

OPPONENT

Senate Judiciary Committee - Senate Bill 12

January 26, 2017

Senate Bill 12 proposes language that members of the Family, Friends & other Concerned Citizens of SPTP Residents support, in part and oppose, in part. Our comments will be directed to those areas we oppose and followed up with language we believe the bill should contain.

Senate Bill 12 requires a distance of 2,000 feet between a licensed child care facility, worship center, residence in which a child under 18 years of age resides or schools and a person, with the provision that courts would be allowed to make exceptions to the 2,000 foot requirement, by reducing the footage requirement up to no less than 500 feet, this decision after considering the recommendation of the treatment staff and the person (treatment resident).

On March 14, 2016, before this legislative committee, I spoke on behalf of our group of reasons to change K.S.A. 59-29a11 Section 1 (b) (1) from 2,000 feet to ¼ mile and adding new Section 1 (b) (2) that created a 300 foot boundary between a child under 18 years of age and a program resident on conditional release. We requested statutory changes that required distances of ¼ mile and 300' in order that individuals entering conditional release would have an increased opportunity to locate housing. Last year, and this year, members of our group have worked to identify housing that would meet the 2,000 foot criteria. As there was then, today there still is reasonably no affordable housing available to individuals who are preparing to approach the courts for conditional release. This includes rentals and ownership. We learned, last year, that in the Southeast Kansas area multiple organizations and agencies were contacted for assistance in locating housing for an individual. Not one of those organizations was able to locate housing that met statute. Agencies included a representative of a local sheriff's department, staff of a local community mental health agency, the Consumer Run Organization of Hope, the Southeastern Kansas Independent Living Center, local realtors and even SPTP reintegration staff. One individual associated with the Independent Living Center stated the statute might as well be ten miles as that would be no more unrealistic than 2,000 feet. Of the properties members of our group viewed, with the exception of one, all but two were priced at \$160,000 or above. Two properties for sale, one on 22.5 acres (Montgomery County) and one 25+ acres (Pottawatomie County) were viewed. Neither met statutory requirements. One property was priced at \$150,000 with the other priced at \$165,000. One rental property was located; however, the property owner later advised the resident it would not be available to him.

Every Individual who has, or will be placed in conditional release, has not had employment for many years. Several are now disabled; some are eligible for minimal social security benefits. To date, the jobs these individuals are employed at are paying hourly rates between \$10.50 and \$13.50. There must be increased opportunity for residents to locate affordable property.

On March 15, 2016, this legislative committee unanimously supported Senate Bill 481. In that bill, the residency restrictions were written as follows: ¼ mile of a licensed child care facility, an established place of worship, or the real property of any school upon which is located a structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any grades one through 12, and that no transitional release or conditional release facility or building could be located within 300 feet of any residence in which a child under 18 years of age resides. We **recommend** Senate Bill 12 follow the language of Senate Bill 481, Session of 2016.

Our group also opposes Section (3) (C) which limits who residents may live with. Statutes allowing a program resident to live with only an immediate family member are contrary to reasonableness as well as SPTP's Management position. We are aware of residents having friends who are arranging to have that resident reside with them upon his court order into conditional release. We have been informed by SPTP management staff that they recommend residents, if possible, reside together to further reduce the rate of recidivism. We **recommend** immediate family member be removed and replaced with "individual who is 21 years of age or older."

At a cost to Kansas taxpayers that likely exceeds \$80,000 per year per resident, statutory changes must be made to assist those individuals who have been court ordered into conditional release to have fair opportunity to affordable housing. Without housing arrangements, residents will simply remain at one of the three reintegration centers.

If we are sincere about ensuring an effective treatment program for sex offenders, laws must be made that provide a path for them to reintegrate into society and prove they can be law abiding citizens. Kansas is one of twenty states that have civil commitment laws. Since being statutorily created in 1994, treatment program expenditures are either approaching or have exceeded \$300,000,000. The serious problems of this program should not continue to be ignored. Program residents and Kansas taxpayers deserve better.

Eldon Dillingham, member
Family, Friends & Other Concerned Citizens of SPTP Residents