

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Senator Elwaine F. Pomeroy at
Chairperson

12:00 ~~am~~/p.m. on March 7, 1983 in room 519-S of the Capitol.

All members ~~were~~ present ~~except~~ were: Senators Pomeroy, Winter, Feleciano, Hess, Steineger and Werts.

Committee staff present: Mary Torrence, Revisor of Statutes
Mike Heim, Legislative Research Department

Conferees appearing before the committee:

Senate Bill 141 - Driving under the influence of alcohol or drugs.

Senator Winter withdrew his motion to amend the bill. Senator Feleciano moved to report the bill favorably as amended; Senator Winter seconded the motion, and the motion carried.

Senate Bill 289 - Prejudgment interest.

The chairman reviewed the bill. Senator Winter moved to report the bill favorably; Senator Feleciano seconded the motion, and the motion carried. Senator Werts requested his "no" vote be recorded in the minutes.

Senate Bill 25 - Victim's input in criminal defendant's release on bond.

Senator Steineger explained his proposed amendment to the committee (See Attachment #1). Senator Steineger moved to amend the bill as indicated on the handout; Senator Feleciano seconded the motion. Committee discussion followed. Senator Steineger made a substitute motion to amend the bill by changing "shall" to "may"; Senator Winter seconded the motion, and the motion carried. Senator Steineger moved to amend the bill on page 3, in line 91 by inserting "aggravated sodomy"; Senator Werts seconded the motion, and the motion carried. Senator Steineger moved to report the bill favorably as amended; Senator Hess seconded the motion, and the motion carried.

The meeting adjourned.

NOON
3-7-83

GUESTS

SENATE JUDICIARY COMMITTEE

NAME	ADDRESS	ORGANIZATION
<i>Michael...</i>	<i>Topoka</i>	<i>AIA</i>
<i>Gene Johnson</i>	<i>Topoka</i>	<i>K.S. ASAP</i>
<i>Jim Clark</i>	<i>"</i>	<i>KCDAA</i>
<i>Katherine Snelius</i>	<i>Topoka</i>	<i>KTIA</i>

SENATE BILL No. 25

By Senator Steineger

1-5

0014 AN ACT concerning criminal procedure; relating to release prior
0015 to trial; amending K.S.A. 22-2802 and repealing the existing
0016 section.

0017 *Be it enacted by the Legislature of the State of Kansas:*

0018 Section 1. K.S.A. 22-2802 is hereby amended to read as fol-
0019 lows: 22-2802. (1) *Except as provided in subsection (10) or in the*
0020 *case of a class A felony where the proof is evident or the*
0021 *presumption is great*, any person charged with a crime; ~~other~~
0022 ~~than a crime punishable by death where the proof is evident or~~
0023 ~~the presumption is great~~, shall, at his or her *the person's* first
0024 appearance before a magistrate, be ordered released pending
0025 preliminary examination or trial upon the execution of an ap-
0026 pearance bond in an amount specified by the magistrate condi-
0027 tioned upon the appearance of ~~such~~ *the person* before the mag-
0028 istrate when ordered ~~and, in the event of such. If the person is~~
0029 ~~being bound over for a felony, the bond shall also be conditioned~~
0030 ~~on the person's appearance~~ in the district court at the next
0031 required day of court which occurs ~~ten (10)~~ 10 or more days
0032 thereafter ~~and to answer the charge against such the person and~~
0033 ~~from time to at any time thereafter as that the court may require~~
0034 ~~requires~~. The magistrate may impose ~~such~~ *any* of the following
0035 additional conditions of release as will reasonably assure the
0036 appearance of the person for preliminary examination or trial:
0037 (a) Place the person in the custody of a designated person or
0038 organization agreeing to supervise ~~such the person~~;
0039 (b) place restrictions on the travel, association, or place of
0040 abode of the person during the period of release;
0041 (c) impose any other condition ~~deemed~~ *considered* reason-
0042 *ly* necessary to assure appearance as required, including a

Atch. 1

080 evidence. No statement or admission of the defendant made at
081 such a proceeding *under this section* shall be received as evi-
082 dence in any subsequent proceeding against the defendant.

083 (9) The appearance bond and any security required as a
084 condition of the defendant's release shall be deposited in the
085 office of the magistrate or the clerk of the court where the release
086 is ordered. If the defendant is bound to appear before a magis-
087 trate or court other than the one ordering the release, the order of
088 release, together with the bond and security shall be transmitted
089 to the magistrate or clerk of the court before whom the defendant
090 is bound to appear.

091 (10) *If a person is charged with the crime of rape or a crime*
092 *involving death or serious bodily injury, the magistrate shall*
093 *give 24 hours' notice of any proceeding under this section, and*
094 *an opportunity to appear and be heard at the proceeding, to the*
095 ~~*victim of the crime, if living, and the victim's immediate family.*~~

096 Sec. 2. K.S.A. 22-2802 is hereby repealed.

097 Sec. 3. This act shall take effect and be in force from and
098 after its publication in the statute book.

county or district attorney of the county where the proceed-
ing is held. The county or district attorney may notify the
victim of the crime, if living, and the victim's immediate
family, who, if they so desire, shall also be given an
opportunity to appear and be heard at the proceeding.