

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson John Barker at 3:30 pm on Thursday, March 17, 2016, 112-N of the Capitol.

All members were present except:

Representative Becky Hutchins – Excused
Representative Annie Kuether – Excused
Representative Willie Dove, appointed substitute member to the committee

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:

Ed Klumpp, Kansas Association of Police Officers, Kansas Sheriffs Association and Kansas Peace Officers Association
Michelle Feldman, the Innocence Project

Others in attendance:

[See Attached List](#)

Hearing on: SB428 — Substitute for SB 428 by Committee on Judiciary - Relating to eyewitness identification.

Chairperson Barker opened the hearing on **Sub for SB428**.

Chairperson Barker recognized Ed Klumpp, who testified as a proponent on behalf of the Kansas Association of Chiefs of Police, Kansas Sheriffs Association, and the Kansas Peace Officers Association ([Attachment 1](#)). Jason Thompson, Revisor, stated that he thinks the new language in the bill should be in Section 1(d) instead of (c) where it is, and wanted to know if Mr. Klumpp agreed. Mr. Klumpp agreed that it should be moved.

Jason Thompson, Revisor, provided an overview of **Sub for SB428**. Representative John Rubin had a question.

Michelle Feldman of the Innocence Project testified in place of Senator David Haley as a proponent of **Sub for SB428** ([Attachment 2](#)).

Chairperson Barker noted that there was written proponent testimony from Jennifer Roth of the Kansas Association of Criminal Defense Lawyers ([Attachment 3](#)).

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Chairperson Barker closed the hearing on **Sub for SB428**.

Possible action on bills previously heard
SB58 - Kansas Judicial Review Act.

Chairperson Barker asked the Committee to open their folders on **SB58**. This is a shell, and he is proposing inserting the contents of **HB2550** which also included **HB2555**.

*Representative James Todd moved to recommend **SB58** favorably for passage, seconded by Representative Blaine Finch.*

*Representative James Todd moved to strip the contents of **SB58** and replace them with the contents of **HB2550**, as reflected in the Proposed House Substitute for SB58 ([Attachment 4](#)) and making this a House Substitute for SB58, seconded by Representative Blaine Finch.*

Discussion ensued between Representative Jim Ward and Chairperson Barker.

Representative Todd closed on his motion. A vote was taken and the amendment was adopted.

*Representative Todd moved to report **House Substitute for SB58** favorably for passage, seconded by Representative John Whitmer. A vote was taken, and **House Substitute for SB58** was passed.*

SB362 - Adding electronically stored information to the criminal justice information system; amending the rules of civil procedure concerning official records and authentication.

At the Chairman's request, Jason Thompson, Revisor, gave an overview of the bill.

*Representative Janice Pauls moved to recommend **SB362** favorably for passage, seconded by Representative John Whitmer. There was no discussion. A vote was taken, and **SB362** was favorably passed.*

SB407 -- Reviving statute concerning conditional release of person civilly committed under the sexually violent predator act.

Jason Thompson, Revisor, gave an overview of **SB407**.

*Representative Blaine Finch moved to report **SB407** favorably for passage, seconded by Representative Randy Powell.*

Representative Blaine Finch stated he has an amendment to **SB407** ([Attachment 5](#)), which Jason Thompson explained to the Committee.

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Representative Blaine Finch moved to amend **SB407**, seconded by Representative Randy Powell.

Discussion ensued between Representatives Mark Kahrs, Steve Alford, and John Carmichael.

Representative Finch closed on the amendment, a vote was taken, and the amendment to **SB407** was adopted.

Representative Blaine Finch moved to report **SB407, as amended**, favorably for passage, seconded by Representative Randy Powell. **SB407, as amended**, was favorably passed.

SB22 - Municipal court; notice of expungement of certain records and notice of disposition of appeals.

Jason Thompson, Revisor, gave an overview of **SB22**.

Representative Janice Pauls moved to report **SB22** favorably for passage, seconded by Representative John Whitmer.

Representative Janice Pauls moved to amend **SB22** by adding the contents of **HB2553 (Attachment 6)**, seconded by Representative John Whitmer.

There was discussion between Chairperson Barker and Representatives John Whitmer, Blaine Finch, and Jason Thompson, Revisor.

The amendment to **SB22** was adopted.

Representative Janice Pauls moved to recommend **SB22, as amended**, favorably for passage, seconded by Representative John Whitmer. A vote was taken, and **SB22, as amended**, was favorably passed.

HB2713 - Amending the Kansas general corporation code and the business entity standard treatment act.

Representative John Carmichael moved to report **HB2713** favorably for passage, seconded by Representative Mark Kahrs.

Representative Carmichael stated that he has a technical amendment ([Attachment 7](#)). Jason Thompson, Revisor, explained the amendment.

