

MINUTES

JOINT COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE OVERSIGHT

October 8, 9, and 10, 2001

Room 519-S—Statehouse

Members Present

Representative Kathe Lloyd, Chairperson
Senator Pete Brungardt
Senator Greta Goodwin
Senator David Haley
Senator Nancey Harrington
Senator Kay O'Connor
Senator Lana Oleen
Representative Barbara Ballard
Representative Larry Campbell
Representative Bill Feuerborn
Representative Janice Pauls

Staff present

Stuart Little, Kansas Legislative Research Department
Amy Kramer, Kansas Legislative Research Department
Robert Waller, Kansas Legislative Research Department
Gordon Self, Revisor of Statutes Office
Jill Wolters, Revisor of Statutes Office
Shirley Jepson, Committee Secretary

Conferees

Dale Dennis, Deputy Commissioner, Kansas Department of Education
Terry Maple, Lieutenant Colonel, Kansas Highway Patrol
John Eickhorn, Kansas Highway Patrol
Charles E. Simmons, Secretary, Kansas Department of Corrections
Albert Murray, Commissioner, Juvenile Justice Authority
Juliene Maska, Statewide Victims' Rights Coordinator, Office of the Attorney General
Paul Morrison, Johnson County District Attorney
Nick Tomasic, Wyandotte County District Attorney
Eric Rucker, Dickinson County District Attorney
Sandy Barnett, Executive Director, Kansas Coalition Against Sexual and Domestic Violence

Frank Ross, Executive Director, Elm Acres Youth and Family Services, Inc.
Mark Masterson, Director, Sedgwick County Department of Corrections
Don Jordan, Director of Operations for Children and Family Policy, Department of Social
and Rehabilitation Services
Larry Ternes, Youth Services Administrator, Sedgwick County Department of
Corrections
Jim John, Administrative Director, Wichita Children's Home
Marilyn Scafe, Chair, Kansas Parole Board
Barb Tombs, Executive Director, Kansas Sentencing Commission

Monday, October 8

Chairperson Kathe Lloyd recognized Dale Dennis, Deputy Commissioner of the Kansas Department of Education. Mr. Dennis gave an overview of the Kansas School Safety Hotline project that was established after the 1999 Kansas Legislature appropriated funds to assist the Kansas State Department of Education and the Kansas Highway Patrol in establishing a school safety hotline (Attachment 1). Mr. Dennis noted the success of the project and commended the Legislature for establishing the hotline as well as the Kansas Highway Patrol for their cooperation and assistance. Mr. Dennis introduced Lt. Col. Terry Maple, Assistant Superintendent, Kansas Highway Patrol, who continued the testimony and reiterated the success of the program (Attachment 2). In addition, John Eickhorn, Kansas Highway Patrol, presented a video explaining three new public safety TV/radio spots to be run in the State of Kansas, as well as posters and pamphlets that are being produced promoting awareness of school safety and educating students about the school safety hotline program (Attachment 3). In response to a question from Senator Goodwin concerning the charts, Lt. Col. Maple noted that there is usually more aggression in the school when the temperature goes up and at the beginning and ending of the school year. In response to a question from Senator Haley concerning the 1-800 number and a "catchy" phrase such as 1-800 "be safe," Lt. Col. Maple explained, in the beginning, there was some discussion; however, the 1-800 number being used was already in place. Responding to a question from Stuart Little, Lt. Col. Maple noted the Department had not done any work on breaking down the number of calls regionally or by school district. Mr. Dennis commended the Highway Patrol dispatch for their ability in working with the students; noting the success of the project is partly due to the human voice answering the call as opposed to an answering machine. He also explained that the Department of Education is making mini-grants available (\$200 - \$400) to student councils for use in projects to promote the school safety hotline within their schools. These applications are now being received. In response to a question from Representative Campbell, Lt. Col. Maple stated the hotline is a dedicated line and answered by "Kansas Highway Patrol, School Violence Hotline" so the caller knows they have called the Kansas Highway Patrol.

