

Approved 6-27-90
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

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

10:00 a.m./~~xxx~~ on March 20, 19 90 in room 514-S of the Capitol.

All members were present ~~except~~:

Committee staff present:

Mike Heim, Legislative Research Department
Jerry Donaldson, Legislative Research Department
Judy Crapser, Secretary to the Committee

Conferees appearing before the committee:

Terry Showalter, Kansas Association of Court Service Officers
District Judge John White, Iola
Terry Fuller, Kinsley

The Chairman opened the meeting by distributing to the members a current listing of the Judiciary Committee bills. (ATTACHMENT I)

The Chairman opened the hearing on the bills in committee addressing juvenile offenders by stating that with the changes addressed in these bills the committee would like as much input as possible from the public.

- SB 743 - concerning corrections; comprehensive plans for correctional services and corrections advisory boards including juvenile offenders advisory boards.
- SB 741 - concerning juvenile offenders; relating to their release at the age of 21; providing for a hearing to allow the department of social and rehabilitation services to retain custody.
- SB 521 - concerning juveniles; creating master planning commission for juvenile affairs.
- SB 526 - concerning juvenile offenders; relating to prosecution as an adult; notice to victims of release or discharge of certain juvenile offenders.
- SB 641 - concerning payment of the cost of transportation of alleged juvenile offenders to and from hearings.
- SB 742 - concerning juveniles; prohibiting detention in adult jails; development of alternatives to detention.

Terry Showalter, Kansas Association of Court Service Officers, testified on the juvenile offender matters. He stated his group feels juvenile justice issues need to be dealt with as a package; over the years they have been dealt with in a piecemeal fashion resulting in a disjointed nonsystem. Therefore, he addressed the bills being heard in the context of a package with SB 521 as the foundation to set the goals and mechanism of a juvenile justice system plan equal to the adult system. He continued by saying that their support of the bills would deteriorate if funds are not appropriated to fully support the measures.

District Judge John White, Iola, testified in support of SB 742. (ATTACHMENT II)

Terry Fuller, Kinsley, testified in support of SB 741. (ATTACHMENT III)

Written testimony was submitted to the committee from Thomas Jones, Thomas County Sheriff, supporting SB 742 if funds are also appropriated. (ATTACHMENT IV)

The Chairman announced that the hearing would be continued to the following day. The meeting was adjourned.

GUEST LIST

COMMITTEE: SENATE JUDICIARY COMMITTEE

DATE: March 20, 1990

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NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Kristin DeWeso	Manhattan, KS	Page
Bill Miskell	LSOB	KDOC
Ron Tuckett	LSOB	KDOC
Jim Clark	TOPEKA	KCPAA
Dick Mills	Topetka	Westridge Group
James Trout	Topetka	Youth Services
Bob Barnum	TOPEKA	" "
Doug Bowman	"	Children & Youth Advisory
John O'Donnell	Topetka	Youth Services
David O'Brien	Topetka	" "
Ann Heberger	Overland Park	LWVK
Cindy Kell	Topetka	KASB
Paul Shelby	Topetka	OJA
Terry Shwalter	K.C., KS.	Ks. Association of CSO's
Mike McLain	Olathe, KS.	Ks. Association of CSO's
WD Clements	Wichita	Fork
DON LINDSEY	OSAWATOMIE	UTU
Robert Sue McLain	DSDTB Topetka	SRS legal
John Baker	SRS Topetka	SRS
John W. White	Topeka, KS.	Judiciary - ACJOP
Wayne K Wiancki	TOPEKA	AFSCME
Helen Stephens	✓	KPOA
Sister Therese Barzert	Topeka	KCCD
Tim McHenry	Topetka	KCAPC
Bruce Linkos	Lawrence	Children's Coalition

