

Testimony on SB102

Submitted To

The House Judiciary Committee

By

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On behalf of Secretary Zmuda and the Kansas Department of Corrections (KDOC), I appreciate the opportunity to offer a perspective on the proposed changes in SB102. We are neutral on the bill as proposed.

SB102 moves the time frame for KDOC to refer cases to the Attorney General for consideration for filing under the Sexually Violent Predator Act (SVPA) from 90 days pre-release to 24 months pre-release. Our understanding from discussions with the Attorney General and stakeholders in the law enforcement community is that a benefit would be derived for local jails, through reduced bed days, if persons were civilly committed by the courts closer to the end of their prison sentence with KDOC, or even before. This would reduce or eliminate days these persons spend in county jail during the court process.

Today, in order to meet the 90-day timeframe, the process typically begins 15-18 months earlier. This begins with a screening process, then the offender would enter treatment, following treatment a Clinical Service Report (CSR) is prepared that includes criminal history, institutional behavior and clinical assessment. If all the information to this point is leading toward the person potentially being a sexually violent predator, the next step is to inform the Attorney General and the multidisciplinary team (MDT) who assess if the person meets the definition of a sexually violent predator and then notify the Attorney General of its assessment. The MDT includes members from KDOC, the Kansas Department on Aging and Disability Services (KDADS), and external clinical experts. Often this will also include a period of time where the person is assessed further by the staff of the Sexual Predator Treatment Program (SPTP) at Larned State Hospital. These steps, which have been refined since the 1990's between all entities involved, are necessary to correctly identify persons and prepare the Attorney General to present a quality case for civil commitment before the court.

In the proposal of SB102 to move this timeline forward by 21 months (from 90 days to 24 months), this process would need to begin 36-39 months prior to release.

Today there are logistical challenges to meeting the 90-day time frame when over 50% of the population of persons, who by the crime committed meet the first criteria of the SVPA, have sentences to KDOC

under 24 months. This challenge is exacerbated by resource limits that today allow KDOC to provide sex offender treatment to only three-fourths of the population who needs that treatment. To continue the above process if SB102 were enacted that has been demonstrated to develop a strong legal foundation for civil commitment, an investment at KDOC of approximately \$1.132 million for assessment and treatment will be necessary.

Our review of the Fiscal Note for SB102 identified that each of The Office of Judicial Administration (OJA), The Office of Attorney General, and Kansas Association of Counties indicate increased costs, although they are unable to provide an estimate. At KDOC we do not have access to data that would indicate the cost currently being incurred by local jails to house persons accused of being sexually violent predators during the court process. We would note that in FY 2020, KDOC reviewed and processed 378 cases, nine of which were referred to the Attorney General for filing, eight of which were filed on.

We thank the Committee, and the Legislature as a whole, for your discussion on this and other public policies of Kansas as they relate to the criminal justice system. And will strive to be a resource to you as you continue your policy work.

Thank you