Approved February 20, 1985
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Senator Robert Frey at
Chairperson

10:00 a.m./p.m. on February 12, 1985 in room 514-S of the Capitol.

All members were present except: Senators Frey, Hoferer, Burke, Feleciano, Gaines, Langworthy, Parrish, Steineger, Talkington, Winter and Yost.

Committee staff present:

Mary Torrence, Office of Revisor of Statutes
Mike Heim, Legislative Research Department
Jerry Donaldson, Legislative Research Department

Conferees appearing before the committee:

Dr. Robert Harder, Social and Rehabilitation Services
Howard Klink, Crime Victims Reparations Board
Marjorie Van Buren, Office of Judicial Administrator
Senator James Francisco

Dr. Robert Harder presented a request for a committee bill relating to children. He explained this is not a federal requirement. The provisions are useful to discuss and adopt as a state policy. Senator Feleciano moved to introduce as a committee bill. Senator Parrish seconded the motion. The motion carried.

Senator Frey presented a request for a committee bill concerning DWI diversions relating to insurance companies. Senator Yost moved to introduce as a committee bill. Senator Hoferer seconded the motion. The motion carried.

Senate Bill 108 - Docket fee to crime victims reparations fund.

Howard Klink appeared on behalf of the Crime Victims Reparations Board. He explained this bill proposes an increase from one dollar to three dollars in the portion of the docket fee earmarked for victims reparations. A copy of his handout is attached (See Attachment I).

Marjorie Van Buren testified the Judicial Administrator is concerned that docket fees go to separate funds not related to court costs. This year they have had a lot of complaints about docket fees being so high. The top docket fee is $144. The administrator's office feels the money should flow into the general fund. The chairman requested a list showing the break down of docket fees. Committee discussion with her followed.

Senate Bill 153 - Judge removed from office ineligible for selection to fill another judgeship.

Senator Winter, the author of the bill, explained the bill to the committee. He stated he feels there is a technical loophole in the law, and this will correct it. The chairman inquired why the lines 59 through 63 were stricken. Staff explained it is not a substantive change.

Marjorie Van Buren testified in support of the bill. She stated this is a situation that does not come up very often but a situation that needs to be provided for. The chairman stated he is concerned about municipal judges' qualifications. Mrs. Van Buren replied, they are appointed. The disciplinary board does receive complaints about municipal judges. Staff referred to the Non-uniform Municipal Code, and explained the cities are concerned about not being able to charter out of the act. Senator Winter moved to amend the bill conceptually to make it non-uniform. Senator Talkington seconded the motion. The motion carried.

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,

room 514-S, Statehouse, at 10:00 a.m./p.m. on February 12, 1985

Senate Bill 153 continued

Senator Winter moved to report the bill favorably as amended. Senator Burke seconded the motion. The motion carried.

Senate Bill 116 - Special process servers' appointment.

Senator Francisco, the author of the bill, explained this bill was introduced last year. He had a problem with someone last year who didn't want the bill. Now that person is out of office. Following committee discussion with Senator Francisco concerning the 12 months provision in the bill, Senator Gaines moved to amend the bill by eliminating the 12 months. Senator Talkington seconded the motion. The motion carried. Senator Gaines moved to report the bill favorably as amended. Senator Winter seconded the motion. The motion carried.

The hearings on Senate Bills 108, 116 and 153 were concluded.

Senator Burke presented a request for a committee bill concerning the crime of sexual exploitation of a child. Following the explanation, Senator Burke moved that the bill be introduced. Senator Gaines seconded the motion. The motion carried.

Senator Burke presented a request for a committee bill relating to time limitations for prosecution for certain crimes. Following the explanation, Senator Steineger moved to introduce the bill. Senator Burke seconded the motion. The motion carried.

Senator Winter presented a request for a committee bill relating to scalping tickets with penalty a class C misdemeanor. Following the explanation, Senator Winter moved to introduce the bill. Senator Yost seconded the motion. The motion carried.

The meeting adjourned.

A copy of the guest list is attached (See Attachment II).

GUEST LIST

COMMITTEE: SENATE JUDICIARY COMMITTEE DATE: 2-12-85

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Howard Clark	Topeka	CURB
Marjorie Van Buren	Topeka	OJA
Don Stumbaugh	Topeka	CURB
Diane Doran	Garnett	-
Richard H Doran	Garnett	
John Spurgeon	Lawrence	Budget
Ken Bahr	Topeka	—

2/12/85
Attch. II

2-12-85

CRIME VICTIMS REPARATIONS BOARD

SB 108 * * BILL BRIEF

I. Summary:

The Crime Victims Reparations Board currently receives $1.00 from each docket fee collected in criminal court cases. Criminal court cases include felony, misdemeanor, fish and game, water craft, and traffic violations. These funds can be used solely for the purpose of reimbursing victims of violent crime for medical expenses, funeral expenses, or wage loss, when certain eligibility requirements are met. This bill proposes an increase from $1.00 to $3.00 in the portion of the docket fee earmarked for victims reparations.

II. Why is this increase needed?:

A. FY 85 claim filings have increased 33% over FY 84.

B. FY 85 docket fee receipts have decreased 21% when compared to FY 84.

C. An unusually large number of awards made in FY 84 were paid in FY 85, substantially reducing funds available to pay FY 85 claims.

D. There has been a substantial increase in the number of $10,000 awards over the past fiscal year.

III. How much money will the increase generate?:

A. Due to the 21% decrease in docket fee receipts, it is projected that only $209,000 will be collected in FY 85. This amount falls far short of the funding needed to meet claim demands this fiscal year.

B. If the decrease in docket fee receipts remains constant at 21%, this proposal would generate an additional $418,000 for FY 86, accomodating both the FY 85 shortfall and the projected FY 86 increase in claim filings.

2/12/85
Attch. I

CRIME VICTIMS REPARATIONS BOARD

PROGRAM DATA: PART I

Table I: Claims Data

	FY82	FY83	FY84	FY85 (projected)	FY86 (projected)
Claims filed	138	206	252	*384	500
Claims awarded	90	115	155	**230	300
Average per claim award = $2,100					

* based on an average of 32 claim filings per month through Feb. 1, 1985
** based on a ratio of claims filed to awards paid of 60%

Table II: Docket Fee Data

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
FY84	32,410	25,277	22,729	26,041	20,923	19,880	16,777	17,416	20,339	19,585	22,007	21,205
FY85	19,009	20,380	19,837	17,933	19,650	18,444	13,882					

FY84 Docket Fee Receipts: $264,596
FY85 Docket Fee Receipts: $129,135
(through 2/1/85)

Attch. 1

CRIME VICTIMS REPARATIONS BOARD

PROGRAM DATA: PART II

1.	FY84 Docket Fee receipts:	$264,596
2.	FY85 Docket Fee receipts: (July 1, '84 - Feb. 1, '85)	129,135
3.	FY85 projected Docket Fee receipts: (based on 21% decrease during first 7 months)	209,031
4.	FY85 projected claim expenditures:	483,000
5.	FY85 funds available for FY85 claims: (Includes DF & SGF)	264,400
6.	FY85 shortfall:	218,600
7.	FY86 funds available for FY86 claims: (includes DF & SGF)	515,856
8.	FY86 claim awards: (projection based on 30% increase)	300
9.	FY86 claim expenditures: (projection based on $2,100 average per claim award)	630,000
10.	FY86 shortfall:	114,144

Attch. I