Chairperson Lloyd recognized Charles E. Simmons, Secretary, Kansas Department of Corrections (KDOC), who presented an update on grant applications submitted by KDOC, recent KDOC publications and the change in the hiring age for corrections officers at Lansing Correctional Facility, as well as an update on the inmate population and capacity

of the Kansas correctional facilities (Attachment 4). Secretary Simmons noted because of the higher projected inmate populations, the current correctional facilities capacity may be inadequate, and it may be necessary to bring additional expansion projects to the Legislature. Responding to a question from Senator Harrington concerning the projections, Secretary Simmons explained the projections are done by the Kansas Sentencing Commission (KSC), noting two factors mainly influence the projections—how many people come in and how long they stay. The Commission looks at the base population, crime rates, past history, and a number of other factors, to make the projections. Responding to a question from Senator Haley, Secretary Simmons commented that one of the areas in which the KSC is looking at are drug offenders, especially looking for other treatment programs as opposed to incarceration. Senator Haley also inquired as to the progress of the day reporting center (DRC) in Wyandotte County. Secretary Simmons stated some progress is being made; however, no contract has been signed. He also noted there has been no progress in establishing the DRC in Sedgwick County. Responding to questions from Senator Goodwin, Secretary Simmons stated KDOC had tried to work with the community leaders in establishing the DRCs in both Wyandotte and Sedgwick counties. In response to another question from Senator Goodwin concerning funding for additional staff with increased inmate population, Secretary Simmons stated that, in the past, the Legislature had funded additional FTE when they funded expansion or additional cell houses. Funding for additional staff has not been an issue in the past. Secretary Simmons noted he anticipates the need for one or two additional cell houses in medium and maximum correctional facilities in the near future. Senator Harrington expressed concern with the difficulty which local officials in Sedgwick County are experiencing in establishing the day reporting system in that county. Secretary Simmons also noted that Wichita has passed a city ordinance, effective May 2002, which states that no convicted sex offender can live in a residential facility in the City of Wichita. An alternative housing board is looking at the ordinance at this time; however, if the ordinance goes into effect, sex offenders will no longer be allowed to live in halfway houses. In response to a question from Senator Brungardt concerning aging of inmates and possible early release because of their age, Secretary Simmons stated, per the legislation in place at this time, there is no early release for older inmates.

Chairperson Lloyd recognized Albert Murray, Commissioner, Juvenile Justice Authority (JJA), who presented an update on the agency, capital improvement projects, population projections plus the effects of the placement matrix (Attachment 5). In response to a question from Representative Campbell concerning the additional cost of removing the unforeseen landfill materials from the Topeka Juvenile Correctional Facility construction site, Commissioner Murray noted that the cost would be \$68,000. Responding to a question from Representative Campbell as to whether a Phase I or Phase II Environment Audit were performed on the Topeka site, Commissioner Murray referred the question to Jim Frazier, Assistant Commissioner. Mr. Frazier stated between 75 and 100 core samples were taken on the 20-acre site before construction began with apparently no evidence of the landfill. Responding to another question from Representative Campbell, Mr. Frazier stated that the construction projects are on budget at this time. In response to a question from Representative Pauls concerning the population projections by gender, Commissioner Murray noted since the placement matrix was implemented, approximately 7 percent of the population JJA receives is female, as opposed to 12 percent before the matrix. Commissioner Murray felt community programs that have been implemented, is a factor in this reduction.

Chairperson Lloyd asked for a motion to approve the minutes of the July and August meetings which had been mailed to Committee members for their review. *Senator Oleen moved the minutes be accepted; seconded by Senator O'Connor. Motion carried.*

Chairperson Lloyd asked for discussion from the members on ideas they felt were important and should be included in the Committee's report. With reference to sexual offender treatment programs, Chairperson Lloyd requested that Stuart Little acquire a copy of a recent letter from Paula Ellis, Department of Social and Rehabilitation Services (SRS), pertaining to treatments for juvenile sex offenders and have it available for the October 9 meeting. Senator Oleen noted the Education Committee has been looking at the juvenile detention facility and level 5 funding issue and is recommending no change be made at this time; however, the issue is to be looked at each year.

