

**Testimony Before the  
Kansas State Senate Judiciary Committee  
On Friday, February 22nd, 2019,  
In Support of Senate Bill 89**

Members of the Committee, Mr. Chairman, thank you for the opportunity to have a hearing before your Committee in support of Senate Bill 89. Senate Bill 89 amends K. S. A. 74-9501. It updates the existing statute that created the Substance Abuse Policy Board. The Board became part of the Kansas Criminal Justice Coordinating Council on issues concerning treatment, sentencing, rehabilitation, and supervision of substance abuse offenders. It was the intent of this law to have the Board analyze and study driving under the influence and the use of therapeutic courts by other states and jurisdictions. The Board was comprised of the Secretary of Corrections, the Commissioner of Juvenile Justice, Secretary of Social and Rehabilitation Services, Director of the Kansas Bureau of Investigation, Chief Justice of the Kansas Supreme Court, and two individuals appointed by the Kansas Association of Addiction Professionals. The Board's make-up needs to be updated to reflect the current configuration of Kansas government. Upon its reactivation it would at its first meeting elect its Chair.

During the interim between the 2008 and 2009 sessions the SAPB issued a comprehensive report regarding Driving Under the Influence law in Kansas. That report prompted the creation of the DUI Commission, but the SAPB never went forward with the mandated review and analysis of Drug Courts. Therapeutic Courts is a more encompassing term given the advancement of theory and implementation of those principals to so many areas of the law.

As in the current law, public members of the Board could receive compensation. There is no per diem to be paid for salaried state, county, or city employees. The report of the Board to the Kansas Criminal Justice Coordinating Council would also be submitted to the Governor, Attorney General, Chief Justice of the Supreme Court, Clerk of the House, and Secretary of the Senate.

The Division of Budget's Memorandum signed by the Director of the Budget in 2008 stated that the only outlay might be an additional \$3200 for fiscal year 2009 from

the state general fund for office supplies. Then as now, existing staff would support the Board's agendas, minutes, and reporting research required by the bill. Back then only \$1581 would be dispensed also for the per diem and subsistence for the two non-governmental employees at the four meetings per year. The various state agencies involved state that additional staff time would be necessary to collect the data and research, but that could be absorbed by existing resources.

My experience, Mr. Chairman, members of the Committee, over thirty years practicing law, the five legislative sessions serving with some of you on this Committee and in the Interim Judiciary Committee and now ten years as a District Court Judge, clearly informs me that there is a great desire to improve the Kansas Criminal Justice System dealing with offenders who are addicted to illegal drugs and alcohol. The current disbursement of state and local government resources is extensive in law enforcement and criminal justice costs including, of course, incarceration. The cost to our society is significant also. It is nothing less than an epidemic.

During my career, I have conducted research regarding other states' approaches to these very difficult issues. All of our members of the legislature, the various Committees that deal with these topics, and those in the Executive and Judicial branch all with the best intentions, the cost of a mistake or error by implementing ineffective programs are wasteful and even counterproductive. Criminal Justice policies can be devastating to the state resources, the economy, the person in need of support and their families. The cost of substance abuse in Kansas cannot be valued simply in dollars, but the continued abuse of substances and the addictions that many Kansans are faced with includes costs to their families, not just by loss of employment, but in the dysfunctional families that also become victims of substance abuse at times perpetuating this pattern of behavior through successive generations. I personally sentenced a grandmother, her son and grandson for crimes involving meth and addiction.

The intention of this legislation is to comprehensively review the activities of Kansas and other States. If someone else has developed a perfectly round wheel, there is no reason for Kansas to reinvent it. To build our decisions upon the successes of other jurisdictions is far more efficient than implementing programs based solely upon the subjective opinion of one or more individuals. To

effectively deal with this complicated issue comprehensive assessment and evaluation of other programs needs to be done. While I have in my own personal research discovered several very promising approaches in dealing with multiple DUI offenders, substance abuse and domestic violence, the savings in the long run for Kansas citizens and state government spending can certainly be significant. Our goals should be to reduce recidivism, to break the cycle of addiction, and to help our fellow citizens get on with their lives in a productive and beneficial manner. That is the ultimate purpose of this legislation. I hope that the Committee will support this legislation and consider passing it out of Committee favorably or amending it into the Committee report prepared for other legislation dealing with substance abuse offenders or multiple DUI offenders.

Respectfully submitted,

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