



Kansas County & District Attorneys Association

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March 13, 2013

Senate Committee on Judiciary  
Attention: Honorable Jeff King, Chairperson  
State Capitol, Room 341-E  
Topeka, Kansas 66612

Re: House Bill 2170

Dear Chairman King,

Thank you for the opportunity to submit written opposition to HB 2170. For several years, Johnson County has worked with the Justice Reinvestment Group to produce better outcomes for everyone in the criminal justice system. Most of this bill will assist in creating a safer community and reducing recidivism. There are, however, segments of this bill that work against these goals.

Of initial concern is *K.S.A. 22-3716(c)(1)(C)(D)(E)*. Under the current language of the bill, criminals can violate their probation an endless number of times and not be held accountable. This is also the case with *Section 5: K.S.A. 22-3716(c)(1)(E)*, which allows for reduction of a criminal's sentence after a probation violation. This rewards bad behavior, and sends a confusing message to the probationer.

These are the same problems that existed before Sentencing Guidelines were enacted. The main purpose for adopting Guidelines was to provide truth in sentencing to victims, the community, and criminal justice professionals. These amendments would re-create confusing and inadequate pre-guideline laws which did not work and were the reason the Sentencing Guidelines were adopted.

These provisions would result in thousands of additional court hearings; increased costs for transporting inmates to and from those hearings; all of which could be appealed. This would drive up costs and drain the resources of courts and prosecutors throughout the State.

I would ask you to amend the above listed sections and restore truth in sentencing and provide limits to the violators of probation. This would allow the bill to accomplish its goals, while not hurting public safety.

Thank you for your time. I would be happy to answer any questions you may have regarding the proposed legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen M. Howe".

Stephen M. Howe  
Johnson County District Attorney