

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Representative Bob Frey at
Chairperson

3:50 ~~xxx~~ a.m./p.m. on March 15, 1984 in room 526-S of the Capitol.

All members were present except:

Representatives Wunsch, Wagnon, Duncan, Douville and Justice were excused.

Committee staff present:

Jerry Donaldson, Legislative Research Department
Mike Heim, Legislative Research Department
Mary Ann Torrence, Revisor of Statutes' Office
Nedra Spingler, Secretary

Conferees appearing before the committee:

None

The Committee took action on three bills.

SB 371 - Threatening to contaminate food, drink or drugs.

Representative Schweiker moved to report the bill favorably, seconded by Representative Buehler. The Chairman noted, because of recent threats to legislators, the Highway Patrol may have amendments which might be offered on the House Floor. The vote on the motion carried.

SB 499 - Court services officers duties.

Representative Miller moved, seconded by Representative Cloud, to amend, into SB 499 in the appropriate place, the language in Section 1 (3) of SB 318 (Attachment No. 1), tabled in 1983, regarding the requirement of a victim's impact statement at preliminary sentencing investigation reports. He said he opposed this concept previously, but his misgivings have been overcome due to a situation where a person drove into a home and was given a light sentence before the victim could tell of the damage to their home. The Chairman ruled that the amendment would create two separate subjects even though court service officers were involved with both, and the motion to amend was not appropriate. Representative Miller moved to report SB 499 favorably, seconded by Representative Erne. Motion carried.

SB 718 - Exempting professional engineers from licensure as private detectives.

Representative Erne moved to report the bill adversely, seconded by Representative Blumenthal. Representative Erne said he was familiar with the situation that prompted the bill and had looked into it. The bill would pertain to only one engineer who he believed was going to testify out of his area of expertise. As an investigator, Representative Erne did not want people practicing his profession without the proper expertise or detective's license. A member noted the problem resulted from the county attorney in the case overstepping bounds, and this could happen again in other cases. The county attorney could have stopped an unqualified person from testifying. The vote on the motion failed to carry. Representative Knopp moved to report SB 718 favorably, seconded by Representative Ediger. Motion carried.

The meeting was adjourned at 4:25 p.m.

As Amended by Senate Committee

Session of 1983

SENATE BILL No. 318

By Committee on Judiciary

2-18

0017 AN ACT concerning crimes and punishments; relating to pre-
0018 sentence investigation reports; amending K.S.A. 21-4604 and
0019 repealing the existing section.

0020 *Be it enacted by the Legislature of the State of Kansas:*

0021 Section 1. K.S.A. 21-4604 is hereby amended to read as fol-
0022 lows: 21-4604. (1) Whenever a defendant is convicted of a mis-
0023 demeanor, the court before whom the conviction is had may
0024 request a presentence investigation by a probation officer.
0025 Whenever a defendant is convicted of a felony, the court shall
0026 require that a presentence investigation be conducted by a
0027 probation officer or in accordance with K.S.A. 21-4603 *and*
0028 *amendments thereto*, unless the court finds that adequate and
0029 current information is available in a previous presentence in-
0030 vestigation report or from other sources.

0031 (2) Whenever an investigation is requested, the probation
0032 officer shall promptly inquire into the circumstances of the
0033 offense; the attitude of the complainant or victim, and of the
0034 victim's immediate family, where possible, in cases of homicide;
0035 and the criminal record, social history, and present condition of
0036 the defendant. Except where specifically prohibited by law, all
0037 local governmental and state agencies shall furnish to the officer
0038 conducting the presentence investigation such records as such
0039 officer may request. If ordered by the court, the presentence
0040 investigation shall include a physical and mental examination of
0041 the defendant.

0042 (3) Presentence investigation reports shall be in the form and
0043 contain the information prescribed by rule of the supreme court;
0044 ~~and. In addition, each report shall contain such a verified crime~~

Atch. 1

0045 *victim impact statement assessing the financial, social, psycho-*
0046 *logical and medical impact of the crime upon the victim volun-*
0047 *tarily submitted by the victim or, in the case of homicide, by the*
0048 *victim's immediate family and any other information as may be*
0049 *prescribed by the district court.*

0050 (4) The judicial administrator of the courts shall confer and
0051 consult with the secretary of corrections when considering
0052 changes or revisions in the form and content of presentence
0053 investigation reports so that the reports will be in such form and
0054 contain such information as will be of assistance to the secretary
0055 in exercising or performing the secretary's functions, powers and
0056 duties.

0057 Sec. 2. K.S.A. 21-4604 is hereby repealed.

0058 Sec. 3. This act shall take effect and be in force from and
0059 after its publication in the statute book.