March 20, 1990

STATE OF KANSAS



TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS

CHAIRMAN: JUDICIARY
VICE-CHAIRMAN: WAYS AND MEANS
MEMBER: JOINT COMMITTEE ON ECONOMIC DEVELOPMENT
JOINT COMMITTEE ON SPECIAL CLAIMS AGAINST THE STATE
ECONOMIC DEVELOPMENT
KANSAS JUDICIAL COUNCIL

WINT WINTER, JR.
SENATOR, SECOND DISTRICT
DOUGLAS COUNTY
737 INDIANA
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LAWRENCE, KANSAS 66044

STATE CAPITOL, ROOM 120-S
TOPEKA, KS 66612-1594
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LEGISLATIVE HOTLINE:
1-800-432-3924

MEMORANDUM

TO: Senate Judiciary Committee
FROM: Senator Wint Winter, Chairman
DATE: March 20, 1990
SUBJECT: Bills in Committee -- 1990 Session

In order to keep you informed about the statue of committee bills, a list of bills in committee that were either carried over from 1989 or introduced in 1990 is attached.

If you are interested in seeing some particular action taken on a bill or bills, please let me know. Because of the huge number of bills referred to our committee we are simply not able to hear or take action on all the bills referred. The following is a listing of the legislation as it was assigned during the 1990 session:

Carried over from 1989 Session	53
referred in January	26
referred in February	78
referred in March	22
rereferred in 1990	2

Total number of Bills 181

This listing does not include the bills passed or killed in the 1989 session.

Please note that the attached report is current through Friday, March 16. The report does not include any action taken Monday on the drug bills.

WW:jc
ENCLOSURE

Senate Judiciary Committee
3-20-90
Attachment I page 1 of 19

No.	Description	Author	Hearings	Comm. Action	Senate Action
SB 44	First degree murder to include death committed in perpetration of abuse of a child or aggravated battery of a child	Johnston & 17 others	1-30-89	<i>died in Committee</i> 1989 Session passed SB 48	
SB 73	Divorce and maintenance, child custody, counseling.	Judiciary	2-9-89	<i>died in committee</i> 2-23-89 - letter to Chief Justice	
SB 74	Child support, Kansas guidelines	Judiciary	2-9-89	<i>died in committee</i> as SB 73	
SB 119	Creating a crime of ethnic intimidation	Anderson	2-17-89 Criminal Sub	<i>died in committee</i> recom. of Sub- to Judicial Council	
SB 146	Increasing marriage license fees; protection from abuse fund	Winter, Bond, Langworthy, Moran, and Oleen	<i>Blessed in 1989 - WM</i>		
SB 154	Alcohol and drug abuse evaluation and treatment prior to sentencing	Judiciary	2-22-89 3-14-89	2-28-89 amend & referred to W&M	
SB 166	Criminal procedure, parole, supervised furlough	Langworthy & 22 others	1-13-89	BNP 2-7-90	
SB 167	Requiring notice to be given to victims of crime of inmate's public hearing & release of inmates; release considerations	Langworthy & 24 others	1-13-89	BNP 2-7-90	
SB 168	Crime victims, reparations and assistance	Langworthy & 22 others	2-13-89	<i>died in committee</i>	
SB 170	Driving with open container of alcoholic beverage in vehicle.	Doyen & 9 others	3-3-89	<i>died in committee</i>	
SB 171	Driving with blood alcohol of .05 made a crime	Doyen & 7 others	3-3-89	<i>died in committee</i>	

