

Approved March 1, 1989
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Representative Martha Jenkins at
Vice - Chairperson

3:30 ~~xxxxx~~ p.m. on February 21, 1989 in room 313-S of the Capitol.

All members were present except:

Representatives O'Neal, Peterson and Sebelius, who were excused.

Committee staff present:

Jerry Donaldson, Legislative Research Department
Jill Wolters, Revisor of Statutes Office
Mary Jane Holt, Committee Secretary

Conferees appearing before the committee:

Representative Arthur Douville
Judge Herbert W. Walton, Tenth Judicial District, Olathe
Representative Vincent Snowbarger
Fred Allenbrand, Sheriff, Johnson County
Mannie Baraban, Bail Bondsman
Representative Martha Jenkins

HEARING ON H.B. 2243 - Judge pro tem appointments

Representative Arthur Douville explained H.B. 2243 provides that upon application of the Administrative Judge of a Judicial District to the Departmental Justice of the Supreme Court of that district, for good cause, the Judge could appoint a pro tem Judge. He distributed to the Committee letters from Administrative Judge William Carpenter, Third Judicial District, Shawnee County, see Attachment I, and Administrative Judge Michael Corrigan, Eighteenth Judicial District, see Attachment II, supporting H.B. 2243. He introduced Judge Herbert W. Walton.

Judge Herbert W. Walton, Tenth Judicial District testified at the present time the law provides that a district Judge pro tem can be appointed only in the absence, sickness or disability of a Judge. This bill would allow Judge pro tem appointments to help with the high volume of litigation in urban counties, such as the traffic docket, landlord-tenant docket and the Chapter 61 docket. The financing would be in the local county budget, see Attachment III.

Representative Solbach moved to report H.B. 2243 favorably for passage. Representative Douville seconded the motion. The motion passed.

HEARING ON H.B. 2248 - Proceedings & hearings & arraignment & entering pleas conducted by two-way electronic audio-video communications

Representative Vincent Snowbarger explained the bill allows arraignments and certain hearings to be held by video camera. The prisoners can remain at the jail and the court can communicate with them through the audio visual system. It is particularly important when the jail and courtrooms are not close together.

Fred Allenbrand, Johnson County Sheriff, testified the use of electronic audio-visual communication between detention facilities and courtrooms has become very popular across the country during the last five years. He listed as advantages increased security, reduced time from booking to release and more cost effective. Although there is no local opposition to using audio-visual communication, some Judges in the Tenth Judicial District feel strongly about the need for a state law providing for such practice before it is implemented. The bill also provides for the right of the defendant to be personally present in the courtroom, see Attachment IV.

Judge Herbert W. Walton, Tenth Judicial District, supported the passage of H.B. 2248.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY,
room 313-S Statehouse, at 3:30 ~~xxx~~p.m. on February 21, 1989

Mannie Baraban, Bail Bondsman, testified in support of H.B. 2248. He said it would be helpful in expediting first appearances and the Judge's docket.

The hearing was closed on H.B. 2248.

HEARING ON H.B. 2283 - Notification of defendants that appraisers award has been paid in Eminent Domain proceedings.

Representative Martha Jenkins explained this bill requires the Clerk of the District Court notify defendants in Eminent Domain suits that the amount of the appraisers' award has been paid to the District Court. Notification must be made within 10 days.

Representative Solbach moved to report H.B. 2283 favorably for passage. Representative Lawrence seconded the motion. The motion passed.

The Committee meeting was adjourned at 4:15 p.m. The next meeting will be Wednesday, February 22, 1989, at 3:30 p.m. in room 313-S

District Court of Kansas
Third Judicial District

Shawnee County, Kansas

Chambers of
William Randolph Carpenter
Administrative Judge of the District Court
Division No. One
Shawnee County Courthouse
Topeka, Kansas 66603

February 13, 1989

Officers:
Carol A. Meggison, C.S.R.
Official Reporter
295-4351
Pamela S. Patton
Administrative Assistant
913-295-4365

Representative Arthur Donville
Room 115 South
State Capital Building
Topeka, Kansas 66612

Re: H. B. 22.43

Dear Representative Donville:

I have been informed that a hearing will be held February 21, 1989 at 3:30 p.m. regarding H. B. 22.43 which would modify the requirements for appointing pro tem judges for district courts.

It now appears that I will be unable to attend the hearing due to a jury trial scheduled in my division on the same date. Nevertheless, I wish to advise that I fully support this proposed legislation since it could provide much needed assistance to the trial bench during those periods of peak overload which occur from time to time in the urban courts.

In my judgment, the requirement that the appointment be authorized by the Departmental Justice would curb potential abuses.