Tuesday, October 9 Morning Session

Chairperson Lloyd welcomed Juliene Maska, Statewide Victims' Rights Coordinator, Office of the Attorney General. Ms. Maska presented testimony, on behalf of Attorney General Carla Stovall, concerning assistance available in the State of Kansas for crime victims (Attachment 6). In response to a question from Chairperson Lloyd, Ms. Maska indicated they receive both federal and state dollars, including 4 percent of fines paid to the state crime victims' fund, penalties of forfeitures paid to the state district courts, and a federal family violence and service grant, plus other sources from fines and penalties. Ms. Maska stated 137 grants in the amount of a little over \$8 million for direct victim assistance have been awarded for FY 2002. Senator Goodwin asked Ms. Maska to provide the Committee with the breakdown of the amount of money the agency receives from state court fees and federal level domestic violence grants.

Chairperson Lloyd recognized Paul Morrison, Johnson County District Attorney, who continued the discussion on victims of crime, explaining how victims are treated in Johnson County (no written testimony). Mr. Morrison stated Johnson County has a high volume of low-grade crimes. A letter is sent to every victim when the case is filed as well as notification of all hearings. Their office operates with a large number of volunteers including student interns. The Attorney General's office operates a crime victim's property restitution fund with a \$250 cap, funded by unclaimed restitution moneys. An advocate is assigned to each crime victim to assist in filling out the protection against abuse form and help educate him or her to available services and procedures. The office has teamed with SRS to work with juveniles who are exposed to violence in the home.

Nick Tomasic, Wyandotte County District Attorney, presented testimony concerning the victim assistance program in Wyandotte County (Attachment 7). In response to a question from Senator O'Connor, Mr. Tomasic stated offenders of misdemeanors, such as domestic violence, can only be held in jail for six hours. The office works with the victims to assist them in available options; however, on many incidents, the victim does not take advantage of the available services and will come to the jail to pick up the offender.

Responding to a question from Senator Goodwin, Mr. Tomasic noted they have a paid staff of five with a large number of volunteers. Mr. Tomasic indicated that they need two or three more staff to adequately take care of crime victims. Representative Feuerborn inquired as to how many cases are actually prosecuted where the victim wants the charges dropped. Mr. Tomasic responded that 100 percent of cases are prosecuted where evidence is present, such as an abused child, with the hopes that the victim will testify.

Chairperson Lloyd recognized Eric Rucker, Dickinson County District Attorney, who continued the testimony concerning victim's rights. In response to Senator O'Connor's earlier question, Mr. Rucker stated in his jurisdiction, if an offender has bonded, whether or not they have had a first appearance, the face of the bond sheet will indicate "no contact with the victim." A recent statutory vision states that there should be no contact for a 72-hour waiting period, indicating also that some victims get angry with the "no contact" order. Responding to another question from Senator O'Conner, Mr. Rucker stated even though in many cases, the victim does not want to abide by the 72-hour waiting period, it is good public policy and an excellent health safety and welfare policy. Often times victims are not in a good emotional or mental condition to determine what is best for themselves or their family and it becomes necessary for a judge to invoke the 72-hour waiting period. Mr. Rucker stated his office is a recipient of the Victims of Crime Act (VOCA) grant from the Attorney General's office. Since receiving this grant, they are now able to provide notification of court hearings and personal assistance to the victims. Mr. Rucker noted because grants are not a guaranteed funding tool, the county has worked to assume funding for these programs. In response to a question from Chairperson Lloyd about the number of volunteers in Dickinson County, Mr. Rucker indicated they have had five volunteers in the last two years. Following a further question from Chairperson Lloyd, Mr. Rucker stated they have not at this time used juveniles as volunteers who are in need of community service projects.

