to allow court services officers (CSOs) or community corrections to supervise individuals who have traditionally been supervised by county or district attorney's offices. CSOs currently supervise individuals at all risk levels on probation. However, as currently drafted, HB 2292 would require court services officers to take direction from county or district attorneys. The Kansas Supreme Court needs to retain the ability to direct the actions of judicial branch employees. A statute that allows CSOs to enter into a memorandum of understanding with county or district attorneys could create problems if the MOU, or any directive given by the county or district attorney, conflicts with a directive given by the Kansas Supreme Court or a chief judge. Additionally, OJA is working hard to ensure that CSOs are supervising individuals based on evidence-based practices. If a county or district attorney gives a directive to a CSO that is contrary to evidence-based practices, it could create a conflict.

Second, OJA is concerned about the availability of resources. HB 2292 makes it permissive for district or county attorneys to enter into agreements regarding supervision of diversion. It is unknown how many county or district attorneys would want to pursue this option. Additionally, it is unknown how many individuals would be participating. It is difficult for the judicial branch to estimate the personnel or financial resources necessary to be able to adequately participate in discussions regarding these expanded programs.

Third, OJA is also concerned about inconsistency in diversion programs offered across the state. As the committee is likely aware, the judicial branch is working toward standardization of practices and workshare. By allowing each county or district attorney to enter into a memorandum of understanding with court services, HB 2292 could potentially create 105 ways of conducting diversion programs. It is foreseeable that there could be 105 ways of determining eligibility requirements, 105 ways that individuals are treated, and 105 ways that services are offered to individuals once the individual enters the program.

OJA needs additional time to vet HB 2292, consider potential amendments, and cannot support it in its current form. OJA recognizes that the availability of diversion programs is important, and asks the committee to refer this bill for study so that all stakeholders involved have adequate time to evaluate the implications of expanding diversion programs.

Thank you for the opportunity to talk to you today about HB 2292. I am happy to stand for questions.