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Testimony on SB 39
to
The Senate Judiciary Committee

By Ray Roberts
Secretary
Kansas Department of Corrections
February 15, 2011

The issue raised by SB 39 that is of greatest concern to the Department of Corrections is the provision regarding the restrictions of where aggravated sex offenders may live. The Legislature, a Legislative Interim Committee and the Sex Offender Policy Board have previously addressed residential restrictions and the impact of such restrictions on the prevention of sex offenses as well as unintended consequences that are detrimental to public safety such as the disruption of a stable residence, access to treatment resources and the supervision of the offender. The result of which is that a statutory residential restriction has not been adopted at the state level; and cities and counties are prohibited from establishing residential restrictions by ordinance or resolution. Restrictions on the residence of sex offenders are addressed on an individual basis by the case management of the offender by the supervising parole officer.

SB 39 provides for a prohibition of those sex offenders residing within 2,000 feet of a licensed child care facility, registered family day care home or the real property of a kindergarten through 12th grade school. The department has been afforded the opportunity to discuss with Senator Olson, the issues that are raised by residential restrictions on the supervision and treatment of sex offenders and the department believes that a prohibition of 500 feet from the covered entities would lessen the unintended consequences detrimental to public safety. The department stands ready to execute any amended legislation that may be enacted that addresses both the prevention of future incidents of sexual offenses as well as the meaningful treatment and supervision of those released offenders based upon best evidence based practices.

Senate Judiciary
3-10-11
Attachment 13