At this time, Chairperson Lloyd recognized Sandy Barnett, Executive Director, Kansas Coalition Against Sexual and Domestic Violence. Ms. Barnett explained the role of the Coalition in working with victims of domestic violence (Attachment 8). In response to a question from Senator Harrington, Ms. Barnett stated the first program in Kansas opened in 1979 (Douglas or Shawnee County) and the last one opened about five years ago. In response to a question from Senator O'Connor concerning what is keeping the proper authority from keeping repeat offenders of domestic violence in jail, Ms. Barnett stated the reason is complex, including offender rights and limitations of how long they can be kept in jail. Ms. Barnett noted that the coalition has focused their efforts on victim's rights and now it may be time to work on accountability of the perpetrator without handing them to the criminal justice system. Chairperson Lloyd commended Ms. Barnett on the Coalition's program. Responding to a question from Senator Haley, Ms. Barnett noted it is necessary to look at successful programs for offenders—to begin to identify early conduct and get first-time offenders into programs early. In responding to a question from Senator Oleen about shelter needs, Ms. Barnett stated there are 27 shelters available in the state. Ms. Barnett felt, rather than have a shelter available in every county, it was more important to have an advocate readily available to the victims. Ms. Barnett indicated the Coalition would continue to do an evaluation and assessment of need and get a report to the Committee with priority recommendations.

Chairperson Lloyd recognized Secretary Simmons, who continued with testimony on the primary service to crime victims provided by the Department of Corrections (Attachment 9). Responding to a question from Senator Oleen concerning enhanced services, Secretary Simmons stated the Department is working on a re-entry grant through the Department of Justice, which would primarily fund a comprehensive program to assist offenders who are re-entering the community.

Because representatives from JJA were unable to attend today's meeting, Dr. Little distributed copies of written testimony that they provided on victim services (Attachment 10).

Chairperson Lloyd again recognized Paul Morrison, who provided written testimony as Vice Chair of KSC on consolidation of field services (Attachment 11). Mr. Morrison expressed a need for consolidation of field services and recommended it be a separate independent agency whose only focus is to oversee people on conditional release. Responding to a question from Senator Harrington concerning the responsibility of enforcing the 1994 legislative mandate for consolidation of field services, Dr. Little noted there was an Attorney General's opinion in 1995 stating that because the Legislature did not provide funding with the mandate, the legislation could not be enforced. Gordon Self, Revisor of Statutes' Office, further stated the Legislature failed to follow through with budget and legal statutory procedures for setting up the consolidation, although several attempts have been made to pursue legislation. Representative Pauls suggested staff provide the Committee with background information on what has transpired since the 1994 mandate. Secretary Simmons indicated he supports consolidation of field services; however, it needs to be driven by, and guidelines established by, the Legislature because the courts, counties, and KDOC are involved. Mr. Morrison agreed with Secretary Simmons that direction needs to come from the Legislature. Responding to Senator Goodwin, Mr. Morrison stated the KSC would be glad to work on further legislation to present to the Committee. Chairperson Lloyd asked to see ideas from the KSC on the structure of legislation. Responding to a question from Senator Haley, Mr. Morrison noted there is not a day reporting center in Johnson County; however, they do have a residential center at Gardner. In response to a question from Senator O'Connor, Mr. Morrison stated there is wide disparity in the state as to programs available. He saw the consolidation of field services as a benefit in this area. Chairperson Lloyd requested that Barb Tombs provide a formal presentation on the consolidation of field services at the November meeting of the Committee.

Afternoon Session

Chairperson Lloyd recognized Frank Ross, Executive Director, Elm Acres Youth and Family Services, who presented written testimony on the issue of residential provider rates (Attachment 12). Because the state reimbursement rate is about \$10 per day under the actual expense of housing each juvenile, Chairperson Lloyd asked how they fund the extra expense. Mr. Ross stated they supplement the state reimbursement rate with other funding sources—grants, capital campaign, and private funds. Mr. Ross noted most of the juveniles in need of care today have high needs. Chairperson Lloyd noted the Committee had been asked to look at this issue because of community safety concerns in dealing with youth from