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No.	Description	Author	Hearings	Comm. Action	Senate Action
SB 174	Health care stabilization fund; liability	Johnston, Feleciano Karr, Martin, Parrish	3-20, 21-89	3-29-89 sub report-- HOLD <i>died in committee</i>	
SB 190	Surrogate motherhood agreements, void or voidable, criminal penalties	Winter, Anderson, Daniels, Gaines, Johnston, Reilly	# 2/6/90	BNP 2-26-90 (see SB 671)	
SB 193	Mandatory life imprisonment for certain crimes.	Lee	2-15-90	<i>died in committee</i>	
SB 195	Income tax credit employment of physicians assistants or nurse practitioners.	Karr & 12 others		1-12-90 -- requested removed from from Committee for reassignment	
SB 203	Health equity liability plan act	Johnston & 11 others		1-12-90 -- requested removed from committee for reassignment	
SB 208	Retirement system for judges, continue membership after service terminates	Francisco		<i>died in committee</i>	
SB 219	Suspension of minor's driving privileges for any alcohol or drug-related offense.	Winter & Petty	3-3-89	BPA 3-1-90	
SB 223	Health care stabilization fund, liability thereof and attorney fees on amounts recovered therefrom.	D. Kerr and Gaines	3-20, 21-89	<i>died in committee</i> Sub 3-29-89 HOLD	
SB 226	Mandatory sentence of imprisonment for life for certain crimes	Johnston & 15 others		<i>died in committee</i>	
SB 230	Protective order and restraining orders, length of time.	Martin	Senator requested bill be held at this time 1/18/90 2-20-90	<i>died in Committee</i>	
SB 231	Endangering a child to include failure to report child abuse by certain persons	Winter, Moran & Oleen	1-24-90	3-5-90 BPA	(3-20-90) I 3/19

I No.	Description	Author	Hearings	Comm. Action	Senate Action
SB 234	Requiring evaluation and treatment of persons by separate community-based alcohol and drug safety programs	Steineger	3-3-89	<i>died in Committee</i>	
SB 252	Penalties for disclosure of certain confidential information.	Public Health & Welfare	1-30	BNP 2-8-90	
SB 261	Probate code, disposition of property by will or other lawful disposition effective at death.	Judiciary	P#CP sub 1-31-90	2-26-90 BPA	
SB 264	Child born after abortion attempt considered child in need of care under Kansas code for care of children.	Public Health & Welfare		<i>died in Committee</i>	
SB 285	Medical malpractice screening panels, deposition of health care provider involved as basis of findings.	Judiciary	3-20,21-89	BNP 2-7-90 Sub report 3/29(89) HOLD	
SB 289	Civil liability concerning roller skating center operators and person using the centers.	Local Gov. (request)	1/30/90	<i>died in Committee</i>	
SB 292	Enacting the Kansas adoption and relinquishment act.	Judiciary	see SB 431	BNP 2-7-90	
SB 297	Crime to knowingly make false allegations of child abuse and neglect.	Judiciary	3/23/89 & 1-24-90	BNP - 2-7-90	
SB 299	Disposition of property of tenant by landlord under residential landlord and tenant act.	Judiciary	1/30/90	3-5-90 BP	
SB 300	Collection agencies, assignment of claims.	Judiciary	3-6-89	<i>died in Committee</i>	
SB 305	Validation of acts of abuse or neglect of children by department of SRS.	Public Health & Welfare	Subcommittee	report 3/27/89 3-5-90 BNotP	(3-20-90) I 4/19

No.	Description	Author	Hearings	Comm. Action	Senate Action
SB 306	Disclosure of records and reports of child abuse or neglect.	Public Health & Welfare	1-24-90	<i>to subcommittee 2-14-90 (Parish) 3-2-90 - incorp. into 522 306 died in committee</i>	
SB 311	Uniform marital property act.	Agriculture		BNP 2-7-90	
SB 313	Military retirement as marital property.	Governmental Org. (by request)	Probate & Civil 2-28-90	BP, Consent 3-1-90	
SB 321	Service of process by mail for limited action.	Judiciary	Sub 7, Civil Procedure... See HB 3021		
SB 335	Consideration of parole to include district court order regarding inmate population	Ways & Means		BNP 2-7-90	
SB 338	Inheritance tax, gross estate determination; liens	Judiciary	Sub 7, Civil Procedure...	BPA 2-26-90	
SB 355	Civil remedies for theft.	Federal & State Affairs	Subcommittee	report 3/28/89 BNP 2-7-90	
SB 364	Medical malpractice screening panels, access of costs and attorney fees.	Ways & Means	3-20, 21/89	BNP 2-7-90 Sub report 3/29/89 HOLD	
SB 370	Disclosure of certain tax information to division of vehicles.	Federal & State Affairs	Criminal Sub 3-23-90		
SCR 1607	Urging the Secretary of Corrections to screen and treat inmates with drug and alcohol abuse problems.	Judiciary			
SCR 1608	Requiring assessment and treatment of juvenile offenders for alcohol and drug abuse problems.	Judiciary			(3-20-90) I 5/19

No.	Description	Author	Hearings	Comm. Action	Senate Action
SCR 1608	Requiring assessment and treatment of juvenile offenders for alcohol and drug abuse problems.	Judiciary			
SCR 1609	Constitutional amendment, victims rights.	Langworthy & 25 others		BNP 2-7-90	
SCR 1610	Constitutional amendment to limit noneconomic damages on claims for personal injury.	Judiciary	3/20,21/89	3/30/89 discuss	

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No.	Description	Author	Hearings	Comm. Action	Senate Action
SB 416	Health care stabilization fund oversight committee; confidential information	Bond and Rock	1-11-90	BPA 1-11-90	
SB 425	Sexual exploitation by a mental health service provider, crime defined and punishment prescribed; Re Proposal #18	Corrections/Mental Health	1-18, 22-90	<i>referred to Judicial Council 2-7-90</i>	
SB 431	Enacting the Kansas adoption and relinquishment act; Re Proposal # 31	Judiciary	<i>2-5 * 2-6+2-16</i>	<i>2-19-90, 2-22-90 BPA</i>	
SB 441	District magistrate judge positions in 22nd judicial district.	Montgomery & Sallee	1-22-90	<i>BNP 2-7-90</i>	
SB 468	Court's discretion to modify sentence.	Winter and Moran	2-27-90	<i>2-27 BP</i>	
SB 472	Suspension of driving privileges when illegal drugs present in vehicle.	Bond & 4 others	2-22-90	<i>2-22-90 BPA</i>	
SB 473	Insurance; technical amendments to nonprofit medical and hospital service corporation act.	Financial Institutions & Insurance <i>(Revision)</i>	<i>2-14-90</i>	<i>BPA 2-14-90</i>	
SB 510 <i>Blessed</i>	Oil and gas owners' lien act	Hayden	Sub--2/1/90 <i>2 reports/ 3-22-90 7/14-HOLD</i>		
SB 521 <i>Blessed</i>	Master planning commission on juvenile affairs	Judiciary (Crim. Just. Coord Cl)	3-20-90		
SB 522	Child abuse	Judiciary	1/24, 25, 26/90	<i>to subcommittee 2-14-90 BPA 3-2-90</i>	
SB 523 <i>Blessed</i>	AIDS testing for certain employees and volunteers	Judiciary (Crim. Jst. Coord	1/31/90 Ccl) <i>SB 286 see Probate Sub</i>		<i>(3-20-90) I 7/19</i>