Representative John Carmichael moved to amend **HB2713** as set out in the balloon amendment, seconded by Representative Blaine Finch.

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Representative John Carmichael and Representative Macheers had comments in favor of passing **HB2713**.

*Representative Carmichael closed on the amendment. The amendment to **HB2713** was adopted.*

*Representative John Carmichael moved to report **HB2713, as amended**, favorably for passage, seconded by Representative James Todd. A vote was taken, and **HB2713, as amended**, was favorably passed.*

HB2587 - Prohibiting adoption of sanctuary policies by municipalities.

Jason Thompson, Revisor, gave an overview of **HB2587**.

*Representative Mark Kahrs moved to report **HB2587** favorably for passage, seconded by Representative John Whitmer.*

Chairperson Barker stated that he has an amendment to **HB2587** ([Attachment 8](#)). Jason Thompson, Revisor, gave an overview of the amendment. Representative John Carmichael had a question.

*Chairperson John Barker moved to amend **HB2587** as stated in the balloon amendment, seconded by Representative Erin Davis.*

Discussion ensued between Representatives Randy Powell and John Whitmer, Chairperson Barker, and Jason Thompson, Revisor.

*Representative John Whitmer moved to divide the amendment to **HB2587**, seconded by Representative Craig McPherson.*

Representative John Rubin stated that the amendment proposed on page one is important. He opposes dividing the amendment. Representative Erin Davis concurs with Representative Rubin and opposes dividing the amendment. Further discussion ensued with Representatives James Todd, Charles Macheers, Blaine Finch, Mark Kahrs, Leslie Osterman, and Chairperson Barker.

*Representative John Whitmer closed on the motion to divide the amendment. A vote was taken, and the Chair was in doubt. A show of hands was taken, and there were ten votes in favor and nine votes against. Chairperson Barker voted no, making the vote ten to ten. The motion to divide the amendment to **HB2587** failed.*

There was further discussion on the amendment to **HB2587** by Representatives John Rubin, Blaine Finch, Randy Powell, John Whitmer, James Todd, John Carmichael, and Charles Macheers. Lauren Douglass, Researcher, advised the Committee of the research she performed on **HB2466**. That research was focused on ordinances.

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Representative Mark Kahrs encouraged the Committee to vote down the amendment to **HB2587**.

*Chairperson Barker closed on the amendment to **HB2587**. A vote was taken, and the Chair was in doubt. A show of hands showed there were eleven ayes and nine nos. The amendment **HB2587** passed.*

Representative John Whitmer voted against the amendment and Representative John Rubin voted in favor of the amendment.

*Representative Craig McPherson moved to amend **HB2587** by restoring the original language that was stricken by the amendment in subsection (a)(4), seconded by Representative John Whitmer.*

Representatives John Rubin and John Carmichael oppose the amendment.

*A vote was taken, and the Chair was in doubt. A show of hands showed eleven ayes and nine nos. The amendment to **HB2587** passed.*

*Representative Mark Kahrs moved to report **HB2587, as amended**, favorably for passage, seconded by Representative Craig McPherson.*

Discussion ensued between Representatives Dennis Highberger, John Rubin, John Carmichael, Charles Macheers, John Whitmer, and James Todd and Jason Thompson, Revisor.

*Representative Mark Kahrs closed on his motion. A vote was taken, and the Chair stated the ayes had it. Division was called by Representative John Carmichael. A show of hands showed there were thirteen ayes and seven nos. **HB2587, as amended**, passed.*

The following representatives voted no: John Carmichael, Dennis Highberger, Pam Curtis, and John Rubin.

SB428 - Substitute for SB428 by Committee on Judiciary - Relating to eyewitness identification.

Chairperson Barker asked the Committee if they had any objection to working **Sub for SB428**, which was heard earlier today. There was no objection.

*Representative Janice Pauls moved to recommend **Sub for SB428** favorably for passage, seconded by Representative John Carmichael.*

*Representative John Carmichael moved to amend **Sub for SB428** by moving the new language in subsection (c) down to subsection (d), seconded by Representative Janice Pauls. A vote was taken, and the amendment was adopted.*

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Representative Janice Pauls moved to report **Sub for SB428, as amended**, favorably for passage, seconded by Representative John Carmichael. A vote was taken, and **Sub for SB428, as amended**, was favorably passed.

Representative Steve Becker asked to change his vote on **HB2587** to a no vote. He was under the impression he was voting on the second part of the divided amendment and did not realize the vote was on the bill. Chairperson Barker stated that the Committee must unanimously agree to allow him to change his vote. The Committee agreed that he could do that. Representative Becker asked to have his no vote recorded. **HB2587, as amended**, was favorably passed on a vote of twelve in favor and eight opposed.

Chairperson Barker thanked the staff for all the work they had done.

The meeting was adjourned at 5:30 p.m.