outside areas. Mr. Ross felt more smaller facilities would keep juveniles closer to their home area. He also felt we should hold juveniles accountable for their behavior and also work with the community in addressing the juvenile issues. Responding to a question from Senator Harrington concerning staff and the Pittsburg boys' facility, Mr. Ross stated they have both shift staff and live-in or house-parent staff. He indicated recruitment is difficult because of low pay and the need for lots of staff training. Mr. Ross did not know what happened to the boys from the Pittsburg facility when it was closed in July of this year; however, per their contract, they gave a seven-day notice and actually stayed open an extra month to help in the transition. The Pittsburg facility was licensed to serve 34 boys. Mr. Ross felt in an ideal situation, there would be more smaller residential facilities and they would be closer to the juvenile's home. Responding to questions from Representative Feuerborn, Mr. Ross indicated they have satellite offices in Independence and Chanute dealing with foster care and family preservation. At the present time, their only residential care facility is in Columbus. By closing the Pittsburg facility, there was a loss of six or seven full-time positions. In response to Senator Oleen's question concerning what the state could do, Mr. Ross felt school districts in which residential centers are located should receive extra funding in providing an education for these juveniles. He also felt the county in which the juvenile resided should be held accountable for the juvenile. Mr. Ross indicated they do receive commodities from USDA through the school lunch program. Responding to another question from Senator Oleen, Mr. Ross indicated they do not have any contact with the county attorney's office in assessing parents with the responsibility of cost. In response to a question from Senator Goodwin concerning assistance from SRS, Mr. Ross indicated under the privatized system in terms of rates, SRS is out of the equation. As far as children in need of care are concerned, the rate is negotiated with the private contractor, usually higher than the Medicaid rate. Mr. Ross felt the rate issue is critical in providing community safety and providing juvenile residential care. Responding to a question from Senator Harrington, Mr. Ross stated his agency budget is about \$4 million with an \$800,000 budget for residential care.

Representatives from the Florence Crittenton Home were unable to attend the meeting; however, copies of written testimony were provided for the Committee (Attachment 13).

Chairperson Lloyd recognized Mark Masterson, Director, Sedgwick County Department of Corrections, who provided written testimony as a locally contracted community case management agency for the 18th Judicial District (Attachment 14). Chairperson Lloyd asked for clarification as to how the Medicaid rate of \$72.32 is set. Mr. Masterson referred the question to Mr. Ross, who indicated that Medicaid funding is part State General Fund dollars and federal dollars. In order to change the rate, the plan has to be changed, which is where SRS enters the picture. There is also an enhanced rate of \$107.32 for high need juveniles; however, it is only available for a period of 90 days, and it is very difficult to extend beyond the 90 days. The \$72.32 rate has not been changed since 1994. Senator Harrington stated she would like to see the Committee pursue a study of the Medicaid rate. Responding to a question from Senator Harrington, Mr. Masterson stated the Medicaid rate only pertains to residential juvenile care facilities and that other facilities such as foster care can negotiate a higher rate. In answer to another question from Senator Harrington, Mr. Masterson noted they could take in other offenders from across the state at the Sedgwick County facilities; however, they are usually full and have a waiting list for

Level 5 placement. Responding to a question from Senator Oleen, Mr. Masterson voiced concern with the policy in place at the present time to determine whether the state or the county is responsible for the juvenile's expense. Mr. Masterson noted the Salvation Army has a Level 5, 90-day residential program for girls in Sedgwick County, also noting the facilities in Sedgwick County are always full. Mr. Masterson stated that the 90-day reimbursement rate is \$107.32, as opposed to the Medicaid rate of \$72.32 or a difference of \$35. Responding to statements by Representative Ballard, Mr. Masterson clarified that JJA and SRS have addressed the reimbursement rate for juveniles in detention; however, they have not addressed the rate for juveniles in emergency shelters or a Level 5 facility—a rate which has not changed since 1994, although they have been made aware of the problem. A Level 5 facility is an out-of-the-home structured treatment facility that treats juveniles with aggressive/multiple behaviors. A Level 4 facility is a group-home setting with limited services. There is also a Level 6 that deals with psychiatry and multiple problem youth.

