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House Committee on Corrections and Juvenile Justice HB2517

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Chairman Colloton, and members of the Committee, thank you for allowing us to speak today and submit this testimony in support of House Bill 2517.

On July 3, 2008, we received news that is every parent's worst nightmare. Our 25-year old daughter Jana Mackey, a KU law student, had been killed by her ex-boyfriend in Lawrence.

As her parents, we are committed to continuing Jana's work of protecting women. Jana was well known throughout Kansas for her advocacy for women. As a young adult, Jana served as a sexual assault and domestic violence advocate and was one of the youngest lobbyists at the Kansas State Capitol working on issues important to Kansas women.

Last March, we stood in front of you and other members of the Kansas House of Representatives to accept a certificate in honor of Jana. In addition, Governor Sebelius proclaimed March 8th, 2009, as "Jana Mackey Day in Kansas."

In honor of Jana, we are now leading a small committed group of advocates who have created "Jana's Campaign to Stop Domestic Violence." Our purpose is to encourage and promote a public policy response to domestic violence. We believe it is our responsibility to use the story of Jana's life, and the story of Jana's death, to help reduce violence against women. It is our deep desire to turn this tragedy into something positive. The goal of Jana's Campaign is to support legislation and other government action that promotes safety and justice for victims of domestic violence.

The actions of government bodies – their laws, practices, regulatory measures, and funding priorities – profoundly affect how women and their families experience life and freedom from domestic violence.

We stand here today and ask you to support House Bill 2517, "The Domestic Violence Bill." If adopted, this new law would ensure that the criminal justice system document crimes associated with domestic violence and track repeat offenders. Originally recommended by the Governor's Domestic Violence Fatality Review Board, and revised by the Judicial Council, this bill is one of the most comprehensive pieces of domestic violence legislation ever proposed in Kansas.

This legislation requires a domestic violence designation be placed on the criminal case. Having the domestic violence designation is especially important as offenders often repeat their crimes against victims. Therefore, this legislation encourages sanctions be put in place before violence escalates. This bill also requires the courts to order an assessment of the domestic violence offender and recommend interventions and treatments of the offender. Again, the hope is to reduce and eliminate repeat offenses and end the cycle of violence.

As we look and study HB2517, we have two recommendations on how this legislation could be better.

- First, we agree with the Governor's Domestic Violence Fatality Review Board that the best process for tracking all criminal cases involving domestic violence is to require each case that is filed to be labeled with a DV designation.
- We again agree with the Governor's Domestic Violence Fatality Review Board and recommend that an amendment be added to the bill that addresses issues of diversion in domestic violence cases. We strongly believe that to reduce repeat offenders, evaluation and treatment programs must be encouraged at all levels.

In the United States, domestic violence is one of the leading causes of injury to women. Data from the U.S. Department of Justice says that on the average, three women are killed every day by their current or former partners. In a recent report by the Docking Institute, over 100,000 Kansas women become victims of domestic violence each year. On average, 20 Kansas women are killed by their current or former partners each year. In 2009 however, 34 adults and 14 children have died in Kansas as a direct result of domestic violence.

While we recognize that HB2517 alone will not stop domestic violence, we do believe that it is an important step in the right direction. Would this bill have prevented Jana's death? Of course we cannot answer this question. We do know however, that Jana's killer had a previous record of violence with a previous girlfriend and that his record was not known by many both inside and outside the justice system.

Let me take a moment and try to clarify our perspective on the changes, recommendations, and suggested amendments to this bill mentioned in earlier testimony. This discussion is about how to make HB2517 better. Over the past year we have discussed this bill with many of the players in attendance today. What we have found is some consistencies and some differences of opinion on "how this bill can be improved". What we have learned, however, is that even without a single change to the current HB2517, this bill is a big step in the right direction. It will make a difference in addressing repeated abuse.

Finally, let me conclude my portion of this testimony by talking about something that has rarely been mentioned about this bill. What I'm talking about is the symbolic nature of this action. By acting on this legislation, you will be sending a strong message throughout Kansas that domestic violence is unacceptable. When Lyndon Johnson signed the 1964 Civil Rights Act and the 1965 Voting Rights Act, he ended institutional acceptance of racism. However, these historical

measures also began the process of establishing new norms, attitudes and behaviors throughout the South and the rest of the country.

This past year, the Oklahoma legislature passed a new domestic violence law unanimously; making a first offense of domestic abuse a felony. Republican Senator Jonathan Nichols (the sponsor of the bill) believes equally in the importance of the message this legislation sends to all of Oklahoma. I ask you not to underestimate the symbolic power of this action. Christie and I ask that your voices be heard throughout the halls of this great historical building. We ask you that your voices sing throughout every city and rural community in this state...that domestic violence is unacceptable.

My name is Christie Brungardt. I am Jana Mackey's mom. Jana became a domestic violence fatality statistic on July 3, 2008. Seven months later on February 16, 2009, Curt and I attended the hearing on this bill. We understood that last year's version of the bill had many ideas that all parties agreed on, yet a few parts where consensus could not be reached. No further action was taken.

Since that day, more adults have died in Kansas as a result of domestic violence than in any single year since 1994. My message to you today is very simple. The cost of doing nothing on this bill, is FAR too high in human tragedy.

Over the past year and a half, Curt and I have worked tirelessly to learn more about the issues of domestic violence in the state of Kansas. The most important lesson we have learned is this: the status quo is unacceptable.

Continuing to do the same things over and over yet getting a similar or increasingly worse result, is just not acceptable for someone who was born and raised in this state and believes we are better than these statistics suggest. Far too many women are still being battered, children are still witnessing this, and many people are dying.

The state of Kansas needs to take a stronger stand on the issue of domestic violence. We need to catch these offenders earlier, we need to assess them earlier and we need to get them into treatment earlier – before the violence escalates.

Curt and I both teach at a state university. We are certainly familiar with the issues you are dealing with in terms of the state budget. Yet I am asking you today to remember what we have all learned throughout our lives – money is not everything. Jana did the hard part. Now it is our turn to do our part. Please act on this bill. Families – just like mine – are depending on it.
