

MINUTES

JOINT COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE OVERSIGHT

June 20, 2013
Room 546-S—Statehouse

Members Present

Representative John Rubin, Chairperson
Senator Carolyn McGinn, Vice-chairperson
Representative Gail Finney, Ranking Minority Member
Senator Steve Fitzgerald
Senator David Haley
Senator Greg Smith
Representative Steve Alford
Representative Pete DeGraaf
Representative Jerry Henry
Representative Brett Hildabrand
Representative Jim Ward

Members Absent

Senator Steve Abrams
Senator Oletha Faust-Goudeau
Senator Jacob LaTurner

Staff Present

Lauren Douglass, Kansas Legislative Research Department
Robert Allison-Gallimore, Kansas Legislative Research Department
Lauren Tevis, Kansas Legislative Research Department
Michael Wales, Kansas Legislative Research Department
Jason Thompson, Office of the Revisor of Statutes

Conferees

Jeremy Barclay, Kansas Department of Corrections

Others Attending

See attached sheet.

The meeting was called to order by Representative Rubin. The first order of business was to elect new officers. Nominations for Chairperson were accepted from the members. *Representative Ward moved to nominate Representative Rubin as Chairperson. Representative Finney seconded the motion. The motion carried by unanimous consent. Representative Ward moved to nominate Senator McGinn as Vice-chairperson. Representative Alford seconded the*

motion. The motion carried. Representative Ward moved to nominate Representative Finney as Ranking Minority Member. Representative Henry seconded the motion. The motion carried.

Chairperson Rubin opened the discussion on 2013 interim study topics to submit to the Legislative Coordinating Council (LCC) and suggested additional consideration of three bills from the 2013 Legislative Session:

- SB 41, concerning possession of a firearm during commission of a drug crime;
- HB 2070, concerning sureties; and
- HB 2120, concerning the Kansas Bureau of Investigation's DNA collection procedures.

Representative Ward suggested the Committee's priority during the interim should be its statutory responsibilities and the items listed in the Kansas Department of Corrections' (KDOC's) Topics of Interest for Study (Attachment 1). He then requested staff brief the Committee on its statutory responsibilities. Jason Thompson, Office of the Revisor of Statutes, referred to a Kansas Legislative Research Department memorandum summarizing those responsibilities (Attachment 2) and went through the duties outlined in KSA 46-2801(k) concerning oversight of KDOC and the Juvenile Justice Authority. Representative Ward stated the Committee's oversight obligations typically come first, then the Committee will consider other topics in the time remaining.

Representative Ward inquired about the number of interim committee days for which the Committee had received LCC approval. Chairperson Rubin responded the number of days has not yet been determined, and suggested the required statutory reports, including those topics requested by KDOC, implementation of the Justice Reinvestment Initiative and ERO 42, would require two days, at least, and consecutive days would be preferable.

Chairperson Rubin returned to the discussion of potential study topics and suggested the Committee look at the effect of recent budget reductions on KDOC operations, public safety, and implementation of 2013 HB 2170, concerning the Justice Reinvestment Initiative. Chairperson Rubin also proposed studying current law governing access to law enforcement records, which, he stated, are often unavailable to the public unless legal proceedings are brought, and the possibility of proposing legislation to make these records more readily available. Senator Haley asked whether the confidentiality of expunged records ought to be included in this study, and Chairperson Rubin asked that those records be included in the Research Department's review of this topic.

Representative Ward requested a study of the impact of shifting persons 18 years old and older from the juvenile justice system to the adult system. Representative Ward also asked that outside organizations who study criminal justice and criminology be invited to give presentations on this issue or that staff obtain information from such organizations to supplement information provided by state agencies. Chairperson Rubin indicated that if there were specific entities Representative Ward wished to invite, he would be happy to extend the invitation and stated that bringing in experts on the issue of access to law enforcement records also would be helpful.

Representative DeGraaf asked whether the Committee's oversight functions extended to local facilities such as the Judge Riddell Boys Ranch (JRBR), operated by the Sedgwick County Department of Corrections. Asked to comment on the JRBR, Jeremy Barclay stated KDOC has no plans to close the facility at this time; and while he could not speak to Sedgwick County's

intentions or plans for their own facility, he assured the Committee KDOC has surplus juvenile community-based capacity to serve youth who might be affected by closures of this and similar facilities. Representative DeGraaf also asked whether the Committee could consider performance measures concerning these community-based facilities. Chairperson Rubin referred to a bill considered by the House, 2013 HB 2208, which would have allowed the Commissioner of Juvenile Justice to establish such measures. He also proposed inviting representatives of the Sedgwick County Department of Corrections to appear and address these questions.

Senator McGinn requested an update on drug abuse treatment programs, known as “SB 123 programs”; a summary of budget reductions over the years; the impact of these programs; and a discussion of whether these programs should be continued.

Finally, Chairperson Rubin referred to a letter from Representative Mast to the LCC (Attachment 3), which requests authorization for the Committee to study a statutory exclusion of state institutions from compliance with state substance abuse treatment licensing requirements, and asked staff to provide additional background on the request. Lauren Douglass, Kansas Legislative Research Department, explained the statutory exclusion was identified in Part II of the Legislative Post Audit report on the Kansas Juvenile Correctional Complex, which recommended an interim committee review of the exclusion.

Next, the Committee’s discussion turned to the number of meeting days to request of the LCC. Representative Ward proposed six to eight days, and Chairperson Rubin stated he would request eight to ten days. Chairperson Rubin indicated, based on scheduling conflicts in October, the Committee would aim to meet two days in September, two days in early or mid-November, and two days in early December.

The meeting was adjourned at 11:31 a.m.

Prepared by Lauren Douglass

Approved by the Committee on:

July 15, 2013
(Date)