

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Representative Joe Knopp at  
Vice-Chairperson

3:30 ~~am~~/p.m. on February 6, 1984 in room 526-S of the Capitol.

All members were present except:

Representatives Cloud, Erne, Frey, Harper, Justice, and Vancrum were excused.

Committee staff present:

Jerry Donaldson, Legislative Research Department  
Nedra Spingler, Secretary

Conferees appearing before the committee:

Representative Jack Shriver  
Jim Clark, Kansas County and District Attorneys Association  
Ron Miles, Director, Board of Indigents' Services  
Steve Wortman, Kansas Trial Lawyers Association

The minutes of January 31, 1984, were approved.

Hearings were held on HB 2802, HB 2800, and HB 2801.

HB 2802 - An act relating to criminal procedure and appeals.

Representative Jack Shriver said the bill was the result of a Kansas Supreme Court case, State vs. Green, last summer and involved an appeal of a sentence of a defendant represented by a public defender. Although the Supreme Court did not change the sentence, he believed it was not legislative intent that the Supreme Court hear district court judgments of conviction or sentence upon a plea of guilty or nolo contendere. HB 2802 clarifies this. Representative Shriver said the Board of Indigents' Services, of which he is a member, did not take board action on the bill, but he believed it was needed.

Jim Clark, Kansas County and District Attorneys Association, said this group supports HB 2802 as it clarifies legislative intent.

HB 2800 - An act relating to indigents' defense and investigative, expert, and other services.

Ron Miles said the bill, recommended by the Board of Indigents' Services, cleans up the intent of the act for basic assigned services which may be obtained by public defenders and puts constraints on assigned counsel because more money has been spent on these services than needed. The bill provides that the budgeted money for these services be under his supervision. The stricken language in lines 26 and 27 was inadvertently added to the original law and should be deleted to read properly.

Steve Wortman, Kansas Trial Lawyers Association, said members of this organization support the bill.

HB 2801 - An act relating to fees for witnesses from other states.

Mr. Miles said the new language in subsection (2) ties out-of-state witness fees to the standard in-state rate found in the statutes. Since counties are responsible for paying these fees, there will be no fiscal impact to the state. The bill is recommended by the Board of Indigents' Services.

The meeting was adjourned at 3:50 p.m.