



State of Kansas

Supreme Court of Kansas
Office of Special Counsel
Kansas Judicial Center
301 SW 10th
Topeka, Kansas 66612-1507

(785) 368-6327

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House Corrections

Proponent Testimony

[HB 2346](#)—pretrial supervision practices in district courts

Shawn Jurgensen
Special Counsel to the Chief Justice

Chairman Jennings and members of committee, thank you for the opportunity to appear today to testify in support of HB 2346. This bill would make several changes to statutes that address whether and how a person who is charged with a crime and awaiting trial may be released on supervision. The judicial branch requests these amendments in order to provide an optional mechanism for paying court services officer salaries in some districts, as well as to enact certain changes recommended by the Supreme Court's Pretrial Justice Task Force.

[K.S.A. 22-2802](#) permits the court to assess a fee of up to \$15 per week for pretrial supervision. This money is used to pay for costs related to the supervision and is currently routed through the county. At present, there is no statutory avenue for this money to be sent to the state to pay for court services officer (CSO) salaries. HB 2346 would create an optional avenue for chief judges to remit these funds (in whole or in part) to the state for the purpose of paying CSO salaries.

Committee members involved with budget discussions are likely already aware of the judicial branch's need for additional CSOs. While commonly referred to as probation officers, CSOs do much more. They are professionals providing specialized services to courts, offenders, and citizens. These services commonly include supervising offenders, implementing necessary programming for offender rehabilitation, conducting presentence investigation reports, and performing urinalysis testing for probation clients.

In October 2019, the Supreme Court received a weighted workload study report that examined the statutory duties and organically arising tasks court services officers perform across the state. The weighted workload study accounted for varying case complexity, the need for

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supervisory attention and reviewed data collected from court services offices including: (1) actual work-time data recorded by staff statewide; (2) staff surveys recording whether adequate time is available to perform their duties timely and well; and (3) qualitative feedback from focus groups around Kansas. The report's threshold conclusion is that the judicial branch does not have enough court services officers to adequately perform all statutorily mandated duties.

To adequately perform those statutorily mandated duties, the judicial branch must hire an additional 70 court services officers. And that need exists before we account for any new criminal justice reform duties, any duties originating from local need, or any other needed service designed to reduce recidivism and improve public safety.

While we do not expect the new, optional funding mechanism created by HB 2346 to make a significant dent in the number of CSOs needed across the state, it could have a meaningful impact in some districts.

Finally, HB 2346 addresses some recommendations made by a Kansas Supreme Court committee that conducted an in-depth examination of pretrial justice issues. In 2018, the Supreme Court established the Pretrial Justice Task Force to study pretrial detention practices in Kansas district courts. The task force delivered its [report](#) in November 2020. HB 2346 addresses two recommendations that tie into the same statute as the pretrial supervision fee proposal listed above: (1) adding an express pretrial supervision fee waiver, and (2) expanding pretrial supervision providers. These two changes are briefly described below.

- *Pretrial Supervision Fee Wavier.* This proposal would add language to K.S.A. 22-2802 that expressly provides for waiver of the pretrial supervision fee. The language permits a person who is placed on pretrial supervision to affirmatively request that the judge waive the fee.
- *Expanding Pretrial Supervision Provider Options.* This amendment would expand the providers who are eligible to conduct pretrial supervision. Doing so will give district court judges more statutory flexibility and will address situations in which other entities (e.g. Community Corrections) have the capacity to offer pretrial supervision, even if Court Services does not.

Thank you for your time. I am happy to stand for questions regarding the bill.