

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson John Barker at 3:30 pm on Monday, February 08, 2016, 112-N of the Capitol.

All members were present except:

- Representative Jan Pauls – Excused
- Representative Kyle Hoffman – Excused
- Representative John Rubin – Excused
- Representative Mark Kahrs – Excused
- Representative Steve Alford – 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 Sydney Carlin
- Stephanie Bowman, Kansas Coalition Against Sexual and Domestic Violence

Others in attendance:

[See Attached List](#)

Bill introductions

Chairperson Barker called for bill introductions. Representative Erin Davis introduced a bill relating to the jurisdiction of the KU Medical Center's police. Seeing no objections, the Chairperson accepted the bill.

Representative Blaine Finch stated he introduced three bills, the last two of which, concerning fee sweeps and notifications of fee sweeps, went together. After consulting with the Revisor, he thinks those two bills should be combined into one. He wants to withdraw that final bill introduction. Chairperson Barker accepted the withdrawal after confirming that the Revisor had no problem with the withdrawal and that there was no objection from the Committee.

Vice-Chairperson Charles Macheers introduced a bill relating to district judge vacancies. Without objection, Chairperson Barker accepted the bill.

Representative John Carmichael introduced a bill relating to mandatory proof of financial responsibility under the Kansas motor vehicle reparations act dealing with bodily injury limits and property damage. Seeing no objection, the bill was accepted.

CONTINUATION SHEET

MINUTES of the Committee on Judiciary at 3:30 pm on Monday, February 08, 2016 in Room 112-N of the Capitol.

Chairperson Barker advised the Committee that two bills will be taken up today that are similar in nature -- **HB2062** and **HB2080**. Jason Thompson, Revisor, will give a briefing on **HB2062**, and then a hearing will be held on **HB2080**.

Briefing by staff on: HB2062 — Relating to blackmail and breach of privacy.

Jason Thompson, Revisor, stated that **HB2062** was heard last session. It deals with blackmail and breach of privacy. It creates a cause of action for blackmail if the other elements of the blackmail statute are met. A new subsection (8) has been added to the breach of privacy section, and the severity level for that is a level 5 person felony.

Hearing on: HB2080 — Including unlawful dissemination of consensually taken images in blackmail and breach of privacy.

Chairperson Barker opened the hearing on **HB2080**. Jason Thompson, Revisor, provided an overview of the bill. It is very similar to **HB2062**.

Chairperson Barker called upon Representative Sydney Carlin as a proponent of **HB2080** ([Attachment 1](#)).

Stephanie Bowman, of the Kansas Coalition Against Sexual and Domestic Violence, also testified as a proponent ([Attachment 2](#)). Representative Dennis Highberger asked whether there is an exception for newsworthy content.

Chairperson Barker recognized Representative Stephanie Clayton, who responded to Representative Highberger's question by stating there is a balloon amendment addressing that issue. Representative Clayton has provided written testimony ([Attachment 3](#)).

Chairperson Barker advised the Committee that there was written testimony from Micah Kubic of the ACLU ([Attachment 4](#)).

Chairperson Barker advised the Committee that Representatives Sydney Carlin and Stephanie Clayton have worked out some amendments to **HB2062** and **HB2080**, and those will be provided to the Committee when the bills are worked. That could happen on Thursday.

Chairperson Barker closed the hearing on **HB2080** and the staff briefing on **HB2062**.

Possible action on bills previously heard

Substitute SB18 - An act concerning law enforcement, relating to audio and video recordings; confidential and exempt from open records act.

Chairperson Barker asked the Committee to find their folders on **Substitute for SB18**. He asked what the Committee's pleasure was in connection with this bill.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

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Representative Jim Ward moved that the Committee recommend **Substitute SB18** favorably for passage, seconded by Representative Erin Davis.

Representative Jim Ward moved that the Committee amend **Substitute SB18** by adopting the proposed **House Substitute for Substitute for SB18**, seconded by Representative Blaine Finch.

Representative Ward stated that the proposed House Substitute ([Attachment 5](#)) was recommended by the Judicial Council. It makes the video and audio recordings part of the Kansas Open Records Act along with other police investigative reports

Chairperson Barker reminded the Committee that there were a number of proponents, but no opponents to this bill.

After calling for discussion and there was none, Chairperson Barker called for a vote. The amendment to **Substitute for SB18** was adopted.

Representative Jim Ward moved to pass **House Substitute for Substitute for SB18** favorably, seconded by Vice-Chairperson Charles Macheers. A vote was taken, and **House Substitute for Substitute SB18** was favorably passed.

Chairperson Barker asked the Committee to go on-line and pull up the **Senate Substitute for HB2124**. The Committee worked this bill last year and passed it out. Unfortunately, in conference committee it was stripped out. It was a banker's bill concerning the Uniform Commercial Code. There was no opposition to it. He needs to find a shell to put that language into. He will take this up on Thursday, February 11, 2016.

There being no further business, Chairperson Barker adjourned the meeting at 4:00 p.m.