



**SUPREME COURT OF KANSAS**

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**SENATE JUDICIARY COMMITTEE**

**Honorable Senator Tim Owens, Chair**

**SB 39 Criminal Procedure Relating to Sex Offenders**

**Neutral Testimony and Amendment Request**

**February 8, 2011**

Thank you for the opportunity to testify as a neutral party regarding two concerns with Senate Bill 39: The impact on juvenile offenders subject to the Kansas offender registration act, as well as the impact on probation supervision of adult and juvenile sex offenders relating to Halloween activities.

New Section 3, which restricts the activities of sex offenders on Halloween, may prove difficult to comply with. First, juvenile offenders subject to the offender registration act will have difficulty attending school in compliance with New Section 3 (a) (1), as this subsection requires avoidance of all Halloween-related contact with children. Schools traditionally have Halloween-related events during the regular school day and a student subject to the offender registration act would, presumably, be in violation of this section if he or she participated in Halloween-related activities held during the regular school day.

New Section 3 would also prohibit court services in at least one judicial district (Johnson County) from supervising offenders on Halloween in the same way they have supervised offenders for the past several years. Johnson County Court Services presently requires offenders to attend what is referred to as a sex offender Halloween party at the probation office every October 31. All persons convicted of a sex offense and subject to the offender registration act are required to be present during Halloween evening. Failure to attend is a violation of probation. This is not a costume party nor is it a party atmosphere. The purpose of this event is to get the offenders off the street and under the direct supervision of a probation officer during this time. New Section 3, as drafted, would eliminate this type of supervision and the assurance that the sex offender is not interacting with children during the evening. Adding a phrase on page 5, line 36 at the beginning of Subsection 3(a): "Unless otherwise ordered by the court," would provide the flexibility supervision officers need to continue to supervise sex offenders in this manner.

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Attachment 2

New Section 8 prohibits a juvenile aggravated sex offender from residing in a family foster home. Although placing a juvenile sex offender in a foster home is not a common occurrence, there are situations when a foster home is the most appropriate placement. New Section 8 would limit residential options for juvenile aggravated sex offenders to a group residential setting or a juvenile correctional facility. An additional subsection on page 15, line 11, New Section 8(b) may be warranted: "For any person adjudicated as a juvenile aggravated sex offender for an act which if committed by an adult would constitute the commission of a sexually violent crime set forth in K.S.A. 2010 Supp. 22-4902 (b), the court may approve placement of the juvenile offender in a licensed child care facility and such placement shall not be a violation of this section."

Thank you for your consideration of these amendments. I'd be happy to answer your questions.