

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

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

10:00 a.m./~~p.m.~~ on March 23, 1983 in room 514-S of the Capitol.

~~All~~ members ~~were~~ present ~~except~~: Senators Pomeroy, Winter, Burke, Feleciano, Gaar,
Hein, Mulich, Steineger and Werts.

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

Conferees appearing before the committee:

Jim Clark, Kansas County and District Attorneys Association
Kyle G. Smith, Lyon County Attorney
Keith Henley, Kansas Adult Authority
Marjorie Van Buren, Office of Judicial Administrator

House Bill 2212 - Sentencing for crimes committed while on probation.

Jim Clark testified in support of the bill. He stated the bill makes changes that were really intended to be made last session relating to consecutive sentences.

Kyle Smith spoke in support of the bill. He testified this makes the law consistent, and logically it makes sense, a person who is on probation and has committed a crime should have enhanced punishment.

Keith Henley explained the amendment, clarifying the manner in which certain parole eligibility dates are to be determined, was recommended by his department. Committee discussion with him followed.

House Bill 2301 - Small claims procedure does not include claims for recovery of real estate.

Marjorie Van Buren explained this bill, sponsored by Representative Heinemann, was introduced at the request of the clerk in Garden City. She explained this bill would prevent a situation that is now occurring, where a landlord would like to collect back rent, he can now come in and sue for that and evict the tenant in small claims court. She stated eviction should not be through the small claims procedure. During committee discussion, she replied, there is a feeling on the part of some people that this should be handled by a more structured procedure. Committee discussion with her followed.

House Bill 2113 - Time of commencement of civil action.

The chairman reviewed the bill. Senator Gaar moved to amend the bill by rewording lines 21 - 34 and inserting "the time specified by Subsection (a) (1); Senator Mulich seconded the motion, and the motion carried. Senator Gaar moved to report the bill favorably as amended; Senator Mulich seconded the motion. Following committee discussion, the motion carried.

House Bill 2115 - Consolidation of multidistrict litigation.

Senator Feleciano moved to amend the bill in line 48 by inserting "pretrial proceedings and possible trial"; Senator Werts seconded the motion, and the motion carried. Senator Feleciano moved to report the bill favorably as amended; Senator Winter seconded the motion, and the motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

room 514-S, Statehouse, at 10:00 a.m./~~p.m.~~ on March 23, 1983

House Bill 2116 - Jury instructions on lesser included offenses.

The chairman reviewed the bill. Senator Gaar moved to report the bill favorably; Senator Mulich seconded the motion, and the motion carried.

House Bill 2206 - Protection from Abuse Act amendment.

The chairman explained the effect of the bill. Senator Winter then moved to amend the bill conceptually to provide that a law enforcement officer assist the person in collecting belongings, striking the italicized language in lines 95 through 99, broaden the language in Subsection (c); Senator Gaar seconded the motion, and the motion carried. Senator Winter moved to report the bill favorably as amended; Senator Mulich seconded the motion, and the motion carried.

House Bill 2212 - Sentencing for crimes committed while on probation.

Senator Burke moved to amend the bill in line 46 by striking "with" and inserting "to"; Senator Winter seconded the motion, and the motion carried. Senator Winter moved to report the bill favorably as amended; Senator Mulich seconded the motion, and the motion carried.

House Bill 2301 - Small claims procedure does not include claims for recovery of real estate.

Following committee discussion, Senator Feleciano moved to report the bill adversely. The motion failed for lack of a second. Senator Feleciano moved to amend the bill to do exactly the opposite, to provide that small claims will be available for eviction purposes; Senator Winter seconded the motion, and the motion carried. Senator Feleciano moved to report the bill favorably as amended; Senator Winter seconded the motion, and the motion carried.

The meeting adjourned.

GUESTS

SENATE JUDICIARY COMMITTEE

NAME	ADDRESS	ORGANIZATION
Margie Van Buren	Topeka	OJA
Kyle G. Smith	Emporia KS	Lyon County Attorney
Kent Henley	Topeka	KAA
Jim Clark	"	KC OAA
Martin Umboldt	"	KUU
Larry Humes	Lawrence	Steingers Staff
Greg - Mann	"	"
M. Hawver	Topeka	Cap-Journal
Walt Scott	"	No Hand Assoc
Heane Juber	Lawrence	UDK