

Approved January 18, 1990
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Senator Wint Winter, Jr. at
Chairperson

9:30 a.m./~~pm~~ on January 12, 1990 in room 514-S of the Capitol.

All members were present except: Senators Gaines, Martin and Yost, who were excused.

Committee staff present:

Gordon Self, Office of Revisor of Statutes
Eric Witkoski, Office of Revisor of Statutes
Mike Heim, Legislative Research Department
Jerry Donaldson, Legislative Research Department
Judy Crapser, Secretary to the Committee

Conferees appearing before the committee:

Secretary Steve Davies, Kansas Department of Corrections
Tom Sloan, Kansas Department of Corrections

The Chairman opened the meeting by thanking Secretary Davies for returning to address the committee.

Secretary Davies continued his status report from Thursday on the operations of the Department of Corrections, their facilities and programs. (See January 11, 1990 ATTACHMENT III) Secretary Davies noted in his presentation that two of the problems facing the Department at this time are how to handle the proposed budget cuts and how they can update their limiting, out-dated computer system.

Tom Sloan, Department of Corrections, presented four requests for bill introductions on behalf of the Criminal Justice Coordinating Council:

- (1) regarding the age of juveniles to be tried as adults;
 - allow 14 and 15 year olds eligibility for certification as adults for Class A and Class B felonies (current age of eligibility is 16);
 - reduce to age 16 (from age 18) for adult status on charges of all felony type crimes;
 - extend victim notification rights to include juveniles in SRS custody convicted of Class A, B, and C felonies prior to their release from the youth centers (the same victim notification rights as related to convicted adults).
- (2) Relax prohibitions on exchange of information between concerned agencies; educators, the courts and SRS.
- (3) Create a master planning commission for juvenile affairs; create an entity to review and manage resources committed to affairs of children, would include staff, representative of the court and others.
- (4) Allow an immediately involved medical, correctional or police authority to request testing of a person suspected of having four specific infectious diseases; hepatitis, meningitis, mononucleosis, and AIDS.

Mr. Sloan reminded the committee that these bill requests were made on behalf of the Criminal Justice Coordinating Council and not on behalf of the Department of Corrections.

Mr. Sloan made two bill requests on behalf of the Department of Corrections:

- (1) technical amendments concerning community corrections; striking language that refers to sections of law that were previously eliminated by the legislature.
- (2) Expands Kansas Tort Claims Act to include persons who are employees of a contractor working for the Department of Corrections.

Senator Kerr made a motion to introduce the two bills as requested by the Department of Corrections. Senator Bond seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
room 514-S, Statehouse, at 9:30 a.m./~~pm~~ on January 12, 1990

The Chairman requested that the committee introduce another juvenile related bill. The proposed bill would eliminate the provision of current law which provides for automatic release of all juvenile offenders at age 21 by allowing the court, after a hearing, to keep a juvenile offender in custody or treatment even after age 21 if the juvenile had been committed for an offense which would be a Class A or B felony.

Senator Parrish proposed two additional requests of bill introductions along with the juvenile related bills:

- (1) Preadjudication; mandates that children who are in the care of victims of abuse or neglect not be held in jails or lock-ups; provides the same requirements for juvenile offenders.
- (2) Mandatory juvenile community correction plans by the counties.

Senator Bond moved to introduce the four bills requested by the Criminal Justice Coordinating Council as outlined by Tom Sloan, the bill proposed by Chairman Winter, and the two bills proposed by Senator Parrish. Senator Kerr seconded the motion. The motion carried.

The Chairman turned the committee's attention to SB 195, income tax credit employment of physicians assistants or nurse practitioners, and SB 203, health equity liability plan act. He pointed out that the bills were not of a subject matter appropriate for this committee's consideration and should be reassigned. However, that reassignment could not be accomplished without action initiated by this committee.

Senator Morris made a motion to request the President of the Senate remove SB 195 and SB 203 from the Committee on Judiciary and reassign the bills. Senator Bond seconded the motion. The motion carried.

Senator Bond moved to approve the minutes of January 9 and January 10, 1990. Senator Parrish seconded the motion. The motion carried.

The meeting was adjourned.

The next meeting of the committee will be January 16, 1990 at 10:00 a.m. in Room 514-S.

