

House Judiciary Committee Meeting  
Friday, March 19, 1965

The House Judiciary Committee met Friday, March 19, 1965, in Room 523 at 9:00 A.M. with Chairman Jack R. Euler presiding. Sixteen members were present. Members Davis, Fatzer, Gray, Hill, and Roberts were absent.

Chairman Euler called the meeting to order.

Charles McAtee, Director of Penal Institutions, explained House Bill No. 1002, an act concerning certain state institutions used for the purpose of confinement and rehabilitation of state prisoners; establishing rates of pay for certain prisoners; prescribing methods of payment to such prisoners; authorizing the director of penal institutions to adopt certain regulations; amending existing K.S.A. 76-24a08 and repealing said existing section and also repealing existing K.S.A. 76-2321 and 76-2426. This provides for uniform payment of inmates in the state penal system. He pointed out that line 19, page 1, should be amended by striking the word "when" before the word "such" and by inserting in lieu thereof the word "where"; also by striking all after the word "prisoner", line 19, page 1, and inserting in lieu thereof the following: "was actually incarcerated during". The word "rehabilitation", line 2 of the title should read "rehabilitation".

Mr. McAtee then explained House Bill No. 1005, an act relating to crimes and punishments; prohibiting the introduction into or removal of certain items from institutions for the correction and rehabilitation of state prisoners; and prescribing a penalty for violation of such prohibition. They feel this type of contraband bill is essential since the present contraband law applies only to instrumentalities which could be used to escape. Mr. Coldsnow asked if this could be expanded to include any state institutions since they too have this problem. Mr. McAtee stated that he would not suggest this for reasons of indexing. Chairman Euler asked for any further questions concerning House Bill No. 1005. Mr. Coldsnow asked if this would apply to the Dillon section at Larned. Mr. McAtee said it would not, but they did include "or any jail". Mr. Bell questioned the meaning

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of "or other item specifically declared to be contraband by the director of penal institutions", lines 8 and 9. Mr. McAtee said that this would take care of "X" articles which may come under this later on. Mr. Bell also questioned an innocent person coming under this. Mr. McAtee said this would have to be left to the discretion of the director. Chairman Euler questioned "communication, writing", line 8. Mr. McAtee stated that this refers to communication or writing to persons not authorized on the man's mailing list. Chairman Euler asked for any further questions. There were none.

Mr. McAtee then explained House Bill No. 1006, an act relating to criminal procedure; authorizing the judges to give certain credit on sentences for the time the defendant is in custody pending the disposition of said defendant's case; amending existing K.S.A. 62-1533 and repealing said existing section. He explained how the law presently operates. They acquired the attorney general's opinion and "deduct from the sentence" means just that. This makes an unnecessary burden in trying to slide rule the prisoner's sentence.

Mr. McAtee explained House Bill No. 1007, an act relating to the Kansas civil service act; separating civil service employment into unclassified and classified services; placing physician specialists at the Kansas reception and diagnostic center in the position of unclassified service; prescribing procedure for promotion, reduction and discharge of civil service employees and the method of making certain appointments; exempting certain officials from the provisions of this act; amending existing K.S.A. 75-2935 and repealing said existing section. This simply adds: "(p) physician specialists appointed by the superintendent of the Kansas reception and diagnostic center and approved by the director of penal institutions." He stated that Mr. Bibb, Budget Division, said this was an oversight two years ago.

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Mr. McAtee explained House Bill No. 1013, an act relating to criminal procedure; making evaluation reports of the reception and diagnostic center confidential; authorizing certain persons to have access to such reports; and prohibiting employees of institutions under the direction of the director of penal institutions from disclosing information in such reports without authorization. He explained the background concerning this bill. Chairman Euler asked if there should be a penalty provision. Mr. McAtee said no. Mr. Van Cleave made reference to "or his friends", line 7, and stated that this is pretty broad. Mr. McAtee pointed out that some prisoners have no relatives; therefore, such a provision is necessary.

Mr. Howard introduced his parents from Wyandotte County. They were guests at the meeting.

Mr. Bell suggested that House Bill No. 1005 be cleaned up considerably. Mr. Coldsnow suggested that it be referred to the Judicial Council to incorporate it in their study of the criminal code.

Chairman Euler explained House Bill No. 1024, an act concerning fire districts within counties; authorizing the board of county commissioners to appoint a board of trustees for fire districts; amending existing K.S.A. 19-3612a and repealing said existing section. Mr. Bell moved that House Bill No. 1024 be recommended favorably for passage. Mr. Howard seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

Chairman Euler explained House Bill No. 1025, an act concerning fire districts within counties; authorizing the board of county commissioners to issue no-fund warrants; prescribing procedure for such issuance; designating use of funds; directing a tax levy to pay warrants; amending existing K.S.A. 19-3607 and repealing said existing section.

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Mr. Bell moved that House Bill No. 1025 be recommended favorably for passage. Mr. Howard seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

After a great deal of discussion, the committee agreed that a floor amendment would be offered to House Bill No. 958, an act relating to alcoholic liquor, amending existing K.S.A. 41-715 and repealing said existing section, as follows: on page 1, line 14, by inserting the word "intoxicated" after the word "any" and before the word "person"; also in line 14 by inserting a period after the word "person" where it last occurs and by deleting the word "who" after the word "person" where it last occurs; also by deleting all of line 15 and the word "liquor" and the period at the beginning of line 16.

The committee agreed to offer a floor amendment to House Bill No. 954, an act relating to infants, amending existing K.S.A. 38-101 and 38-701 and repealing said existing sections, as follows: on page 1, by deleting all of line 11 after the word "revolver"; also by deleting all of line 12 except the word "brass" and by deleting the words "slung shot," line 13 after the word and comma "knuckles" and before the word "or" also by inserting a comma after the word "knuckles" in line 11.

The meeting adjourned at 10:00 A.M.

Respectfully submitted,  
Jack R. Euler  
Chairman

Minutes approved:

