

Approved March 5, 1986
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 24, 1986 in room 514-S of the Capitol.

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

Committee staff present:

Mary Sue Hack, Revisor of Statutes
Mike Heim, Legislative Research Department

Conferees appearing before the committee:

Senator Roy Ehrlich
Dean Akens, Great Bend Chief of Police
Lieutenant William A. Jacobs, Kansas Highway Patrol
Mike Germann, Kansas Railroad Association
Duane F. Johnson, State Librarian
Richard Harmon, Kansas Library Association

Senator Hoferer presented a request for committee bills concerning child abuse. These bills are a result of the work of the Attorney General's Task Force on Missing and Exploited Children. She explained there will be eight to ten committee bills that will be ready for introduction on Wednesday. Senator Hoferer made the motion to introduce the committee bills. Senator Talkington seconded the motion, and the motion carried.

Senate Bill 579 - Authorizing urine tests of certain persons driving under the influence.

Senator Roy Ehrlich stated he introduced the bill at the request of Chief of Police from Great Bend. He explained the bill to the committee. He then introduced Chief Dean Akens.

Chief Dean Akens pointed out the language in subsection (d), following "blood or breath test" and explained this requires them to call in an extra person to run the test. If this language were stricken, they could go ahead and run the test.

Lieutenant William A. Jacobs, Kansas Highway Patrol, testified in support of the bill. He stated the bill would amend K.S.A. 1985 Supp. 8-1001 by deleting restrictive language which requires administering a blood or breath test before a urine test can be administered. By deleting this requirement, it would be permissible to proceed directly to a urine test and the officer would not be required to subject the arrested individual to more tests than necessary. A copy of his handout is attached (See Attachment I). Committee discussion with him followed concerning language in subsection (d).

Senate Bill 564 - Unlawful discharge of a firearm.

Mike Germann, Kansas Railroad Association, testified in support of the bill. He explained a weapon is not to be discharged upon the land of another person without having permission to do so. He said this is another tool to keep people off the right of way who have no purpose there. During committee discussion, a committee member noted road-hunting was common in South Dakota.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
room 514-S, Statehouse, at 10:00 a.m. ~~4:30~~ on February 24, 1986.

Senate Bill 570 - Theft of library material.

Senator Robert Talkington, the author of the bill explained the library association had requested the bill.

Duane F. Johnson, State Librarian, testified this bill would create in statute a specific basis for prosecution for the theft of library materials. A copy of his testimony is attached (See Attachment II).

Richard Harmon, Kansas Library Association, testified his organization represents approximately 275 libraries in the state, and they are in support of the bill. Considerable committee discussion followed concerning presumption of intent.

The meeting adjourned.

Copy of the guest list is attached (See Attachment III).

GUEST LIST

COMMITTEE: SENATE JUDICIARY COMMITTEE

DATE: 2-24-86

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
LONDON DEAN AKINS	1217 WILLIAMS GBS	GREAT BEND POLICE Dept.
Richard Harmon	Topeka	KS Library Assn
Roger Carlson	740 Forbes	Ks Dept. A & E
DUTVE JOHNSON	Topeka	State Library
PHIL ANDERSON	TOPEKA	BUDGET DIV
Lt. BILL JACOBS	TOPEKA	K. H. P.
Sen. Roy M. Ehrlich	Hoisington Ks.	
John Hanna	Topeka	Associated Press
Mike Cermann	Topeka	Ks Railroad Association
John W. Smith	Topeka	Dept of Revenue
Gretchen Storey	Topeka	Budget Div.
John Peterson	Topeka	
Jim Clark	Topeka	KCDAA
Elizabeth E. Taylor	"	Ks Alcoa Drug
Bill Edos	"	Ks DEPT OF REVENUE
Karen Heim	Mission Hills	Wen. Langworth

SUMMARY OF TESTIMONY

Before the Senate Judiciary Committee

SENATE BILL 579

Presented by the Kansas Highway Patrol
(Lieutenant William A. Jacobs)

February 24, 1986

Appeared in Support

The Patrol strongly supports Senate Bill 579.

Senate Bill 579 would amend K.S.A. 1985 Supp. 8-1001 by deleting restrictive language which requires administering a blood or breath test before a urine test can be administered.

In cases where an officer has reason to believe that a person is under the influence of drugs and no alcohol is involved, the individual currently must be subjected to a blood or breath test before a sample of urine may be obtained.

By deleting this requirement, it would be permissible to proceed directly to a urine test and the officer would not be required to subject the arrested individual to more tests than necessary.

S. Judiciary
2/24/86
A-I

DATE: February 24, 1986
TO: Judiciary Committee of the Senate
Robert G. Frey, Chairperson
Jeanne Hoferer, Vice-Chairperson
FROM: Duane F. Johnson, State Librarian
RE: Senate Bill 570

1. S.B. 570 would create in statute a specific basis for prosecution for the theft of library materials. Theft is identified as the surreptitious removal of materials from a library, the willful misuse of a library borrowers card with the intent to obtain library materials, and the failure to return library materials after due process of notice to the delinquent borrower by the library.
2. This specific protection for library materials is sought because:
 - a. The frequent and continuing incidence of loss of materials from libraries which occurs in spite of reasonable and prudent management and regulation of use of these materials.
 - b. The function of a library as a lender of increasingly expensive information materials creates a special vulnerability to theft of those materials. Only a small percent of the public takes advantage of this vulnerability, but the losses are still significant.
 - c. The necessary pattern of interlibrary lending between libraries for mutual support on behalf of citizen users, causes materials to be used in jurisdictions distant from the actual owner of the material. Enforcement of local or institutional regulations for the retrieval of materials under these circumstances is difficult and usually ineffective.
 - d. Statutory protection of library materials will assist interlibrary lending and the public service and economics which are achieved through interlibrary lending. The assistance comes through the reassurance to governing boards of libraries that materials for which they are responsible are protected as effectively as possible and therefore can be loaned into the statewide resource sharing network.
3. This legislation is supported by the:

State Library
State Library Advisory Commission
Library Network Board
Kansas Library Association

S. Judiciary
2/24/86
A-11