

Posted on Sun, Nov. 26, 2006

## **Tough on crime? It's hard on coffers**

**Now with a Jessica's Law, Kansas must find the money to house a projected inmate boost.**

By **JIM SULLINGER**  
The Kansas City Star

Kansas legislators are learning that getting tough on crime can be costly.

This year lawmakers approved Jessica's Law, a measure sending felons convicted of sex crimes to prison for long stretches. Now, legislators are finding that the price tag could be as much as \$192.4 million for additional prison space over the next 10 years.

Roger Werholtz, secretary of the Kansas Department of Corrections, will present a slate of options to lawmakers when they convene a new session Jan. 8.

"Our estimate is we'll need about 1,880 beds if nothing changes and, obviously, you don't build all of those beds at once," Werholtz said.

In the plan are additions to several current prison facilities and construction of a new prison. Werholtz said the costs range from \$185 million to \$192.4 million using current construction dollars. In addition, operational costs would range from \$49.5 million to \$63 million annually.

Jessica's Law, named in memory of a murdered Florida girl, mandates 25-year sentences for sex offenders who victimize children. Some discretion could be granted to first-time offenders if there are mitigating circumstances. Second-time offenders would get 40 years, and third-time offenders would get life without parole. Offenders released from prison would be monitored for life.

"The bottom line is that the state of Kansas is on a path to incarcerate far more people than we have places to put them," said Senate Majority Leader Derek Schmidt, an Independence Republican. "We have cast the easy votes over the last decade and now it's time pay the price."

Schmidt said he hoped lawmakers could pass a comprehensive plan "that lays out a road map on how" to add more prison capacity.

"This isn't going to be a one-solution situation," said Schmidt, who is a proponent of allowing private prisons to be built in Kansas. "We need to look at adding traditional state-owned capacity, and it's reasonable to look at having a private component as part of a larger strategy."

Schmidt also said he would like to see as one component a substance abuse treatment facility specifically aimed at drug offenders.

One way to cut costs, some lawmakers say, would be to reduce sentences for nonviolent offenders.

After the fall campaigns, Sen. John Vratil, a Leawood Republican and chairman of the Senate Judiciary

Committee, said that option was politically impossible.

Kansas Attorney General Phill Kline heavily criticized the Legislature for passing a law in 2000 that reduced the time offenders were placed on post-release supervision and released 887 inmates from prison early.

"We've discussed that (option) in the Sentencing Commission, and what I've told them is that is not politically possible," Vratil said, who added that no lawmaker wanted to face a charge of being soft on crime in the next election.

There also is a question of whether the state can afford an expensive prison construction proposal.

Rep. Paul Davis, a Lawrence Democrat, said finding the money for more prison space would not be easy over the next couple of years. He pointed to a three-year, \$466 million school-finance plan enacted by lawmakers this year, and efforts by the highway lobby to persuade lawmakers to enact a multiyear road-construction initiative.

"A lot of people are operating under this notion we're swimming in money right now because the revenue projections just keep getting better and better," he said.

Davis added that most of that additional money has been spoken for, and he predicted tight budgets over the next few years.

He said lawmakers may need to adjust Jessica's Law, a sweeping bill that had a lot of parts — "and I'm not sure a lot of those elements were thought out very well."

Rep. Tim Owens, an Overland Park Republican, said he wanted to get tougher on people convicted multiple times for drunken driving. But the bill he has proposed would result, if enacted, in an increase of 4,000 prison inmates over the next 10 years.

"One side of the coin asks, 'Do we to go that route, because it costs so much?' " he said.

Already, an interim legislative committee wants to make it unlawful for a registered sex offender to frequent places where children congregate, such as parks or day-care centers.

Violators could be returned to prison, which could add even more inmates to the current projection.

---

To reach Jim Sullinger, call (816) 234-7701 or send e-mail to [jsullinger@kcstar.com](mailto:jsullinger@kcstar.com).