



## COLBY FREE PRESS

12 pages

## Crime highlights new laws in 2007

By Jan Katz Ackerman  
Colby Free Press

Of the nearly 1,350 state statutes amended or created during the 2006 legislative session, 241 of them go into effect Jan. 1.

Law enforcement, at the local and state level, has closely watched changes in three specific areas of state law. Those three areas are the right to carry a concealed weapon, the collection of DNA samples of people arrested for the more serious person and drug crimes, and the juvenile justice code.

According to Thomas County Undersheriff Jason Moses, about 20 people have applied for a concealed weapon permit. In Logan and Sheridan counties the numbers are fewer, with 10 and four applications respectively.

Each permit costs \$150, of which \$40 remains at the county for processing the application. Kyle Smith, deputy director of the Kansas Bureau of Investigation, said the attorney general's office will issue four-year permits Jan. 1 for those who passed the application process.

While applicants have to be fingerprinted and submit to a background check, Smith said a person's driver's license will reflect whether he has been approved to carry a concealed weapon.

Collection of DNA samples has in the past only been done on people convicted of serious crimes. Anyone arrested for person felonies such as murder, rape or battery, or some drug felonies such as manufacture or possession of drugs with the intent to sell, will have a sample of their DNA taken.

Logan County Sheriff Pat Parsons said this new law would not have a great effect on his office.

"I can't see where my office will be too bogged down," Parsons said. "But it will take a little extra time and mean more responsibility in getting the samples sent off."

Samples will be sent to Kansas Bureau of Investigation labs, with costs being handled by that agency.

"The legislature provided \$467,000 to the KBI to implement the first phase of HB 2554, which

includes the training costs, supplies, new instruments, two new scientists and some remodeling costs to expand the DNA databank space at KBI headquarters," Smith said.

Smith said while he is confident with the state's new DNA law, he realizes it could be challenged.

"In today's world," he said, "it would be a surprise if there wasn't a challenge the DNA at arrest provisions that were passed (in 2006)." He said while the bill was seriously debated, the law "seems to be on solid constitutional ground."

The same bill which created the new DNA law, also bans the removal of driving while intoxicated convictions, which was part of an older law.

What started out as SB 261 ended as one of the largest packages of statutes, all 87 of them, and pertains to the juvenile justice code. Smith said Section 13 of this law creates a major risk

"Section 13 is considered a very unlucky number for public safety in Kansas and trying to get it repealed as soon as possible, will be a very high priority for the law enforcement community," Smith said.

Currently, any juvenile arrested is fingerprinted. According to Section 13 of the rewritten code, that stops Jan. 1.

Since the criminal justice system is based on fingerprints, arrest records of juveniles will essentially be lost after Jan. 1. Since juveniles, due to their age, may not have driver's licenses or other valid identification on them when arrested, not having the option of fingerprinting them limits connecting crimes to the individual.

Without fingerprints, juveniles who intentionally change their identity, such as gang members, will create dangers to society and law enforcement officers.

"To give a couple of examples," Smith said, "a judge at sentencing might not know that a certain juvenile has two prior arrests for rape and, maybe more frightening, the officer on the street running a record check on a juvenile will not be able to find out about prior concealed weapons arrests or aggravated battery on a law enforcement officer."

## Vetoed

### County returns voting machines because of election errors

By Tisha Cox  
Colby Free Press

Voting machines used in Thomas County during the Nov. 7 general election are being returned. The county commissioners discussed the equipment during their meeting Thursday.

County Clerk Shelly Harms said the machines will be sent back to Voting Technologies International of Milwaukee, Wis., the company it came from. She explained Kansas Secretary of State Ron Thornburgh decided the company did not meet its contractual obligations and the equipment is going back.

Problems with the vote count on election night and technical support issues, along with the company didn't complete its federal certification, are just two of the obligations that failed.

Seven counties, including Thomas County, received voting machines from Voting Technologies.

Harms said Thornburgh ordered the counties to not pay anything for the equipment.

"We haven't paid anything on it," she said.

The machines cost about \$70,000.

The county has \$24,000 reserved for voting equipment. The state's share for Thomas County equipment is \$44,000.

The county will start over looking for new voting equipment.

Harms is already looking at other companies' products. She has until Jan. 5 to make a decision.

Harms said Voting Technologies International has threatened to sue the state, but Thornburgh is standing behind his decision.

