

MINUTES OF THE SELECT COMMITTEE ON CORRECTIONS REFORM AND OVERSIGHT

The meeting was called to order by Chairman Thomas C. Owens at 11:30 A.M. on February 19, 2008 in Room 531-N of the Capitol.

All members were present except:

Representative John Grange- excused

Committee staff present:

Athena Andaya, Kansas Legislative Research Department
Jerry Donaldson, Kansas Legislative Research Department
Jarod Waltner, Kansas Legislative Research Department
Michael Steiner, Kansas Legislative Research Department
Jill Wolters Revisor of Statutes Office
Jason Thompson, Revisor of Statutes Office
Cyndie Rexer, Committee Assistant

Conferees appearing before the committee:

Ed Klumpp, Kansas Society of Chiefs of Police and Kansas Peace Officers Association
Pete Bodyk, Kansas Department of Transportation
Roger Werholtz, Secretary of Department of Corrections

Others attending:

See attached list.

Jill Wolters, Revisor of Statutes, briefed the committee on the content of House Bill 2879. ([Attachment 1](#)) She also supplied the Committee with a copy of the fiscal note on this bill. ([Attachment 2](#))

Ed Klumpp testified in support of the bill for the Kansas Association of Chiefs of Police who believe that treatment is a vital component of reducing recidivism and enhancing public safety and are not opposed to the decay provision. ([Attachment 3](#)) The Kansas Peace Officers' Association supports custody treatment. ([Attachment 4](#))

Pete Bodyk stood in opposition to the bill due to the wording in line 35 on page 6 where the word "subsequent" is stricken and the word "third" is added. Based on information from the National Highway Traffic Safety Administration, the amendment will cause Kansas to be non-compliant with federal requirements regarding DUI convictions and penalties. ([Attachment 5](#))

Stuart Little opposes HB 2879 as mandatory sentencing to a "state drug treatment facility" runs contrary to many of the public policies implemented in other treatment programs such as Senate Bill 67 and Senate Bill 123. There are no "state substance abuse treatment facilities" in Kansas. It is suggested the committee consider amending the bill to make the court's placement in future facilities an option and not mandatory. ([Attachment 6](#)) Mr. Little offered to supply Addiction Professionals to testify before the committee in regards to the treatment DUI offenders receive.

Secretary Roger Werholtz asked the committee the following questions regarding the bill:

1. Will the Courts determine if the early release conditions regarding the absence of an accident or collision are applicable?
2. Will good time credits be available for either the 18 month sentence or the 12 month early release?
3. Will the concurrent jurisdiction available to a municipal court for DUI offense that would constitute a felony permit a municipal court to sentence a 4th or subsequent DUI offender to the department.

A period of questions and answers followed.

The next meeting will be Friday, February 22, 2008 at 11:00 a.m. in room 431-N.

The meeting was recessed to continue the hearing on Tuesday, February 26, 2008.