

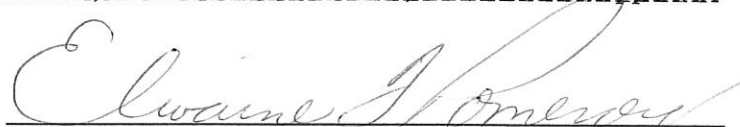
MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

Held in Room 519 S, at the Statehouse at 1:30 a. m./p. m., on March 24, 19 78.

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

The next meeting of the Committee will be held at 11:00 a. m./p. m., on March 27, 19 78.

~~These minutes of the meeting held on xxxxxxxxxxxxxxxxxxxxxx 19xxx were considered, corrected and approved.~~


Chairman

The conferees appearing before the Committee were:

Staff present:

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

House Bill 2712 - Sub. for HB 2712; crimes and criminal procedure, presentence reports, sentencing, probation conditions, parole eligibility, transfer of probation and parole functions, DOC and KAA regulations. Mr. Griggs completed the explanation of the bill that had begun at the 11:00 meeting. Considerable committee discussion followed. Senator Everett moved to delete subsection 3 on page 3; Senator Hein seconded the motion, and the motion carried. Senator Everett moved that the bill be amended by requiring approval of the court; following discussion, he withdrew his motion. Senator Everett then moved to strike subsection 3 on page 8; following discussion, he withdrew that motion. Senator Parrish moved that the bill be amended to provide that the report of the presentence investigation cannot be disclosed by attorneys to their clients without specific approval of the court; Senator Everett seconded the motion, and the motion carried. Senator Everett moved to provide that the members of the Adult Authority be required to devote full time to their duties, that the membership be reduced to three, and that the salary be set at \$35,000 annually; Senator Simpson seconded the motion. Senator Hess made a substitute motion to provide that the Adult Authority be made full time, that it be composed of five members, and their salaries be the same as that of district judges; Senator Parrish seconded the motion, and the motion carried. Senator Parrish moved to reinsert two sections that were in the original HB 2712 dealing with aircraft piracy; Senator Simpson seconded the motion. Senator Berman made a substitute motion to repeal that part of the criminal code that deals with aircraft piracy; Senator Everett seconded the motion, and the motion carried. Senator Parrish moved to amend the bill to provide that the penalty for rape would be a class B felony instead of a class C felony; Senator Everett seconded the motion, and the motion carried with Senators Simpson and Hess being recorded as voting "No." Senator Parrish moved to add new sections to the bill raising

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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the threshold between misdemeanor and felony offenses from \$50 to \$100; Senator Hein seconded the motion, and the motion carried, with Senator Everett being recorded as voting "No." Senator Hess moved to repeal the state crime of treason; Senator Everett seconded the motion, and the motion carried. Senator Parrish moved to amend the bill to repeal the crimes of adultery and illegal cohabitation; Senator Simpson seconded the motion, and the motion carried. Senator Berman moved to incorporate the provisions of HB 2707, without the amendments thereto, into this bill; Senator Hess seconded the motion, and the motion carried. Senator Parrish moved to amend the bill to provide that concurrent sentences could apply to sentences from other state courts; Senator Everett seconded the motion, and the motion carried. Senator Hess moved to amend the bill regarding indigency; Senator Simpson seconded the motion, and the motion carried. Senator Parrish moved to change "that" to "who" wherever it refers to inmates; Senator Simpson seconded the motion, and the motion. Senator Hess moved to amend the bill with regard to rules and regulations; Senator Everett seconded the motion, and the motion carried. Senator Parrish moved to report the bill favorably as amended; Senator Hess seconded the motion. Senator Simpson made a substitute motion to strike "or security"; the motion failed for want of a second. The original motion passed.

The chairman requested the staff to prepare a summary of the bill for the use of the chairman in carrying the bill.

House Bill 2707 - Prohibiting law enforcement officers from serving as juvenile probation officers. Since the contents of the bill had been amended into HB 2712, Senator Simpson moved to report the bill adversely; Senator Hein seconded the motion, and the motion carried.

HB 2612 - Sub. for HB 2612; mobile home liens. Senator Hess moved to amend the bill by striking that portion dealing with priority liens; Senator Hein seconded the motion, and the motion carried. By consensus, further action on the bill was delayed at this time.

House Bill 2814 - Location of sale of real estate by counties for delinquent taxes. Following committee discussion, Senator Berman moved to report the bill favorably; Senator Everett seconded the motion, and the motion carried.

House Bill 2290 - Relating to crime of rape and crimes related thereto. Following committee discussion, Senator Berman moved to report the bill adversely; Senator Steineger seconded the motion, and the motion carried.

House Bill 2464 - Criminal code, amending 21-3722, 21-3512 and 21-3515. Senator Berman moved to strike sections 2 and 3 from the bill; Senator Everett seconded the motion, and the motion carried. Senator Parrish moved to amend the bill to repeal the crimes of

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adultery and illegal cohabitation; Senator Simpson seconded the motion, and the motion carried. Senator Berman moved to report the bill favorably as amended; Senator Parrish seconded the motion, and the motion carried.

House Bill 2988 - Sub. for HB 2988; termination of farm tenancy. Following committee discussion, Senator Everett moved to correct the language in line 44; Senator Simpson seconded the motion, and the motion carried. Senator Simpson moved to report the bill favorably as amended; Senator Parrish seconded the motion, and the motion carried, with Senator Steineger being recorded as voting "No."

House Bill 2694 - Relating to filing and consideration of certain claims against state. Following committee discussion, Senator Berman moved to strike the provision requiring that each claim over \$10,000 be dealt with in a separate bill; Senator Hess seconded the motion, and the motion carried. Senator Simpson moved to clarify section 8; Senator Hein seconded the motion, and the motion carried. Senator Hess moved to amend the bill to provide for the senator to serve as chairman for a term of four years, and to provide that the chairman must be an attorney; Senator Steineger seconded the motion, and the motion carried. Senator Steineger moved to amend the bill to provide that three of the senate members be lawyers and five of the seven house members be lawyers; Senator Parrish seconded the motion, and the motion carried. Senator Berman moved to amend in lines 119 and 120 to change "appropriation" to "award or awards"; Senator Hein seconded the motion, and the motion carried. Senator Simpson moved to provide that a claim form must be verified and acknowledged; Senator Berman seconded the motion, and the motion carried. There was committee discussion about a staff person from the research department being assigned to the committee; also the possible need of an investigator. The consensus was that this would be worked out with the Legislative Coordinating Council. Senator Steineger moved to strike the words "publicly and" in line 106; Senator Parrish seconded the motion, and the motion carried. Senator Berman moved to report the bill favorably as amended; Senator Hess seconded the motion, and the motion carried.

The meeting adjourned.

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