

House Judiciary Committee Meeting
Wednesday, February 17, 1965

The House Judiciary Committee met Wednesday, February 17, 1965, in Room 523 at 8:40 A.M. with Chairman Jack R. Euler presiding. Sixteen members were present. Members Foster, Hill, Tillotson, Turner and Van Cleave were absent.

Chairman Euler called the meeting to order. The committee continued its consideration of the Act for Obtaining "Care or Treatment" for a "Mentally Ill Person."

Section 26. No questions.

Section 27. No questions.

Section 28. No questions.

Section 29. The members of the committee could see no reason for the patient not having the absolute right to communicate by letter with his family. It was also suggested that the word "absolute" be inserted in line 10 after the word "the" and before the word "right".

Section 30. There was a great deal of discussion and objection by the members of the committee in regard to the provision that the "head of the hospital" may make reasonable rules and regulations concerning the exercise of such rights by the "patient" in the "psychiatric hospital".

Section 31. A question was raised in regard to the making of a will by the patient. One of the members asked if the privilege of not disclosing hospital records dies with the patient if there is a contest of the will. The members agreed that they would like to hear from the draftsmen of the bill in regard to sections 30 and 31. It was pointed out that subsection C helps the situation created by subsections A and B.

Section 32. This was copied out of the existing law. The word "fake" in line 6 should be changed to "false".

Section 33. No questions.

Section 34. There is no appreciable change from our present law. The members agreed that there should be a provision for appeal from the decision of the state department of social welfare.

Section 35. Objection was made to the children being held liable for costs. It was suggested that a provision be put in for the probate court to make a decision whether the children should be liable. The committee will have the welfare officials appear concerning this matter.

Section 36. One member questioned this hurting the title situation. This section reaffirms and uses a new term, "mentally ill" instead of "insane".

Section 37. No questions.

Section 38. No questions.

Section 39. No questions.

Section 40. Notice of death should include the spouse or next of kin.

Mr. Coldsnow made a motion to amend House Bill No. 592, an act relating to crimes and punishments; providing penalties for interference with the administration of justice, on page 1, line 4 by inserting the words "or any officer of the court of any such magistrate, court referee, court commissioner, judge or justice of this state" after the word "state" and before the word "by". Mr. Davis seconded. There was some discussion in regard to this motion. Chairman Euler called for the question. The motion carried unanimously.

Mr. Griffith moved that House Bill No. 592 be reported favorably for passage as amended. Mr. Davis seconded. Chairman Euler asked for any discussion. There was none. Motion carried unanimously.

Mr. Amrein explained House Bill No. 557, an act to authorize the recovery of civil damages due to the malicious or willful destruction of property by minors, amending existing K.S.A. 38-120 and 38-121 and repealing said existing sections. He stated that the amount of \$1,000 probably isn't enough, but if it is any higher, you get too much burden on the parents. Mr. Griffith moved that House Bill No. 557 be reported favorably for passage. Mr. Wilcox seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

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Chairman Euler explained House Bill No. 584, an act concerning state fire inspection and investigation of incendiary origin; relating to protection from prosecution where testimony is compelled; amending existing K.S.A. 31-203 and repealing said existing section. There was some discussion concerning this bill by the members of the committee. Chairman Euler will work on the bill further and report back to the committee.

Mr. Coldsnow moved that House Bill No. 598, an act for the mandatory reporting of medical personnel and institutions of certain physical abuse of children; providing for immunity from liability for anyone participating without malice in the making of the report so required and providing for the admissibility in evidence of reports made pursuant to the act, and providing penalties for violation thereof, be amended on page 1, line 8 by inserting the words "doctors of chiropractic," after the word "physicians," and before the word "residents". Mr. Gray seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Mr. Gray moved that House Bill No. 598 be reported favorably for passage as amended. Mr. Griffith seconded. Chairman Euler asked for any discussion. There was some discussion in regard to the physician-patient privilege. Chairman Euler called for the question. The motion carried unanimously.

The meeting adjourned at 9:50 A.M. The committee will meet Friday, February 19, 1965, in Room 523 at 8:30 A.M.

Respectfully submitted,
Jack R. Euler
Chairman

Minutes approved:

