

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

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

10:00 a.m./~~p.m.~~ on March 26, 1984 in room 514-S of the Capitol.

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

Committee staff present: Mary Torrence, Office of Revisor of Statutes
Jerry Donaldson, Legislative Research Department

Conferees appearing before the committee:

Representative Joe Knopp
Patrick Caffey, Kansas Municipal Judges Association
Charles Simmons, Department of Corrections

House Bill 2987 - Persons authorized to officiate at marriage ceremony.

Representative Joe Knopp appeared in support of the bill at the request of the Kansas Municipal Judges Association. He then introduced Pat Caffey.

Pat Caffey testified the Kansas Municipal Judges Association had addressed the issue of whether or not marriages could be performed by municipal court judges, and they came to an impasse; they could not decide, under the current statutes, whether municipal judges could perform marriage ceremonies. He explained in K.S.A. 23-104a it says any judge of a "court of record," but "court of record" is not defined; apparently some municipal judges have been performing marriage ceremonies. He said it would perhaps make it a little easier to locate a judge to perform a marriage ceremony; most judges do charge a fee for marriage ceremonies. The association wants the language clarified in the law. To allow retired district court judges to perform the marriage ceremony was not part of their request, but they see nothing wrong with it. During committee discussion, the chairman pointed out prior to court unification magistrate judges were not judges of courts of record. Since unification, they would be judges of courts of record; this is the side effect of unification. In the first class cities, the municipal judges are lawyers and generally they stay in office for fairly long times. In third class cities, quite often the municipal judges are not lawyers and often times they do not stay in office too long. Mr. Caffey responded, I don't think one has to be a lawyer to perform a marriage ceremony; ministers do it all the time. Also, I don't know that there is any reason to make distinction between courts of record. It would be appropriate that the municipal judges will have seminars on how to perform a marriage ceremony in an appropriate manner. During discussion concerning retired judges performing the marriage ceremony, the chairman suggested an amendment to the bill in line 41 by changing "former" to "retired". Mr. Caffey agreed with the suggestion.

House Bill 3015 - Reduction or modification of sentence.

Charles Simmons testified on the bill and suggested the existing paragraph (3) be two separate paragraphs with the second paragraph numbered (4). He explained there has been confusion with the attorneys and courts over those provisions, and their proposal would simplify and clarify what was originally intended. The chairman suggested amending the bill to update language by striking "probation" and inserting "court services". Mr. Simmons had no objection to that suggestion.

House Bill 3017 - Repealing statutes relating to estates of inmates.

Charles Simmons stated the Department of Corrections requested this bill. He then explained the bill.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
room 514-S, Statehouse, at 10:00 a.m./~~p.m.~~ on March 26, 1984

House Bill 3020 - Administration of oaths in inmate disciplinary proceedings.

Charles Simmons explained the Department of Corrections requested this bill, and it will provide the Secretary of Corrections be authorized to designate persons to administer oaths. The attorney general's office had advised there was no authority to do this, and they would have to go through statutory change to administer that regulation. Senator Mulich made a motion to report the bill favorably and be placed on the consent calendar; Senator Feleciano seconded the motion, and the motion carried.

House Bill 3017 - Repealing statutes relating to estates of inmates.

Senator Feleciano moved to report the bill favorably and be placed on the consent calendar; Senator Mulich seconded the motion, and the motion carried.

House Bill 3015 - Reduction or modification of sentence.

Senator Steineger moved to amend the bill to change "probation officer" to "court services officer" in the proper places in the bill. Senator Mulich seconded the motion, and the motion carried. Senator Steineger moved to report the bill favorably as amended; Senator Mulich seconded the motion, and the motion carried.

House Bill 2987 - Persons authorized to officiate at marriage ceremony.

Senator Steineger made a motion to amend the bill by striking "former" and inserting "retired". Senator Mulich seconded the motion, and the motion carried. Senator Steineger moved to report the bill favorably as amended; Senator Mulich seconded the motion. Senator Steineger made a substitute motion to amend the bill in line 39 to include "justice"; Senator Werts seconded the motion, and the motion carried. Senator Steineger moved to report the bill favorably as amended; Senator Werts seconded the motion, and the motion carried.

House Bill 2055 - Increased court fees for Sedgwick county law library.

Committee discussion was held concerning the status of Senate Bill 794, which this committee amended to include the contents of House Bill 2055.

House Bill 2698 - Collection of debts of patients at certain state hospitals.

Senator Burke moved to amend the bill to permit negotiation with debt collection agency rather than take lowest bid; Senator Gaines seconded the motion, and the motion carried. Senator Burke made a conceptual motion to amend the bill to allow the secretary to hire counsel; Senator Gaines seconded the motion, and the motion carried. Senator Burke moved to report the bill favorably as amended; Senator Feleciano seconded the motion, and the motion carried.

House Bill 2055 - Increased court fees for Sedgwick county law library.

Following committee discussion, Senator Winter moved to amend the bill by including the contents of Senate Bill 794 as amended by this committee; Senator Mulich seconded the motion, and the motion carried. Senator Winter moved to report the bill favorably as amended; Senator Werts seconded the motion, and the motion carried.

The meeting adjourned.

A copy of testimony on House Bill 3049 by Kathryn Ramp, Ph.D. is attached (See Attachment No. 1).

3-26-84

GUESTS

SENATE JUDICIARY COMMITTEE

NAME	ADDRESS	ORGANIZATION
Tom Fitchler	Lawrence	Sen Fess
Patrick Coffey	257 Ridge Manhattan	Mun. Judges Assn.
Charles Simmons	700 Jackson, Topeka	Department of Corrections
B Massey	Topeka	AP
Jim Clark	"	KC DAA
Joe Kropp	Manhattan	Representative
M. Hawver	Topeka	Capital Journal
Mark Bennett	Topeka	ASA
Ann Heblinger	Oakland Park	Kansas Court Assoc.

3-26-84



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BUREAU OF CHILD RESEARCH

ACHIEVEMENT PLACE RESEARCH PROJECT

HB 3049

Testimony to Senate Judiciary Committee

March 20, 1984

For the past 10 years my colleagues and I with the Achievement Place Research Project at the University of Kansas have been conducting followup studies on youth who have participated in group home programs throughout Kansas. All of our studies thus far have been funded by NIMH. In our current project which began in 1979, we have been obtaining pre-during- and post-treatment information on over 500 youths who have been participating in 25 group homes. All youths and their parents provided written informed consent for their participation in our study. Although much of our study has involved the use of questionnaires, our primary measure of impact are contained in the court and police files. In years past we have enjoyed excellent cooperation of court and law enforcement personnel and have had no difficulty in accessing these records. In the most recent code (January 1, 1983), provisions for access to records have been made far more restrictive and as a result our kind of evaluations will be more difficult if not impossible to carry out.

Under the past code, we were able to access court and police records with the approval of the district court judge. Under the most recent code, access would require a court order. This provision might not be a problem if a study was restricted to a single jurisdiction. In our case however, we are dealing with 00 youths across all Judicial Districts, as well as 250 police departments. The difficulties and paperwork involved in obtaining court orders covering all of these juveniles in all of these jurisdictions

Atch. 1

clearly threatens the completion of our current project in a timely fashion. Funding for the current project will terminate July 1, 1984. The restrictive nature of current access provisions also has serious implications for future studies that might be conducted on court adjudicated juveniles. In our case we have just received word that our newly submitted grant to followup these same youths into adulthood has been funded. For other agencies such as SRS or the Court, it is not clear that the current code would permit any type of followup evaluation to take place unless conducted by court or SRS personnel and only for those youths who continued to be in SRS or institutional custody. If so, this would seriously effect any attempts to determine the effectiveness of many of our social programs for youth including foster care, group homes, and institutions.

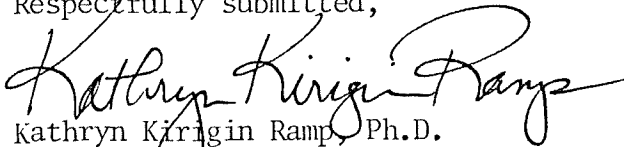
House Bill 3049 would provide a solution enabling legitimate evaluation activities on juvenile offenders by allowing individual judges to permit access to court and police records without formal court order. This provision is basically similar to ones provided in the previous code (38-805, b (4)).

The Advantages of Expanded Access

1. Allows for legitimate program evaluation activities regarding juvenile offenders on a statewide basis
2. It would provide the district court judge with the same degree of discretion in determining access as with past codes.
3. It would reduce the amount of paperwork and staff time involved in preparation of court orders.

Because of the time constraints operating on our project, we hope that you will be able to act on this legislation at the earliest possible date.

Respectfully submitted,



Kathryn Kirigin Ramp, Ph.D.
Associate Professor and Co-Director
Achievement Place Research Project

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