Sincerely yours,


William R. Carpenter
Administrative Judge

WRC:psp

House Judiciary
2/21/89
Attachment I

FEB 16 1989

ADMINISTRATIVE OFFICES OF THE DISTRICT COURT

EIGHTEENTH JUDICIAL DISTRICT

ROOM 1136 11TH FLOOR

525 N. MAIN

WICHITA, KANSAS 67203



FEB 17 1989

**Michael Corrigan
Administrative
Judge**

(316) 268-7302

February 16, 1989

Representative Arthur W. Douville
Kansas House of Representatives
Topeka, Kansas 66612

Dear Representative Douville:

This letter is written to express my strong support for House Bill No. 2243.

The Eighteenth Judicial District (Wichita) handles over 70,000 new cases every year. Our system's success depends on disposing of all the cases that are set each day. The slight liberalizing of the law as set forth in House Bill No. 2243 would be of great help in disposing of these cases.

Further, the proposed bill is designed to curb any attempt to appoint pro tem judges too often. First, permission must be obtained from the appropriate Departmental Justice of the Supreme Court; next, the Administrative District Judge must convince his local county commission to fund the appointments.

We are indebted to you for your efforts to get this bill enacted.

Sincerely,

Michael Corrigan
Administrative Judge

MC/er

*House Judiciary
2/21/89
Attachment II*



STATE OF KANSAS
TENTH JUDICIAL DISTRICT

HERBERT W. WALTON
DISTRICT JUDGE, DIVISION NO. 1
JOHNSON COUNTY COURTHOUSE
OLATHE, KANSAS 66061

February 14, 1989

CYNTHIA S. NEWMAN
ADMINISTRATIVE ASSISTANT

VICKI KUNKEL, C.S.R.
OFFICIAL COURT REPORTER

(913) 782-5000 EXT. 5460

The Honorable Arthur W. Douville
Representative
20th District
State House
Topeka, Kansas 66612

In re: Pro Tem Judges

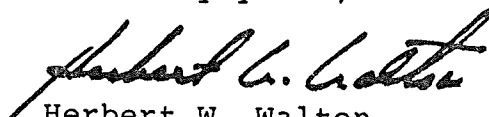
Dear Representative Douville:

Thank you for your nice letter of February 10, 1989, concerning the District Judge Pro Tem law that you authored for House Bill 2243. I have contacted the Honorable William R. Carpenter, Administrative Judge for Shawnee County, Kansas; the Honorable Richard W. Wall, Administrative Judge of the 12th Judicial District, and have left word with the Honorable Michael Corrigan, Administrative Judge of Sedgwick County, Kansas. I have further talked with other persons concerning the Bill. They have all assured me that they are in favor of its implementation. I have further visited with the Honorable Donald H. Allegrucci, Departmental Justice for our District, and generally outlined the Bill for his information. He indicated preliminary approval.

I plan to be there on the scheduled hearing date and if there is anything I can do to be of assistance, do not hesitate to contact me. I really appreciate your help.

With kindest regards, I remain

Sincerely yours,


Herbert W. Walton

HWW/nb

cc: Judges of the District Court
Mr. Lewis R. Lewis ✓

House Judiciary
2/21/89

Attachment III

JOHNSON COUNTY SHERIFF'S OFFICE

FRED ALLENBRAND
SHERIFF

THOMAS R. LAWUKIEWICZ
UNDER SHERIFF



COURT HOUSE

OLATHE, KANSAS 66061

782-5000

February 21, 1989

TO: Judiciary Committee,
Kansas House of Representatives

FROM: Sheriff Fred Allenbrand, Johnson County

RE: ^{House}~~Senate~~ Bill No. 2248


The use of two-way electronic audio-visual communication between detention facilities and courtrooms has become very popular across the country during the last five years. There are several advantages, including:

1. Increased security.
2. Reduced time from booking to release, which may have a positive impact on jail overcrowding conditions and probably reduce court time.
3. More cost effective, particularly where the jail is not in the same building as the court.

There appears to be no local opposition to using audio-visual communication. However, some judges in the 10th Judicial District feel strongly about the need for a state law providing for such practice before we implement it.

It would appear that Senate Bill No. 2248 clearly addresses the concern and properly provides for the right of the defendant to be personally present in the courtroom.

This matter has been thoroughly discussed with our Administrative Judge, The Honorable Herbert W. Walton, who joined me in requesting that Representative Vince Snowbarger introduce the bill. We would appreciate your approval of this bill.

Approved: 
The Honorable Herbert W. Walton

House Judiciary
2/21/89
Attachment IV