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TESTIMONY BEFORE THE KANSAS STATE SENATE JUDICIARY COMMITTEE IN SUPPORT  
OF SB-37

Presented on Monday, January 31, 2011

Mr. Chairman, Members of the Committee thank you very much for approving this bill request, and the opportunity to have a hearing and to testify before the committee in support of Senate Bill 37. When I originally made the request for SB 520, I intended to rectify what I perceived to be an inequity regarding labor provided either as a jail trustee or in community service in lieu of paying court assessed fines or costs for those indigent and unable to satisfy the obligation imposed by the court as a result of their convictions for various crimes. Currently, K.S.A. 22-4603 only provides for a credit of \$5 per day in programs utilizing individuals in custody by a county sheriff, town marshal, chief of police, under the direction of county commissioners or the governing body of a city. The intent of the request was to bring provisions similar to K.S.A. 8-1567(j) into the statute proposed to be amended. I appreciate the committee's approval of the bill request and the reviser's efforts in accomplishing that request.

This bill was originally requested in 2010 and was denoted as SB 520. In 2010, the bill passed out of The Senate and The House Corrections Committee but was taken below the line in The House at the end of the session.

This modification of current Kansas statute brings consistency to these similar provisions. Many of the defendants I see through my service to the state as a District Court Judge run afoul of the law, are indigent, and are unable to have the means to satisfy their obligations to the court for fines and court costs. Many of the individuals who appear before me suffer with some type of disability and do not have the earnings capacity necessary to satisfy minimum fines mandated by statute. Their service to the community has the potential to provide value to our state far in excess of the \$5 per hour rate granted by this statutory modification. It is important that individuals that are indigent have the ability to resolve these obligations to close these cases, and this is an equitable modification of statute bringing inconsistent statutory provisions into a congruent public policy dealing with various defendants' guilty of various crimes, and giving them all the same opportunities to resolve these matters that come before the court and satisfy their probationary or other obligations, as those convicted of driving under the influence. It is of course the committee's and legislative body's prerogative whether court costs should be included in these provisions. K.S.A. 8-1567(j) does not allow for community service to be credited against assessments such as probationary fees or court costs, only fines. Once again, let me thank the committee and the chairman for the opportunity to testify in support of SB 37. I hope that the proposed modifications and amendment to the statute are accepted by the committee as these are an expression of the original intent of the request.

Respectfully submitted,

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PHILLIP B. JOURNEY

Senate Judiciary

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