

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

Held in Room 528 S, at the Statehouse at 5:30 ~~a.m.~~/p. m., on February 20, 1978.

All members were present except: Senators Allegrucci, Burke and Gaar

The next meeting of the Committee will be held at 11:00 a. m./~~p.m.~~, on February 21, 1978.

~~XXXXXXXXXX of the meeting held on XXXXXXXXXXXXXXXXXXXXXXXX 19XXXXXX considered XXXXXXX and XXXXX~~

Elwaine J. Amery
Chairman

The conferees appearing before the Committee were:

Staff present:

- Art Griggs - Revisor of Statutes
- Paul Purcell - Legislative Research Department
- Jerry Stephens - Legislative Research Department

Senate Bill 860

Criminal acts relating to possession of firearms on certain premises, posting of notices. Following committee discussion, Senator Parrish moved to amend the bill to provide for a class A misdemeanor penalty. Following committee discussion, the motion died for lack of a second. Senator Gaines moved to report the bill favorably; Senator Mulich seconded the motion. Senator Steineger made a substitute motion to amend the bill in line 26; Senator Gaines seconded the motion, and the motion carried. Committee discussion followed, including the possibility of requesting an interim study of the subject. The original motion and the substitute motion were withdrawn. Senator Everett moved to require the posting of a sign indicating the provisions of the law. Senator Gaines seconded the motion, and the motion carried. Senator Gaines moved to report the bill favorably as amended; Senator Mulich seconded the motion, and the motion carried, with Senator Parrish being recorded as voting "No."

Senate Bill 909 - Court of appeals, establishing a central research staff therein. Following committee discussion, Senator Berman moved to strike lines 27 through 31; Senator Hein seconded the motion. Further committee discussion followed, during which many members of the committee indicated that this should be a Ways and Means matter. Senator Parrish made a substitute motion to report the bill favorably; Senator Gaines seconded the substitute motion. The substitute motion failed, and the original motion prevailed. Senator Berman moved to report the bill favorably as amended; Senator Everett seconded the motion. It was agreed by the committee that if the motion carried, the chairman should move to re-refer the bill to the Ways and Means Committee, so that the record would reflect that the Judiciary Committee favored the concept, but that the matter could be dealt with by means of appropriations. The motion carried.

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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

Minutes of the Senate Committee on Judiciary February 20, 1978.

Senate Bill 371 - Clients' security fund. Following committee discussion, Senator Gaines moved to report the bill adversely; Senator Everett seconded the motion, and the motion carried.

Senate Bill 502 - Additional district judge position in twenty-first judicial district. Following committee discussion, Senator Everett moved to report the bill adversely; Senator Hess seconded the motion, and the motion carried.

Senate Bill 825 - Juvenile code revision.

Senate Bill 553 - Juvenile code revision.

Following committee discussion, Senator Steineger moved to reduce the age from 18 to 16; Senator Mulich seconded the motion. Senator Parrish made a substitute motion to amend the contents of Senate Bill 761 into this bill. Following further committee discussion, Senator Parrish withdrew his substitute motion. On a vote of four to five, the motion failed, with Senators Mulich, Steineger, Everett and Pomeroy voting "Yes." Following further committee discussion, Senator Gaines moved adopt the recommendations of the governor's committee concerning the placement of status offenders; Senator Parrish seconded the motion. On a vote of four to three, the motion carried. Senator Parrish moved to amend the bill to adopt Judge Morrison's recommendation concerning the placement of children; Senator Everett seconded the motion, and the motion carried. Following further committee discussion, Senator Parrish moved that Senate Bill 553 be used as the basic vehicle for the amendments; Senator Simpson seconded the motion, and the motion carried. Senator Everett moved to adopt Judge Morrison's suggestion concerning the DWI statute; Senator Parrish seconded the motion, and the motion carried. Further committee discussion. Senator Gaines moved/adopt the recommendation of Judge Morrison on page 7; Senator Hess seconded the motion, and the motion carried. Senator Gaines moved to adopt the recommendation of Judge Morrison concerning warrants; Senator Hess seconded the motion, and the motion carried. Senator Gaines moved to adopt Judge Graber's recommendation on page 8; Senator Hess seconded the motion. Following further committee discussion, Senator Steineger made a substitute motion that both counties have venue; Senator Gaines seconded the motion. The substitute motion carried. Senator Gaines moved to adopt Judge Morrison's recommendation on page 9; Senator Parrish seconded the motion, and the motion carried. Senator Parrish moved that Saturdays be excluded from the 48 hour limitation; following further committee discussion, he withdrew his motion.

The meeting adjourned.

These minutes were read and approved by the committee on 4-24-78.

BILL NO. _____

AN ACT supplemental to the Kansas Juvenile Code, relating to consent for medical treatment of certain juveniles under the age of 16 where the parent or guardian refuses to provide such consent, and where an emergency exists.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. Upon receipt of a petition by the District Court as provided for herein, alleging that a medical emergency exists because the parent or guardian of a juvenile refuses to consent to medical treatment of such juvenile and that such medical treatment is immediately necessary to preserve the life or physical well being of such juvenile, the court may enter such orders as are necessary to protect the life or physical well being to such juvenile in accordance with this act.

Section 2 (a). Any interested person, of lawful age, who has knowledge of facts as set forth in New Section 1 of this Act, may file a petition hereunder. The truth of the allegations of any petition under this article must be verified by petitioner in person.

(b). Contents of petition. The petition shall state the name and age of the juvenile and the name of the parent or guardian refusing to consent to medical treatment along with a short, concise statement of the facts supporting petitioner's belief that medical treatment is immediately necessary to preserve the life or physical well being of such juvenile.

(c). The court shall proceed to hear the allegations contained in the petition forthwith, with or without notice, as the court deems proper and shall, after considering the evidence, make such orders as the court deems necessary in the best interests of the juvenile.

Section 3. In any case where the court finds that a medical emergency exists, as defined in New Section 1 of this Act, the court shall forthwith

order whatever medical treatment the court finds to be immediately necessary to preserve the life or physical well being of the juvenile.