

MINUTES

**JOINT COMMITTEE ON CORRECTIONS AND
JUVENILE JUSTICE OVERSIGHT**

November 13-14, 2001
Room 521-S—Statehouse

Members Present

Representative Kathe Lloyd, Chairman
Senator David Adkins, Vice Chairman
Senator Pete Brungardt
Senator Greta Goodwin
Senator Kay O'Connor
Representative Larry Campbell
Representative Bill Feuerborn
Representative Ward Loyd
Representative Janice Pauls
Representative Jeff Peterson

Staff Present

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

Conferees

Charles E. Simmons, Secretary, Kansas Department of Corrections
Barb Tombs, Executive Director, Kansas Sentencing Commission
Albert Murray, Commissioner, Juvenile Justice Authority
Anthony Ellis, Program Consultant, Juvenile Justice Authority
Scott Alisoglu, Fiscal Director, Juvenile Justice Authority
Jamie Corkhill, Child Support Enforcement Policy Counsel,
Department of Social and Rehabilitation Services
Senator David Adkins
Representative Shari Weber, Kansas House Majority Leader

November 13, 2001
Morning Session

Chairman Lloyd opened the meeting of the Joint Committee on Corrections and Juvenile Justice Oversight at 10:15 a.m. As preliminary to the first testimony, Senator Adkins commented that the new Interstate Compact for Adult Offender Supervision came to his attention through a meeting with the Council of State Governments in working with the Justice Department. The Compact will go into effect after acceptance by 35 states. At the present time, 25 states have approved the Compact. Senator Adkins noted that Secretary Simmons was present today to give testimony on the effects of the Compact on the State of Kansas.

Charles E. Simmons, Secretary of the Kansas Department of Corrections (KDOC), presented testimony on the Interstate Compact for Adult Offender Supervision (Attachment 1). Secretary Simmons voiced some concerns with the Compact, such as cost, caseloads, the information system that would be required, the ability of the Compact to change rules that are binding on the states, federal court jurisdiction, and ability for the state to be fined for violations. However, Secretary Simmons felt that if the Compact is adopted by 35 states, it is important for the State of Kansas to be a part of the mechanism for the interstate supervision of offenders. In response to questions from Representative Pauls, Secretary Simmons indicated that it is his understanding that once the Compact is adopted by 35 states, then each one of those states will have a voice and vote on the rules and regulations governing the Compact. He stated that the Compact will set standards for the information system and that each state will be expected to comply with those standards, indicating that there would be a financial cost to the state. In response to questions from Senator Goodwin, Secretary Simmons noted that the membership cost would be \$25,000; however, the other costs to the state have not been established. Secretary Simmons indicated that it is expected that 35 states will approve the Compact by February or March 2002, and the first meeting of the Compact group will be in June or July 2002. Secretary Simmons again reiterated his opinion that he felt it is important for Kansas to have a voice in the decision making of the Compact because we send thousands of offenders out-of-state for supervision and receive offenders from other states for supervision. Senator Adkins noted that it was his understanding that Kansas could withdraw from the Compact if they found it to be not in the best interests of the state. In response to questions from Representative Loyd, Secretary Simmons felt that legislation adopted by Kansas could not put restraints or conditions on the Compact but had to be adopted "as is" with no restraints. Secretary Simmons noted that it is possible the state could be required to supervise misdemeanor offenders – something they do not do at the present time. If this happens, it would be up to legislation as to whether these would be handled by KDOC or court services. He indicated one of the problems with the existing compact is that there is no enforcement mechanism and it allows a state to send an offender to another state without that state's approval. The new Compact would assess a fine to the originating state for this action. In response to a question from Senator O'Connor, Secretary Simmons noted that one of his concerns involves the Compact's ability to make rules and set fees that are binding on the states without their approval. Secretary Simmons indicated that it is his understanding that the Compact would be overseen by the member states. Senator Goodwin requested and it was approved by Chairman Lloyd, for the Committee to be provided with a copy of SB 95, introduced during

the 2001 Legislative Session, which included verbiage concerning the state's ability to withdraw from the Compact and references to offenders coming across state lines. It was noted that SB 95 did not pass out of the Senate Judiciary Committee or was not passed by either chamber during the 2001 Session. Senator Goodwin noted that the legislation was drafted according to what the other 25 states were adopting.

With regards to the Day Reporting Centers (DRC), Chairman Lloyd stated that after the Committee's October meeting, a letter (Attachment 2) to Wyandotte and Sedgwick counties was drafted noting the Legislature's frustration with their inability to find a location for the DRCs and submitted to the Legislative Coordinating Council for their approval, with the mailing of the letter on October 29, 2001. A copy of Wyandotte County/Kansas City Mayor Carol Marinovich's response is included in which she indicated she would like to visit the DRC in Topeka (Attachment 3). Chairman Lloyd asked Secretary Simmons to give an update on actions in these two counties. Secretary Simmons indicated that the Wichita City Council last month approved a site in Wichita at 21st and Moseley. It was also approved by the District Advisory Committee and will be considered by the Housing and Planning Board this week. If favorable action is taken, it will go back to the City Council for final approval. Block grant funds have also been approved for construction of the DRC with possible completion by June or July 2002. Discussions are ongoing with Community Solutions Inc. (CSI) and the Wyandotte Unified Government for a site in the downtown area approximately a block from the city jail in Kansas City. An investment group is interested in securing the site and leasing part of the building to CSI and part to the Unified Government for the community corrections program. The details of this action have not been worked out. It was the consensus of the Committee to have Secretary Simmons and Chairman Lloyd set a date for the Wyandotte Mayor and delegation to visit the DRC in Topeka, extend an invitation to all concerned, and encourage Committee members to attend the tour as a reinforcement of the Committee's desire to get the DRCs established. Secretary Simmons also noted that the agreement with Shawnee County to allow the assignment of certain offenders under community corrections supervision to the Topeka DRC has been signed. In response to a question from Representative Feuerborn, Secretary Simmons indicated the service was offered at no cost to the county. A similar agreement will be offered to Wyandotte and Sedgwick counties when those DRCs are in operation.

Chairman Lloyd recognized Barb Tombs, Executive Director of the Kansas Sentencing Commission. Ms. Tombs presented testimony on the consolidation of field services (probation, community corrections, and parole) and why the Sentencing Commission feels it is important for this consolidation to happen (Attachment 4).

Responding to questions from Senator O'Connor, Ms. Tombs noted that the legislation which has been enacted stated that consolidation should occur but did not set up the mechanism or funding for the consolidation. Ms. Tombs indicated that there is a general idea on the cost of the consolidation with State General Fund and grant moneys involved; however, she did not have an estimate to report at this time.

Afternoon Session

Because of questions raised at previous meetings concerning distribution of funds, the Committee requested testimony from representatives of the Juvenile Justice Authority (JJA) and Kansas Department of Social and Rehabilitation Services (SRS). Chairman Lloyd recognized Albert Murray, Commissioner of the JJA. Commissioner Murray, as well as Anthony Ellis, JJA Program Consultant and Scott Alisoglu, JJA Fiscal Director, were present to give testimony on the child support enforcement distribution of funds for juvenile offenders (Attachment 5). Mr. Alisoglu indicated that there are several business relationships maintained between JJA and SRS such as Medicaid and Title IV reimbursements. In response to a question from Representative Pauls, Mr. Alisoglu indicated that if a juvenile is receiving Social Security Disability and Survivors benefits (SSI) and they come into JJA's custody, then these funds are directed to JJA. He noted that he did not know the exact amount of money received; however, on any given day, JJA has between \$300,000 to \$400,000 in this account. Responding to a question from Chairman Lloyd, Mr. Alisoglu indicated that if JJA receives a billing for the juvenile's expenses from a group home when state funds are not used, then the SSI funds are used. In response to a question from Senator Goodwin concerning what agency has the records that indicates if a parent is paying a court-ordered child support payment, Commissioner Murray thought it was maintained by the case management agency, indicating that JJA's role is very limited with child support enforcement.

At this time, Chairman Lloyd recognized Jamie Corkhill, Child Support Enforcement Policy Counsel for SRS, who also provided written testimony (Attachment 6). In response to a question from Representative Pauls, Ms. Corkhill indicated that the state's 34 percent share of child support payments is approximately \$17 million. Ms. Corkhill noted that the amount of child support that a parent has paid could be obtained from the Kansas Payment Center online information if workers in the local office have the court-order number. A program code can be used to run a report to obtain the same information. In response to a question from Senator Goodwin, Ms. Corkhill indicated that the amount of money collected by SRS for JJA is \$304,102; however, no money is transferred between the agencies. Commissioner Murray reiterated that he felt there was no benefit or gain in transferring this money because it would need to be replaced from the State General Fund and the cost of transferring the money would not merit the transfer. Commissioner Murray indicated that JJA would need to expand their fiscal staff to handle a new procedure. Representative Lloyd felt that, from a legislator's standpoint, the Committee is concerned that the child support court-ordered payment is actually being collected. Ms. Corkhill indicated that the amount of money collected is known but that they may need to expand their system to include the amount of money that should be collected.

At this time, Chairman Lloyd recognized Senator David Adkins and Representative Shari Weber, who presented testimony on prison release planning and sentencing guidelines including a three-point plan for enhanced public safety during an offender's reentry and reintegration into the community (Attachment 7). Their testimony also urges the Legislature to pass HB 2587 and HB 2588, which were introduced by the Committee during the 2001 Legislative Session. In response to a question from Senator O'Connor, Representative Weber noted that there was a booklet available from KDOC that addressed

the success of the various reentry and reintegration programs and would be made available to the Committee members. In response to a question from Representative Pauls, Senator Adkins indicated that the proposal supports a change from 24 months to 36 months postrelease supervision for violent offenses such as aggravated sexual battery, sexual exploitation of a child, and aggravated indecent solicitation of a child.

Chairman Lloyd recognized Secretary Simmons, who also presented testimony on prison release planning and sentencing guidelines (Attachment 8). Secretary Simmons indicated that there are approximately 6,000 offenders released each year back into the community. In response to questions from Representative Feuerborn, Secretary Simmons noted that the current budget for substance abuse is approximately \$600,000 and 75 percent to 80 percent of offenders have a substance abuse problem. He indicated that the education program is very important in helping offenders to secure a GED or education level as high as possible. Responding to a question from Representative Pauls, Secretary Simmons indicated that because of budget cuts, the building fund would probably have a zero balance at the end of this year after the necessary renovation work. With reference to a consultant as proposed by Senator Adkins and Representative Weber, Secretary Simmons noted that he always welcomes input from anyone in the community. In response to a question from Senator Adkins, Secretary Simmons indicated SB 323 has not had a substantially adverse effect on postrelease. Secretary Simmons noted that offenders returning to the community without family or some kind of support have a difficult time in reentry. Offenders leaving prison are given a set of civilian clothing, transportation home, and \$100, unless they have done work release during their incarceration in which they may have accumulated more funds. Secretary Simmons saw the state's release program as a flaw in the system. Responding to a question from Chairman Lloyd, Secretary Simmons indicated that when the budget needs to be cut, discrepancy spending is cut which would primarily be programs. In response to Senator Goodwin's question concerning the prison impact of the legislation, Barb Tombs, Kansas Sentencing Commission, noted that updated figures indicated 54 beds by the year 2006 to 67 beds by the year 2011. Copies of the updated report will be available.

A draft of the Joint Committee's report was distributed to members of the Committee (Attachment 9). Chairman Lloyd asked members to read through the draft and make comments. Representative Pauls suggested that the first paragraph indicate that the Committee recommends "no specific legislation" except for the introduction of the one bill from the Kansas Sentencing Commission. *Senator Adkins made a motion to include endorsement of the State of Kansas entering into the Interstate Compact for Adult Offenders Supervision concept and recommend passage of legislation by the 2002 Legislature. The motion was seconded by Senator Brungardt and carried.*

Senator Goodwin suggested that the report indicate that Secretary Charles Simmons would set a date to tour the Topeka Day Reporting Center and invitations extended to Sedgwick and Wyandotte county representatives who had expressed a desire to see the facility. Members of the Joint Committee would also be present to enforce the Committee's desire to emphasize the expedient establishment of these centers.

With reference to the closing of 11 juvenile residential facilities, Representative Campbell made a motion to include a statement asking the Budget Committee to look at

increasing daily fees to a level to sustain these facilities in order to stay in business. The Committee concurred.

Senator Brungardt suggested that the report include a paragraph stating that the Committee encourages the Kansas Sentencing Commission to continue doing the work they are doing to pursue the consolidation of field services.

With reference to the treatment of sexually aggressive youth, Senator Adkins made a motion to include verbiage in the report that testimony indicates an emerging trend of aggressive sexual behavior among juvenile offenders in foster care placement and may have a sufficient impact on the system if left untreated. There appears to be promising approaches that can reduce this trend if applied early. It is recommended that JJA and SRS work jointly on proposals that would identify needed capacity, promising approaches, and develop specific proposals for further action by this Committee. Seconded by Representative Campbell. Motion passed.

It was the Committee's consensus to include verbiage in the report urging the legislative standing committees to work HB 2587 and HB 2588 during the upcoming legislative session – legislation that was introduced by the Joint Committee during the 2001 Legislative Session. The Committee felt it is important to develop specific strategies to successfully reintegrate offenders back into the community for public safety.

Senator Adkins requested that staff provide a copy of the legislation being proposed by the Kansas Sentencing Commission to remedy technical problems associated with SB 95 passed during the 2001 Legislative Session.

Chairman Lloyd asked staff to revise the draft Committee Report and present it at tomorrow's meeting. Chairman Lloyd recessed the meeting until 9:00 a.m., November 14.