Chairperson Lloyd recognized Don Jordan, Director of Operations for Children and Family Policy for SRS, who was present, and asked him to explain SRS's role. Mr. Jordan stated that they work very close with JJA to establish rates and are sensitive to the problems with available resources. In response to a question from Representative Ballard concerning how SRS expects providers to provide services, Mr. Jordan indicated he understands the pressure the provider is under; however, SRS expects the providers to have other funding sources. Representative Ballard asked for information to be provided to the Committee on what contractors spend—figures for detention and Level 5. In response to questions from Representative Pauls, Mr. Jordan indicated that approximately 80 percent of their juveniles are in foster care with approximately 20 percent in a Level 5 facility.

Chairperson Lloyd recognized Larry Ternes, Youth Service Administrator, Sedgwick County Department of Corrections, who continued with written testimony on the residential facility issue ([Attachment 15](#)). Mr. Ternes addressed the critical problem and the need to address the rate of reimbursement. In response to a question from Senator Oleen, Mr. Ternes indicated that they pursue grant funds and private dollars; however, they do not receive any United Way funds.

Jim John, Administrative Director of the Wichita Children's Home, was recognized by Chairperson Lloyd and presented written testimony concerning the funding issue ([Attachment 16](#)). In response to a question from Representative Campbell, Mr. John stated that the Wichita Children's Home received approximately \$250,000 from United Way last year; however, does not receive any county funds. As a follow-up, Senator Harrington asked if there is a duplication of funding. Mr. John stated that United Way funds are used for private admissions—admissions that receive no state funding with any left-over United Way funds used to offset the reimbursement rate on state admissions. In response to a question from Representative Campbell with regards to the responsibility of a parent to pay for the juvenile, the question was referred to Mr. Jordan. Mr. Jordan stated that if the juvenile is in custody, the parent is responsible to pay if they have the available resources. Representative Campbell requested that Mr. Jordan provide the Committee with information on how much and how many times SRS has received money from parents. Mr. John stated that most of their contracts state that when they accept the state rate, they cannot seek any other funds from other sources; however, he would research the contracts. Mr. Jordan felt

the wording on the contract indicates that if the provider accepts the Medicaid rate, they would not also bill another agency or the parents. In response to continued discussion of the parent reimbursement issue, Mr. Jordan indicated that SRS is getting ready to do a special pilot project in Johnson County to be more aggressive in recovering costs from parents and also working with judges to encourage parent participation. On behalf of the Committee, Senator Oleen requested a presentation from SRS and JJA on strategy to begin using in being more aggressive in recovering costs from parents rather than using all state funds. In response to a question from Senator Goodwin concerning court-ordered child support payment for children in custody, Dick Kline from the JJA indicated that there has been some difficulty in determining the distribution of these funds—funds that are being retained by SRS Child Support Enforcement. Senator Goodwin stated that she feels the system needs to be overhauled in order to see whom the courts have ordered to pay, who is paying, and where the funds are going.

Because of time restraints, Chairperson Lloyd asked that written testimony provided by Bruce Linhos, Executive Director, Children's Alliance of Kansas, be distributed to Committee members ([Attachment 17](#)).

Chairperson Lloyd recognized Marilyn Scafe, Chair, Kansas Parole Board, who presented an update on the Kansas Parole Board ([Attachment 18](#)). Responding to a question from Senator Haley concerning voting for the four-member board, Ms. Scafe stated that it is necessary to have three votes for action. Ms. Scafe indicated that public notices are sent to all newspapers and it is the newspaper's choice whether they print the notice. Because of the unavailability of video-conferencing equipment for the Parole Board to use, Senator Oleen suggested that they contact Kansas State University. Responding to a question from Representative Pauls concerning inmates who have been passed over for parole on several occasions, Ms. Scafe felt that sometimes when new members sit on the Board, the strategies of the Board change. Ms. Scafe indicated that they encourage family members and inmates to visit with the Board with their concerns.

