

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

Held in Room 519 S, at the Statehouse at 11:00 a.m./~~p.m.~~, on March 17, 19 78.

All members were present except: Senators Steineger, Berman, Gaar, Hess and Mulich

The next meeting of the Committee will be held at 11:00 a.m./~~p.m.~~, on March 20, 19 78.

~~These minutes of the meeting held on XXXXXXXXXXXXXXXXXXXXXXXXXXXX were considered, corrected and approved~~


Chairman

The conferees appearing before the Committee were:

- Representative Phil Martin
- Fred Carman - Revisor of Statutes
- William Trussell - Menninger Foundation

Staff present:

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

House Bill 3114 - Probate proceedings providing limitation on inheritance by minors after a felonious killing. Representative Martin testified in support of the bill. He pointed out that in his opinion, there is an existing conflict or loophole in the law. Committee discussion with him followed, during which it was pointed out to him that this committee had killed a senate bill which proposed to amend the same section of the statute.

Dr. Trussell testified with regard to the bill. A copy of his statement is attached hereto.

House Bill 2797 - Clean up compulsory process act. Mr. Fred Carman appeared at the request of the committee to explain the bill, section by section. He distributed copies of statutes being repealed by the bill and statutes which are not amended in the bill. Following his detailed analysis of the bill, considerable discussion with him followed.

The meeting adjourned.

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

GUESTS

SENATE JUDICIARY COMMITTEE

NAME	ADDRESS	ORGANIZATION
Ed Carman	Revisory Statutes	The Jennings Foundation
Wm. Trunell, Ph.D.	Box 829, Topeka	Coop Churches of Ks
deStrarus	Topeka	ICTLA
Kathleen Stodius	Topeka	



The Menninger Foundation

BOX 829 TOPEKA, KANSAS 66601 913/234-9566

THE MENNINGER CLINIC
THE CHILDREN'S DIVISION

March 17, 1978

Senate Judiciary Committee

COMMENTS ON HOUSE BILL No. 3114

Senator Pomeroy and Members of the Committee:


I am the Director of one of seven treatment units in the Children's Hospital of the Menninger Foundation. I appreciate the opportunity to offer for your consideration some thoughts from some of my colleagues and myself regarding House Bill No. 3114 which is designed to make it impossible for a minor who has committed murder to inherit as a result of the murder.

While we understand and are in sympathy with the notion that a minor who murders should not benefit from the murder, we oppose the bill as written for clinical, humane and practical reasons. Over the years we have examined and, where circumstances permitted, we have treated many young persons who have killed. (We have two in treatment at present.) Invariably, these youngsters we have seen have been severely emotionally disturbed.

Certainly there should be (and are) serious consequences to face for children who commit murder. However, hopefully, one of the consequences is an intensive effort to treat and rehabilitate the child, a process which generally is difficult and lengthy.

From a practical standpoint, treatment and rehabilitation are costly. Someone has to pay for it--usually the child and his family, or the State. It is our position that whatever assets the child stands to inherit should be used for the child's treatment, rehabilitation, education, and other legitimate needs. We would like to see the bill rewritten in a way that would allow for this.

Thank you.


William D. Trussell, Ph.D.
Residential Director
Hillcrest Unit

THE CHILDREN'S HOSPITAL

WDT:mb

CSA

46-1010. Information to witness of committee's authorization. Whenever a witness is testifying before an investigating committee which is exercising powers of compulsory process, and the witness requests information concerning the manner in which the subject under inquiry, study or investigation has been authorized, such witness shall be informed of such authorization and such information may include reference to appropriate legislative documents or proceedings. [L. 1970, ch. 201, § 10; March 26.]

46-1014. Contempt of legislature; class A misdemeanor. (a) Contempt of legislature is:

- (1) Willfully making default when summoned as a witness by subpoena or subpoena *duces tecum* issued by an investigating committee or either house of the legislature; or
- (2) Willfully failing to produce books, papers, documents or other records when required to do so by an investigating committee or either house of the legislature; or
- (3) Having appeared as required by a subpoena or subpoena *duces tecum* of an investigating committee or either house of the legislature, refusing to answer, under oath or affirmation, any question pertinent to the matter under inquiry.

(b) Contempt of legislature is a class A misdemeanor. [L. 1970, ch. 201, § 14; March 26.]

46-1016. Inherent legislative power not limited. Nothing in this act shall limit the legislature or either house thereof in their inherent powers, nor limit powers or procedures for impeachment. [L. 1970, ch. 201, § 16; March 26.]

46-1017. Severability. If any word, phrase, sentence or provision of this act is determined to be invalid, such invalidity shall not affect the other provisions of this act and they shall be given effect without the invalid provision, and to this end the provisions of this act are declared to be severable. [L. 1970, ch. 201, § 2; March 26.]

KSA

46-1110. Compulsion of testimony by committee. In relation to any audit of a state agency under authority of this act, the legislative post audit committee shall have the powers for compulsion of testimony as follows:

(a) To conduct hearings and investigations in relation thereto;

(b) to administer oaths for the taking of testimony pertinent to any such audit, the same to be administered by the chairman or vice-chairman of such committee;

(c) to issue subpoenas or subpoenas *duces tecum* in the manner provided by law for legislative committees;

(d) to examine witnesses and require answers under oath to questions which are pertinent to any such audit;

(e) to refer to the attorney general or any county attorney any violation of statutes relating to contempt of the legislature or its committees. [L. 1971, ch. 185, § 10; April 27.]

54-107. Members of committee authorized to administer oaths and affirmations to witnesses. Any members of any committee who have been or may hereafter be appointed under any law of this state, or by any resolution of either the senate or the house of representatives, or by both of said houses, be and the same are hereby authorized to administer oaths and affirmations to all witnesses examined before them. [L. 1872, ch. 156, § 1; Feb. 22; R. S. 1923, 54-107.]