Bi	to.	Description	Author	Hearings	Comm. Action	Senate Action
SB 524		Wrongful death actions, limitations on amount of damages increased to \$250,000	Judiciary (KTLA)	1-29-90	to Subcommittee 2-12-90 BPA 2-26-90, 3-2-90 - BPA	reconsider action, 2-27-90
SB 525		Interest on judgments	Judiciary (KTLA)	1-29-90	to Subcommittee 2-12-90 BPA 2-26-90	
SB 526 <i>Blessed</i>		Juvenile offenders to be prosecuted as adults at 14 or 15 years of age in certain circumstances	Judiciary (Crim. Just. Coord. Council)	3-20-90		
SB 527		Unenforced foreclosure judgments; cancellation and renewal affidavits	Judiciary (Jud. Council)	Sub--2/1/90 report 2/14	BPA 2-14-90	
SB 535		Allowing retired judges to vote when setting on supreme court, rather than advisory only.	Judiciary (Jud Council)	Civil Procedure Subcommittee requested	BNP 2-7-90	withdrawn by Judicial Council
SB 536		Standard and considerations in termination of parental rights of child in need of care.	Judiciary	2-27-90	BPA 2-27-90	
SB 540		see after SA 644				
SB 544		Time limit for commencement of civil actions for damages suffered as a result of childhood sexual abuse.	Winter	1/24, 25/26/90	died in committee	
SB 546		Joint custody and child support	Johnston (by request)		died in committee	
SB 562		Community corrections, corrections advisory board, state purchase of services.	Judiciary (Dept of Corrections, CJCC)	2-12-90	BP 3-2-90	
SB 563		Kansas tort claims act, definition of employees	Judiciary (Dept. of Corrections)	2-12-90	BNP 3-2-90	
SB 592 <i>Abandoned</i>		Student health care providers of regents institutions	Ways & Means (Regents)	2-14-90 3-14-90	withdrawn at request of Regents 3-12-90	(3-20-90) I 8/19

SENATE JUDICIARY BILLS AND RESOLUTIONS

Bill No.	Description	Author	Hearings	Comm. Action	Senate Action
SB 611	Creating a civil cause of action by educational institutions against persons who cause the institution to be in violation of NCAA rules	Johnston	2-26-90	<i>BP fails</i> 3-5-90 <i>died in committee</i>	
SB 613 <i>Blessed</i>	Liability of health care providers rendering treatment during disaster limited.	Ehrlich	3-14-90		
SB 615	Requiring experience in district court as qualification of judges of the district court.	Francisco	2-21-90	<i>died in committee</i>	
SB 618	Notice to parents of issuance of traffic citation to child	Yost	<i>Criminal Sub</i> 2-28-90	BPA 3-1-90 <i>referred from calendar 3-6-90</i>	
SB 620	Fee for service of summons and petition	D. Kerr & Gaines	2-21-90	<i>died in committee</i>	
SB 624	Divorce, appointment of counsel for child in custody dispute.	Montgomery	2-27-90	BPA 2-27-90	
SB 628	Providing greater penalty for desecrating a cemetery if damage exceeds \$500.	Winter	2-28-90	BP 2-28-90	
SB 629	Eliminate right to jury trial for defendants charged with minor traffic infractions.	Winter	<i>Criminal Sub</i> 2-28-90	BP 3-1-90	
SB 631	Operation of vehicle by person under 21 with blood alcohol of .02 or more.	Winter		<i>died in committee</i>	
SB 635	concerning persons who may be mentally ill; procedure	Public Health & Welfare (SRS)	<i>Penal Sub</i> 2-27-90 2-21-90	BP 3-2-90	
SB 640	concerning guardians and wards; procedure to change treatment.	Public Health & Welfare (SRS)	2-21-90 <i>Penal Sub</i>	BPA 3-2-90	

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SENATE JUDICIARY BILLS AND RESOLUTIONS