Chairperson Lloyd asked for discussion on items that the members felt should be included in the Committee Report. Items brought forth included:

- **Backlog on Drug Testing by the KBI Lab.** Directed to the House Subcommittee on Public Safety with possible solution of adding more funding.
- **Jail Inspections.** The Committee still has concerns that there may be some jails in the state that are not meeting appropriate standards but at this point, no recommendation is being made to have legislation passed for inspections. The Committee trusts that counties will take appropriate action to meet safety and health standards as determined by local authorities.
- **Day Reporting Centers in Wyandotte and Sedgwick Counties.** A letter be written to these two counties from the Committee, with the endorsement of the LCC, stating the Committee's concern with the lack of progress in establishing the Day Reporting Centers. It is the Committee's hope that

they will work together to resolve the issue. The letter should state that the Committee is giving the counties until January 1, 2002, to name a site or the Legislature will encourage the Secretary of the Kansas Department of Corrections to make a decision as he sees fit for the public safety of the people of the State of Kansas. The Chairperson directed Dr. Little to prepare a letter for review by the Committee at tomorrow's meeting, October 10, 2001.

- **Funding Concerns Between SRS and JJA.** The Committee has concerns about funding—who pays for what and how funds are distributed. Additional discussion will follow the presentation at the November 13-14, 2001, Committee meeting.

Wednesday, October 10 Morning Session

Chairperson Lloyd reconvened the meeting at 9:15 a.m. and recognized Barb Tombs, Executive Director, KSC. Ms. Tombs presented overviews of fiscal year 2002 adult inmate prison population projections (on file with KLRD) and ten-year custody classification projections (on file with KLRD). Senator Oleen felt that it might be necessary for the Legislature to look at the legislation that allows judges to administer longer terms of incarceration for drug manufacture than for manslaughter or possibly look at the definition of drug manufacture. Chairperson Lloyd noted that the legislation was mirrored after Missouri's law to discourage drug manufacturers from crossing state lines. Senator Oleen noted it might be necessary to check with prosecutors to see if the law is working. Senator Oleen requested the Committee be provided with data that shows the number of conditional violators from Wyandotte and Sedgwick counties. Responding to comments from Representative Pauls with regard to ways to avoid the stacking problem, Ms. Tombs felt it would be necessary to reduce sentences, provide more programs for violators in the community such as the day reporting centers, and programs for re-entry into the community. In response to a question from Senator O'Connor, Ms. Tombs explained that parole is under the old law and post-release is under the new law. Under the new law guidelines, the inmate knows exactly how long they will be incarcerated and how long they will be under post-release supervision. Ms. Tombs reiterated the stacking effect would become a reality in 2004. Ms. Tombs felt since the guidelines have been in place for about ten years, the Legislature now needs to look at long-term policies for better and more effective supervision of offenders in the community, and if drug offenders are being dealt with in the best possible way. In response to a question from Senator Oleen, Ms. Tombs noted the average length of stay for a drug offender is 19.1 years. Ms. Tombs stated she felt it was important to get the day reporting centers up and running in Wyandotte and Sedgwick counties. Ms. Tombs noted she felt the Legislature is on the right track and perhaps now needs to put more resources and structure into how drug offenders are punished in the community. In response to a question from Representative Feuerborn, Ms. Tombs stated the Legislature has approximately two years to put programs in place to alleviate the stacking effect in prisons. Representative Feuerborn voiced a concern of the effect on offenders of cutting

funding for drug treatment programs and education. Representative Pauls and Senator Goodwin commended Ms. Tombs for her diligent work with the Legislature in pursuing the passage of SB 323.

At this time, the Committee departed the Statehouse by van for a tour of the Topeka Day Reporting Center that is run by Community Solutions, Inc. Terri Saiya, Regional Director, and Shelley Ghio, Program Director, as well as Secretary Simmons, were present to give an informative explanation of the program and its goals (Attachment 19). Also on hand were several clients who shared their views on the benefits that they derived from the program.

The next meeting of the Committee will be held on November 13-14, 2001.

Prepared by Shirley Jepson, Secretary
Edited by Dr. Stuart Little and Amy Kramer

Approved by Committee on:

December 10, 2001