

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on January 30, 2007 in Room 313-S of the Capitol.

All members were present.

Committee staff present:

Jerry Ann Donaldson, Kansas Legislative Research
Athena Andaya, Kansas Legislative Research
Jill Wolters, Office of Revisor of Statutes
Duston Slinkard, Office of Revisor of Statutes
Cindy O'Neal, Committee Assistant

Conferees appearing before the committee:

Representative Nile Dillmore
Melissa Alley, Citizen
Dale Goter, City of Wichita
Senator Phil Journey
Secretary Roger Werholtz

The hearing on **HB 2095 - repealing the prohibition on local residential restrictions on sex offenders**, was opened.

Representative Nile Dillmore appeared as the sponsor of the proposed bill. He believed that local units of governments should have the power to place residency restrictions on sex offenders, since the legislature has not enacted any statutes doing so. He agreed that restrictions could create a false sense of security but that the legislature cannot guarantee that bad things will not happen. ([Attachment 1](#))

Committee members were reminded that the Iowa County Attorneys Association study found that a large number of sex offenders simply did not register change of residences or provided false addresses and therefore the state could not track where they actually were living. It also found that sex offenders were essentially being "zoned" out of town.

The Iowa Coalition Against Sexual Assault study suggested that an average of 13.25 percent of children who are sexually assaulted by the age of 12 reported being violated by a stranger. A majority of the time it is often a trusted person who assaults them.

Melissa Alley, Citizen, suggested that the legislature consider expanding the restriction of group housing being placed at 2,000 feet from a facility where children congregate to individual homes. ([Attachment 2](#))

Dale Goter, City of Wichita, explained that the City of Wichita had an ordinance regarding residential restrictions for facilities housing of sex offenders until the legislature enacted the prohibition. ([Attachment 3](#)) Wichita set the following regulations:

- no new or renewed licenses for facilities within 1,200 feet of day care centers, parks, schools, businesses that primarily serve youth, and residential zoning districts
- the number of offenders was limited
- facilities had to meet strict security requirements and requirements for lighting
- any facility housing sexual offenders had to hand-deliver notice to area residences, churches, and businesses in the neighborhood
- facilities had to disclose their supervision plan and work with the surrounding neighborhood and police to engage in community education
- facilities were subject to periodic audit and there were provisions for suspension and revocation of the licenses or criminal penalties for violation of the ordinance.

Senator Phil Journey appeared as an opponent of the bill. He just returned from a national symposium which held SB 506, from the 2006 Legislative Session, as model legislation for other states to emulate. It was suggested at the symposium that while a number of states are considering residency requirements there is no evidence that these types of laws actually protect children. Studies suggest that there is no relationship between sex offense recidivism and a sex offenders proximity to schools or other places where children

CONTINUATION SHEET

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congregate. Senator Journey urged the committee to not repeal current statute. (Attachment 4)

Secretary Roger Werholtz stated that all the research he's seen comes to the same conclusions that residency restrictions do not make children any less accessible to sex offenders. 80-93 percent of children are assaulted by individuals known to them and those who are in a position of trust. Most often it's a family member or close friend. (Attachment 5)

A request was made to receive information on the number of individuals who are in custody by the department of corrections who committed a sex crime against a child that they personally know.

The hearing on HB 2095 was closed.

The committee meeting adjourned at 5:00 p.m. The next meeting was scheduled for January 31, 2007.