Bi No.	Description	Author	Hearings	Comm. Action	Senate Action
SB 641 <i>Blessed</i>	concerning payment of the cost of transportation of alleged juvenile offenders to and from hearings	Public Health & Welfare (SRS)	2-27-90 3-20-90		
SB 642					
SB 540	mandatory life imprisonment for certain crimes	Bond & 20 others	2-15-90	<i>died in committee</i>	
SB 541					
SB 654	defining and classifying crimes relating to injury or death of unborn children	Fed & State			
SB 661 <i>Blessed</i>	support payments; providing for support payment centers; prescribing procedures; affecting functions of courts and SRS	Ways and Means (SRS)	<i>Probate Sub</i> 3-15-90	<i>SRS withdrew request</i> 3-14-90	
SB 669 <i>Blessed</i>	determination of parentage; relating to blood tests used to determine paternity	Public Health & Welfare	<i>Criminal Sub</i> 3-15-90		
SB 671	surrogate mothers; re Proposal No. 35	Judiciary	<i>See SB190</i>	2/26/90 (adj) BPA	
SB 673	victim/counselor confidentiality; concerns privileged communication (same as psychian/patient, attorney/client)	Jud. (AG req)	2-20-90	<i>died in committee</i>	
SB 674	crime victims compensation; domestic violence inclusion	Jud (AG req)	2/20/90	2/26 (adj) BP	
SB 680	mandating the enforcement of protection from abuse orders by law enforcement officers	Jud	2/20/90	2/26/90 (adj)	

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SENATE JUDICIARY BILLS AND RESOLUTIONS

No.	Description	Author	Hearings	Comm. Action	Senate Action
SB 681	records and reporting of criminal offenses	Jud	2/20/90	2/26 (adj) BNP - interim study suggested	
SB 682	protection from abuse, defiance of order constitutes criminal trespass; compensation	Jud	2/20/90	did in committee 2/26 (adj) motion to pass fails	
SB 683 <i>Blessed</i>	forfeiture of property, disposition of proceeds	Jud	2/22/90, 3/12		
SB 684 <i>Blessed</i>	crime when child used by adult in drug deal	Jud (req Oleen)	2/22/90, 3/12		
SB 685 <i>Blessed</i>	forfeitures of property, vesting of right and title in property		2/20, 2/22, 3/12/90		
SB 686 <i>Blessed</i>	limitation on actions, five years for most crimes	Jud	3-12-90		
SB 687	relating to definition of sodomy	Jud	<i>Criminal Sub</i> 2-28-90	BPA BPA 3-1-90	
SB 688	Frisking a suspect	Jud	<i>Criminal Sub</i> 2-28-90	BP, Consent 3-1-90	
SB 689	Limitation on action for latent disease	Jud (Req Johnston)	<i>Probate Sub</i> 2-28-90	BPA 3-1-90	
SB 690	Probate proceedings, venue in any county where decedent owned real property.	Jud	<i>Probate Sub</i> 2-28-90	BPA 3-1-90	
SB 700	DUI, telephonic drivers license revocation hearings.	Jud	2-23-90	BP, Consent 3-1-90	

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SENATE JUDICIARY BILLS AND RESOLUTIONS

No.	Description	Author	Hearings	Comm. Action	Senate Action
SB 701	Allowing work release programs to be imprisonment as used in KSA 8-1567	Jud	2-23-90	BPA 3-2-90	
SB 702 <i>Blessed</i>	Increasing fines for felonies	Jud	3-12-90		
SB 703 <i>Blessed</i>	No diversion for certain drug offenses.	Jud	3-12-90		
SB 704 <i>Blessed</i>	Crimes and punishment, sentencing of second and subsequent offenses and presumptive sentencing, drug offenses.	Jud	3-12-90		
SB 705 <i>Blessed</i>	Use of firearms in drug offenses, sentencing.	Jud	3-12-90		
SB 706 <i>Blessed</i>	Uniform controlled substances act, definition of sell.	Jud	3-12-90		
SB 707 <i>Blessed</i>	Uniform controlled substances act, separate offense for manufacture of controlled substances.	Jud	3-12-90		
SB 708 <i>Blessed</i>	Evidence admitted at preliminary examinations.	Jud	3-12-90		
SB 709 <i>Blessed</i>	Conspiring to commit KSA 65-4127a or 65-4127b shall be the same class felony as committing the crime.	Jud	3-12-90		
SB 710 <i>Blessed</i>	Committing murder while violating a felony offense under KSA 65-4127a or 65-4127b, first degree murder.	Jud	3-12-90		
SB 711	Creating the crime of criminal battery.	Jud	Criminal Sub 2-23-90	refer to Judicial Council 3-1-90	(3-20-90) I 12/19

