

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson John Barker at 3:30 pm on Wednesday, February 03, 2016, 112-N of the Capitol.

All members were present except:

Representative Jan Pauls – Excused
Representative Jim Ward – Excused

Committee staff present:

Robert Gallimore, Legislative Research Department
Jason Thompson, Office of Revisor of Statutes
Jenna Seematter, Office of Revisor of Statutes
Lauren Douglass, Legislative Research Department
Connie Bahner, Kansas Legislative Committee Assistant

Conferees appearing before the Committee:

Representative Brett Hildabrand
Clay Barker, Kansas Republican Party
Dennis Bixby, Leavenworth County Commissioner
Kris Kobach, Secretary of State
John Anderson
Michael Sharma Crawford, Kansas Bar Association
Frank Denning, Johnson County Sheriff
Jeff Easter, Sedgwick County Sheriff
Eric Smith, League of Kansas Municipalities
Nathan Eberline, Kansas Association of Counties
Dr. Micah Kubic, ACLU Kansas
Laurie Anderson, Immigrant Justice Advocacy Movement for National Sanctuary Movement
Sister Therese Bangert, Sisters of Charity of Leavenworth
Catalina Verlarde, American Immigration Lawyers Association
Michelle Cuevas Stubblefield, Kansas League of United Latin American Citizens
Barbara Johnston, Unitarian Fellowship of Lawrence

Others in attendance:

[See Attached List](#)

Chairperson Barker announced that **SB18** is on the agenda tomorrow. There is a proposed substitute from the Judicial Council having to do with audio and video recordings from police departments that use body cameras. He asked the Committee members to take that home with them and review it prior to the meeting tomorrow.

Bill introductions

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CONTINUATION SHEET

MINUTES of the Committee on Judiciary at 3:30 pm on Wednesday, February 03, 2016 in Room 112-N of the Capitol.

Chairperson Barker asked if there were any bill introductions. There were none.

Informational briefing:

Natalie Chalmers, Assistant Solicitor General with the Attorney General's Office, was recognized by Chairperson Barker to give the Committee a briefing on the recent United States Supreme Court decision overturning the Kansas Supreme Court in Kansas v. Carr. She was on the team that briefed the Carr case before the United States Supreme Court ([Attachment 24](#)).

Representative John Carmichael asked what would have happened if there had not been an appeal to the United States Supreme Court. Ms. Chalmers stated that they reversed the death penalty, which gave the State the option of again seeking to reinstate the death penalty. She agreed with Representative Carmichael that the Attorney General still had the right and option under the Kansas Supreme Court decision to take these people back for re-sentencing and possible re-imposition of the death penalty.

In response to questions from Representative Mark Kahrs, Ms. Chalmers stated that the United States Supreme Court decision was an 8-1 decision. The Kansas Supreme Court has been reversed in five death penalty cases. The Cheever case was decided 9-0, the decision in Carr for these defendants was 8-1, and the Marsh decision was 5-4. Every death penalty case in Kansas that has gone up before the United States Supreme Court has been reversed.

Chairperson Barker asked how long it took from the time of sentencing to the time of the Kansas Supreme Court decision. Mr. Kris Ailslieger from the Attorney General's Office stated that it was around fourteen years. Each time one of these cases went before the United States Supreme Court, all the other cases were put on hold, which is why there was such a long delay.

Chairperson Barker then recognized Amy James, a friend of the victims of the Carr brothers, who testified before the Committee ([Attachment 1](#)). Representative Mark Kahrs commented that he appreciated Ms. James' testimony, and he agreed with her sentiments that the Kansas Supreme Court cannot seem to get things right on capital crimes. Chairperson Barker also thanked Ms. James for appearing before the Committee and testifying.

Chairperson Barker closed the informational briefing.

Chairperson Barker advised the Committee that a hearing is scheduled today on **HB2466**. Yesterday, the Judiciary Committee was also assigned **HB2587**, which is a similar bill to **HB2466**. He felt it would be helpful to have an informational hearing on **HB2587** in conjunction with **HB2466**. If additional information needs to be provided on **HB2587**, he will allow it to be provided later.

Hearing on: HB2466 — Prohibiting the adoption of sanctuary ordinances and resolutions by municipalities.