Voting machines were used at



TISHA COX/Colby Free Press

Voters waited in line during the Nov. 7 general election at the Colby Community Building. The voting machines used in the election are being sent back to the company they were purchased from.

the August primary and in the general election. Harms said there were no problems during the election itself, but when it came time to tally the votes, scanner problems delayed results.

In other business, the proposed county takeover of a state highway in Brewster was discussed. The county has talked with the Kansas Department of Transportation of maintaining Kansas Highway 184 from Interstate 70 to Brewster, about a mile long.

For taking responsibility for the

road, the state would give the county 38,000 tons of road surface materials.

However, Brewster residents are upset about the problems it might cause. Chairman Ron Evans said Brewster residents have two major concerns — signage and snow removal.

"We need to think about this," he said. "I don't think it's worth upsetting the community of Brewster."

Evans said people in the community are afraid they will lose traffic into the town, or snow removal

won't happen quickly if the road becomes a county responsibility.

Commissioner Ken Christiansen said the county should consider buying millings or looking at another trade instead.

He also wanted to assure people the trade is only a discussion topic. Nothing has been approved. And if the trade does happen, it will then take time to work out the details.

• The board also appointed Tom Chain to the fair board.

## Outgoing county commissioner grateful for residents

By John Van Nostrand  
Colby Free Press Publisher

Thomas County government is a long ways from what happens in Washington D.C. according to outgoing Thomas County Commissioner Ron Evans.

And he is fine with that.

Evans will leave next month after 12 years serving as commissioner. He will be replaced by Byron Sowers who won the August primary election and ran unopposed in November.

"It's been a great 12 years," Evans said, "and being chairman for six of those years, it was rewarding, but this is probably not for everyone."

During his terms, Evans said there were critical things said during some meetings not intended for public knowledge. Although he knew people and the media at those meetings had the right to tell others what was said, he is appreciative those people understood and respected the situation.

"The Free Press could have reported those things. They and others knew some of those items discussed during the meetings. You couldn't do that in Washington D.C.," Evans said.

Evans, 63, said he is aware of the pressure and criticism county commissioners can receive from determining property tax rates, policy

and purchases. But Evans said it is the people of the county that count.

"The people are what make this county, not the commissioners," he said.

Evans said he is grateful for the Thomas County residents who have stayed, or decided to move here, at a time when western Kansas is losing population. Compared to 16 other northwest Kansas counties, Thomas County's population has not had as a sharp decline.

Evans credits Thomas County's stability and growth today from the development in the 1960s. The 1960s brought crop irrigation systems, Colby Community College and Interstate 70.

During Evans' terms the commissioners developed more for the county. Evans said he is proud of his involvement with the acquisition and creation of the Thomas County Office Complex on Range Avenue. The building used to be a nursing home, but was acquired by the county to hold a variety of offices and services.

"It may not have been ideal, but it works," he said.

Evans said the development of the recycling center and how that has complemented the landfill has been a plus. He said the recycling center has become more of a regional facility. At the same time, the recycling center has preserved space at the Thomas County land-



Thomas County Commissioner Ron Evans, left, listened to comments during a commissioner meeting. Commissioner Paul Steele is at right. After being a commissioner for 12 years, Evans will not return. Byron Sowers, who won the August primary election and ran unopposed in November, will take Evans' place starting next month.

fill.

In addition to recycling, the county has created a household hazardous waste facility. People with unwanted household cleaning sup-

plies, paint and other chemicals can leave those items to be properly disposed.

"I give some of the credit to Larry Jumper with that," he said.

Jumper is the landfill supervisor, and one of about 55 full-time employees the county has.

"Sometimes, they don't get their due," he said.

Evans' fellow commissioners during his terms included Glen Kersenbrock, Duane Dawes and current commissioners Ken Christiansen and Paul Steele.

"We thought a lot about things," Evans said. "We didn't fight about it either. We thought we were fair, honest and used common sense."

Kersenbrock agreed with Evans' analysis when they served together.

"Ron is great person to work with. He is very well educated," Kersenbrock said.

Kersenbrock said patience was key when working with Evans and Dawes.

"We always looked at things together. We never tried to hurry anything. It worked well for us. That's how we ran it for 10 years."

An Emporia native, Evans graduated from Colby High in 1961 and graduated from the University of Kansas in 1965. Evans served in Vietnam during his 20 years with the United States Air Force. He retired in 1986. Evans works real estate and raises cattle.

Evans said he will miss being a commissioner and will still pay attention to Thomas County government after he leaves. He said he will also remember the difference between local government and higher levels.

"You can hide in Topeka, but you can't hide in Colby. People know who you are."