

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson Jeff King at 10:45am on Monday, March 14, 2016, 346-S of the Capitol.

All members were present

Committee staff present:

Robert Gallimore, Legislative Research Department
Jason Thompson, Office of Revisor of Statutes
Natalie Scott, Office of Revisor of Statutes
Lauren Douglass, Legislative Research Department
Natalie Nelson, Legislative Research Department
Suzanne Nelson, Kansas Legislative Committee Assistant

Conferees appearing before the Committee:

Eldon Dillingham, Private Citizen, Wamego, KS;
Kansas Assistant Attorney General Lee Davidson;
Shawn Minihan on behalf of the Kansas County and District Attorney Association;
Richard Johnson, Chief of Police, University of Kansas Medical Center, Kansas City, MO;
Ed Klumpp, Legislative Liaison, Kansas Associations for Chiefs of Police, Sheriffs, and Peace Officers;

Others in attendance:

[See Attached List](#)

Hearing on: SB481 — Amending restrictions on the location of facilities for transitional or conditional release under the Kansas sexually violent predator act.

Chair King called the meeting to order. He made announcements regarding today's agenda, then turned the committee's attention to **SB481** and opened the hearing.

Jason Thompson gave an overview of the bill and stood for questions. There were none.

Eldon Dillingham presented testimony supporting the bill. He related that he has been involved as an advocate for many years and is a member of KDADS Secretary Keck's Family Advisory Group. The group, with now about 60 members, consists of professional people, psychologists, educators, family members, and friends and meets three times a year with the superintendent and program treatment staff of the hospital at Larned.

Mr. Dillingham explained the amendment in **SB481** seeks to change the 2000 feet residency requirement. He related that there are four or five individuals who are ready to be moved into conditional placement, but can not locate housing under the current residency requirements. The staff

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and members of the advisory committee have exhausted resources including looking in southeast Kansas, the Wichita area and west, Hays, local realtors, Craig's List, newspaper articles, and investment property management groups and individuals. To date, they have not been able to locate one property where these four or five individuals could live under the present requirements. He further explained that the 2000 feet requirement is the only thing keeping these individuals from moving into the final phase of their treatment program. Mr. Dillingham noted that in Kansas, 311 feet is typical of one residential block and suggested an amendment to 300 feet is reasonable. He urged the committee favorably pass the amendment and **SB481**. Mr. Dillingham answered questions from Chair King and Senator Haley. ([Attachment 1](#))

There being no further questions, and no other oral or written proponent, opponent, or neutral testimony, Chair King closed the hearing on **SB481**.

The Chair turned the committee's attention to **HB2502** and opened the hearing.

Hearing on: HB2502 — Amending court procedures in motion to attack sentence regarding time limitations and findings of manifest injustice.

Jason Thompson presented an overview of the bill and answered questions from the Chair and committee members.

Kansas Assistant Attorney General Lee Davidson testified in support of **HB2502** as amended by the House. He explained that the Attorney General's office believes the legislative intent of 2003 SB206 was to promote judicial efficiency and accuracy by requiring the resolution of issues while the record is fresh. He related that **HB2502** refocuses the manifest injustice inquiry on the reasons prisoners failed to file their motions within the one-year time limit. He also noted that the Attorney General's office approves of the House Judiciary Committee's amendment in subsection (f)(2)(A) and believes the language comports with federal case law. ([Attachment 2](#))

Shawn Minihan presented testimony supporting passage of this bill and proposed amendments. He believes this action will correct misunderstandings by clearly explaining that when addressing an out-of-time K.S.A. 60-1507 petition, the court's only inquiry is to determine why the prisoner failed to file the motion within the one-year time limitation. Mr. Minihan further explained that it also will be helpful to require the district court to place on the record its basis for finding that manifest injustice has been established. ([Attachment 3](#))

The Chair asked for questions for the proponents. There were none. There being no other oral or written proponent, opponent, or neutral testimony, Chair King closed the hearing on **HB2502**.

Chair King turned the committee's attention to **HB2696** and opened the hearing.

Hearing on: HB2696 — Amending jurisdiction of university of Kansas medical center police officers.

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.

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Jason Thompson presented an overview of the bill and answered questions from Senators Haley and Pettey.

Chief Richard Johnson testified in favor of the bill. He explained that this bill provides technical changes to the statutes that define the jurisdictional authority for University Police Officers and Campus Police. **HB2696** will realign and update the authority for both categories of law enforcement officers and will also clarify the jurisdiction of the Kansas University Medical Center Police to include The University of Kansas Hospital Authority property. ([Attachment 4](#))

Ed Klumpp appeared in support of **HB2696** on behalf of the law enforcement associations he represents. He explained that in addition to clarifying and amending jurisdictional authority, it allows multiple jurisdictions to work closely together and in harmony where overlapping jurisdiction exists. ([Attachment 5](#))

Mr. Johnson and Mr. Klumpp answered questions from Senators Haley and Pettey. There being no other questions and no further oral or written proponent, opponent, or neutral testimony, Chair King closed the hearing on **HB2696**.

Informational hearing:

SB128 --- House Substitute for SB128 by Committee on Judiciary Increasing the number of district court judge nominees sent to the governor by district judicial nominating commissions

Jason Thompson gave an informational briefing on the bill which was introduced as **HB2652** and heard in the House Judiciary committee. To advance the bill, the House Judiciary put **HB2652** into **SB128** which was formerly a bill about open records, exceptions for municipal judges, attorneys, etc., which the Senate Judiciary enacted into law elsewhere last year.

Jason stood for questions. There were none.

There being no other business for the day, the meeting adjourned at 11:40 am. The next meeting will be Tuesday, March 15, 2016.