

Approved April 8, 1988  
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

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

1:30 ~~xxx~~/p.m. on April 6, 1988 in room 519-S of the Capitol.

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

Committee staff present:

Gordon Self, Office of Revisor of Statutes  
Mike Heim, Legislative Research Department  
Jerry Donaldson, Legislative Research Department

Conferees appearing before the committee: None

House Bill 2240 - Forfeitures; controlled substances, simulated controlled substances and drug paraphernalia.

Staff explained the amendments that had been made to the bill. Senator Gaines made a conceptual motion to amend the bill to provide the monies in the special fund go to the general fund of the city, county or state. Senator Steineger seconded the motion. Senator Langworthy made a substitute motion to amend the bill to delete the language in lines 439 and 452 with regard to treansferring the property to public agency or nonprofit organization. Senator Steineger seconded the motion. The motion carried.

Senator Langworthy moved to report the bill favorably as amended. Senator Steineger seconded the motion. The motion carried.

House Bill 3079 - Parole based on completion of programs required by Kansas Parole Board.

Committee discussed the bill and the proposed amendments that had been made. Staff handed out a balloon copy of the bill that shows the proposed amendments, and he explained each amendment before the committee took action.

Senator Feleciano moved to amend the bill in lines 192 through 194 with regard to a file review as indicated in the balloon copy. Senator Winter seconded the motion. The motion carried.

Senator Steineger moved to amend the bill as indicated in the balloon copy with regard to statement of the formula. Senator Talkington seconded the motion. The motion carried.

Senator Talkington moved to amend the bill by deleting Section 6, renumbering sections accordingly, deleting unanimous vote on A and B felons. Senator Steineger seconded the motion. The motion carried.

Senator Steineger moved to amend the bill by adopting the technical amendments in lines 1265, 1267, 1271 and 1306 as in the balloon copy. Senator Parrish seconded the motion. The motion carried. Senator Winter moved to amend the bill in Section 9(4) with regard to expanding the court's jurisdiction to modify sentences. Senator Steineger seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,  
room 519-S, Statehouse, at 1:30 ~~xxx~~/p.m. on April 6, 19 88

House Bill 3079 continued

Senator Talkington moved to amend the bill to make the technical change shown in the balloon copy in line 1450, and after line 1477 amend in Section 1 and 2 of Senate Bill 366, in SB 366 change subsection (e) to (d), make the change in the title of the bill and change the effective date to the Kansas Register. Senator Hoferer seconded the motion. The motion carried.

The committee discussed the concerns of the parole board in regard to "specific reason" in lines 163, 191 and 192. It was the consensus of the committee to leave this to the board. In regard to the concern in line 57, the committee wanted noted in the minutes this is not a substantive change. The word "may" is meant to leave discretion with the parole board. Regarding the mixed signals in Sections 3, 6 and 8, the consensus of the committee is that overcrowding should not be considered.

Senator Talkington moved to report the bill favorably as amended. Senator Langworthy seconded the motion. The motion carried.

Senate Bill 728 - Controlled substances, presumptive and mandatory sentencing.

The chairman reviewed the bill. Senator Gaines made a conceptual motion to amend the bill by deleting reference to mandated sentencing but maintain a presumption for sale of amounts equal or exceeding the table, for sale to the minor and for manufacturing drugs. Senator Steineger seconded the motion. The motion carried.

Senator Talkington moved to report the bill favorably as amended. Senator Gaines seconded the motion. The motion carried.

The meeting adjourned.

A copy of the guest list is attached (See attachment I).

GUEST LIST

COMMITTEE: SENATE JUDICIARY COMMITTEE

DATE: 4-6-88  
 1:30 P.M.

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Steven A. Robinson	Topeka	Ombudsman for Corrections
Charles Simmons	Topeka	Dept of Corrections