November 14, 2001 Morning Session

Chairman Lloyd reconvened the meeting at 9:15 a.m. with the distribution of a revised draft Committee Report (Attachment 10). Also distributed to the Committee was information requested including a copy of SB 95, testimony on SB 95, information on HB 2587, and information on the Interstate Compact (Attachment 11). Gordon Self provided the Committee with a copy of the proposed legislation from the Kansas Sentencing Commission (Attachment 12). Chairman Lloyd informed the Committee that she and Secretary Simmons have set the date for the tour of the Topeka Day Reporting Center for December 12, 2001. Invitations will be extended to the Wyandotte Unified Government and the Wyandotte delegation and is open to anyone else who might have an interest. Committee members are encouraged to attend. This will be considered a regular committee meeting date and members will be paid as such.

After Committee members had read the revised draft, Chairman Lloyd asked for comments.

Page 1: It was concluded that the “conclusions and recommendations” should include the recommendation of passage of the Interstate Compact bill, urge standing committees of the Legislature to address HB 2587 and HB 2588, further stating that the paragraph should include the reimbursement, day reporting center, reintegration strategy, and field services topics.

Page 2: Delete the last sentence of the first paragraph. Change the “suspected” juvenile offender in paragraph 1, line 7, to “alleged” juvenile offenders. Add “Commissioner” Albert Murray to the 3rd paragraph, line 5.

Page 3: Add a line to the paragraph on the tour of the Topeka Day Reporting Center indicating that the Committee was favorably impressed with the services being provided by the state. Change the first line of paragraph 1 to read “The November 2001 meeting included a report on the proposed interstate compact.” Change wording in paragraph 1, line 7, to read “Representative Shari Weber and Senator David Adkins briefed the Joint Committee on their proposal to enhance the success of the offender reintegration into the community and modify terms of post-release supervision.” Change wording in the 4th paragraph to “871 offenders in Sedgwick County and 274 offenders in Wyandotte County have reentered the system in 2001.” Change wording in the 4th paragraph, line 15, from “support any legislation during the 2002 session” to “support any action.” Add a comment to the Day Reporting Center paragraph to indicate that the Committee commends the KDOC for its effort to convene meetings in Sedgwick and Wyandotte counties and encourage them to continue their efforts in establishing DRCs in those counties.

As requested by the Committee, additional information was provided by KDOC in the form of a chart which shows the success of programs used by KDOC in their efforts to reintegrate offenders back into the communities (Attachment 13).

It was the consensus of the Committee to expand the last sentence of paragraph 1 to read, “The Secretary of Corrections also appeared to report on this topic.” Verbiage to include “The full implementation of the current sentencing presents challenges to the correctional system in Kansas. No longer does the parole board function as the arbiter to indicate who is appropriate to be released to society. Sufficient numbers of offenders are leaving our prisons. We need to be certain that we have programs and strategies in place to make this transition successful knowing that offenders will be leaving when their sentence is up, not when the parole board says they are ready. This issue bears further study and consideration” It was suggested that a copy of Attachment 13 be included in the report.

Paragraph 2, with reference to the “backlog of methamphetamine laboratory work according to the KBI,” to be changed to “backlog of methamphetamine laboratory work as reported by the KBI.” Verbiage to include “commend the Kansas Bureau of Investigation in seeking and receiving federal funds to assist with this issue. The Committee encourages the KBI to continue to inform the Legislature of its urgent needs and sustained ability of those funding sources.

It was the consensus of the Committee to include verbiage concerning the December 12th tour of the Topeka Day Reporting Center and invitation extended to Wyandotte County.

Page 4: In the 1st full paragraph, add verbiage "notes 11 juvenile residential facilities have closed in the last year because of inadequate funding." In the 2nd full paragraph, third line, change "untreated" to "unaddressed." In the next paragraph, line 3, change to read "Despite some concerns regarding increased staff and funding issues, the committee." In the 4th full paragraph, change "The proposal" to "a proposal." Change "avoiding duplication of services, and decreasing the potential" to read "avoiding duplication of services, decreasing the potential for a disparity in sentencing practices and enhance public safety."

Page 5: At the top of page 5, first sentence "The Joint Committee also encourages" to be changed to read "The Joint Committee recommends that the Kansas Sentencing Commission secure the active involvement of the state district judges and trial court judges in the movement toward service consolidation."

Senator Adkins made a motion to accept the Committee Report with revisions, seconded by Senator Brungardt. Motion carried.

Chairman Lloyd thanked the Committee for their attention and noted that a letter will be sent reminding them of the tour scheduled for the Topeka Day Reporting Center on December 12, 2001. The meeting was adjourned by Chairman Lloyd at 10:20 a.m.

Prepared by Shirley Jepson
Edited by Amy Kramer

Approved by Committee on:

December 10, 2001