Chairperson Barker opened the hearing on **HB2466**. He stated that because of the number of conferees, each conferee would be limited to four minutes to speak to the Committee.

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Chairperson Barker recognized Representative Brett Hildabrand as a proponent ([Attachment 2](#)). He stated that he prefers **HB2587** over **HB2466**, but supports both bills.

Clay Barker, on behalf of the Kansas Republican Party, provided testimony as a proponent of **HB2466** ([Attachment 3](#)).

Chairperson Barker recognized Dennis Bixby, Leavenworth County Commissioner, to testify as a proponent on the bill ([Attachment 4](#)).

Kris Kobach, Secretary of State, testified on both **HB2466** and **HB2587**, but stated that **HB2466** doesn't go far enough to do a substantial amount of good so he strongly urges the Committee to support **HB2587** ([Attachment 5](#)). Questions were asked by Representatives John Rubin, John Carmichael, Mark Kahrs, Charles Macheers, and John Whitmer.

Eric Smith, League of Kansas Municipalities, testified as an opponent to **HB2466** ([Attachment 6](#)).

Nathan Eberline, Kansas Association of Counties, was recognized by the Chairman as an opponent ([Attachment 7](#)).

Chairperson Barker recognized Dr. Micah Kubic, ACLU Kansas, as an opponent to the bill ([Attachment 8](#)).

Laurie Anderson, Immigrant Justice Advocacy Movement for National Sanctuary Movement, testified as an opponent to **HB2466** ([Attachment 9](#)).

Vice Chairperson Charles Macheers called upon Sister Therese Bangert, Sisters of Charity of Leavenworth, as an opponent to the bill ([Attachment 10](#)).

Catalina Velarde, American Immigration Lawyers Association, testified as an opponent of **HB2466** ([Attachment 11](#)).

Michelle Cuevas Stubblefield, Kansas League of United Latin American Citizens, testified as an opponent of the bill ([Attachment 12](#)).

Barbara Johnston, Unitarian Fellowship of Lawrence, was recognized by Chairperson Barker as an opponent of **HB2466** ([Attachment 13](#)).

Chairperson Barker directed the Committee's attention to the written opponent testimony of Representative John Alcala ([Attachment 14](#)); Rabbi Moti Rieber, Kansas Interfaith Action ([Attachment 15](#)); Lalo Munoz ([Attachment 16](#)); Benet Magnuson, Kansas Appleseed Center for Law and Justice ([Attachment 17](#)); and Claudia Yaujar Amaro ([Attachment 18](#)).

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Chairperson Barker recognized Jeff Easter, Sedgwick County Sheriff, who provided neutral testimony on **HB2466** ([Attachment 19](#)).

Frank Denning, Johnson County Sheriff, also provided neutral testimony on the bill ([Attachment 20](#)).

Michael Sharma Crawford, Kansas Bar Association, testified as a neutral on **HB2466** ([Attachment 21](#)).

Chairperson Barker noted that written neutral testimony was also provided by the Kansas Business Coalition ([Attachment 22](#)).

Chairperson Barker then allowed John Anderson to testify as a proponent of **HB2466** ([Attachment 23](#)).

Chairperson Barker then allowed questions to be asked by the Committee to any of the conferees. Representatives Steve Becker and John Whitmer had questions of Nathan Eberline. Representatives Mark Kahrs and Kyle Hoffman had questions of Secretary Kris Kobach. Representative John Rubin had questions of Secretary Kobach and Laurie Anderson.

Representative Blaine Finch requested that the Chairman allow additional written testimony to be submitted on **HB2466** and **HB2587** due to the short notice that was given on the informational hearing on **HB2587**. Chairperson Barker said that he would give people until Friday, February 5, 2016, for additional written testimony to be submitted.

The hearing on **HB2466** was closed by Chairperson Barker.

Informational hearing: HB2587 — Prohibiting adoption of sanctuary policies by municipalities.

The testimony of Secretary of State Kris Kobach on **HB2587** is included in his testimony on **HB2466** contained in Attachment 5 to these minutes.

Chairperson Barker closed the informational hearing on **HB2587**.

There being no further business, Chairperson Barker adjourned the meeting at 5:19 p.m.