


Department of Corrections

DATE: January 23, 2017

TO: Honorable Chairman Jennings and Members
House Corrections and Juvenile Justice Oversight Committee

FROM: Elizabeth Gillespie, Director 
Johnson County Department of Corrections

SUBJECT: **House Bill 2089**

On behalf of the Johnson County Department of Corrections, I am submitting written testimony today in **support of** House Bill 2089.

I operate both adult and juvenile house arrest (electronic monitoring) programs for Johnson County. Persons placed in our programs are assigned to specific electronic monitoring equipment according to their risk and circumstances of their crimes or alleged crimes. A large percentage of the persons under house arrest as directed by the District Court and Municipal Courts are placed in the program pre-trial as conditions of bond for alleged misdemeanor and felony offenses. Approximately 54% of persons in the program are for conditions of bond; they have not yet been convicted of the crime for which they have been charged. About 33% are direct sentences (such as DUI offenses) and 13% are internal sanctions ordered by probation officers. Our program has a high completion rate with an average of only about 5% going AWOL.

Unfortunately, KSA 21-6322 for unlawful tampering with the equipment is a Level 6 felony. Out of nine boxes on the horizontal sentencing grid for this level for non-drug offenses, only two are presumptive probation and one is a border box. Six of the boxes are presumptive imprisonment. Information from the KS Sentencing Commission indicates that the number of persons convicted and sentenced to prison for this offense increased from 44.4% of those convicted in 2013 to 71.4% through the end of October 2015. The ranges of the prison sentences have been from 7 to 46 months with the average of 27 months. Comparatively, the Escape and Aggravated Escape series of offenses range from Class A misdemeanors to Level 8 felonies. These offenses rise to Level 5 and 6 ranges only when the offender escapes from a state prison or when there is the use of or threat of violence. The current level of offense for the Unlawful Tampering law is more severe than escape from work release and other similar types of programs.

I believe that House Bill 2089 will provide for the more appropriate charging of offenses according to the underlying offenses or circumstances under which the persons have been placed on electronic monitoring. The severity of the Unlawful Tampering of Electronic Monitoring Equipment in current law seems way too high in comparison to many of the reasons that offenders are placed on the equipment in the first place. In many cases, the punishment does not fit the crime. In rare cases, some persons are placed on house arrest for civil cases as well and the persons may have no criminal history at all.

In Johnson County, the most common type of tampering with the equipment is an offender's impulsive behavior to cut off the leg bracelet. In the majority of these cases, the bracelet is recovered and the offender is located very quickly. The cost for replacement of the bracelet is only \$28.00 according to our contract with the electronic monitoring equipment supplier.

Thank you for your time and consideration.