SENATE JUDICIARY BILLS AND RESOLUTIONS

No.	Description	Author	Hearings	Comm. Action	Senate Action
SB 712	Disposition of defendant pending appeal by prosecution.	Jud	2-27-90	BP 2/27/90	
SB 713	Law enforcement officer use of force in making arrest.	Jud	<i>Criminal Sub</i> 2-28-90	BP, Consent 3-1-90	
SB 714	child victim testimony in criminal trials.	Jud (A.G.)	2-27-90	BP 2/27/90	
SB 715	Creating the crime of construction fund fraud.	Jud	<i>Criminal Sub</i> 2-28-90	<i>died in committee</i>	
SB 716	Recovery from parents for malicious or willful acts by children.	Jud	<i>Probate Sub</i> 2-28-90	<i>died in committee</i>	
SB 717	Probate procedure, attestation, affidavit.	Jud	<i>Probate Sub</i> 2-28-90	BP, Consent 3-1-90	
SB 718	Providing witness fees and mileage in criminal cases.	Jud	<i>Probate Sub</i> 2-28-90	BPA 3-1-90	
SB 719	Allowing municipal court judges to officiate marriage ceremonies	Jud	<i>Probate Sub</i> 2-28-90	BP, Consent 3-1-90	
SB 720	Uniform fraudulent transfer act.	Jud			
SB 721	Marriage licenses and officiants' credentials.	Jud	<i>Probate Sub</i> 2-28-90	BPA 3-1-90	
SB 722	Despositions; certified shorthand reporters.	Jud	<i>Probate Sub</i> 2-28-90	BPA 3-1-90	Killed <i>(3-30-90)</i> <i>I 13/19</i>

SENATE JUDICIARY BILLS AND RESOLUTIONS

No.	Description	Author	Hearings	Comm. Action	Senate Action
SB 723	Enforcement of support; International reciprocity.	Jud	<i>Probate Sub</i> 2-28-90	BPA 3-1-90	
SB 724	Sub for SB 724 (Jud)-- Crimes and punishment; transfer of certain confined persons.	Jud	<i>Probate Sub</i> 2-28-90	Sub bill BP 3-1-90	
SB 725	Public health laboratory tests; laboratory defined.	Jud	<i>Probate Sub</i> 2-28-90	BPA 3-1-90	
SB 726	Criminal procedure; hearsay evidence at preliminary examination.	Jud		BNotP 2-26-90	Dead, committee report.
SB 730 <i>W&M bill</i>	Uniform commercial code fees for filings and information requests.	Ways & Means	<i>Criminal Sub</i> 3-15-90		
SB 735 <i>Blessed</i>	Jury trial, rehearing and appeal procedure prior to termination of parental rights under code for care of children.	PH&W			
SB 736 <i>Blessed</i>	Charitable health care providers employees of state for purposes of the Kansas tort claims act.	PH&W	3-14-90		
SB 741 <i>Blessed</i>	Court hearing to allow SRS to retain custody of juvenile offenders past the age of 21	Jud	3-20-90		
SB 742 <i>Blessed</i>	Prohibiting detention of juveniles in adult jails.	Jud (req of Parrish)	3-20-90		
SB 743 <i>Blessed</i>	Juvenile offenders advisory boards; comprehensive corrections plans to include juvenile offenders advisory boards.	Jud	3-20-90		
SB 744 <i>Blessed</i>	Compensation for victims of crimes against property.	Jud	<i>Criminal Sub</i> 3-15-90		(3-20-90) I 14/19

SENATE JUDICIARY BILLS AND RESOLUTIONS

No.	Description	Author	Hearings	Comm. Action	Senate Action
SB 745 <i>Blessed</i>	Psychopathic personality as severe mental disorder under treatment act for mentally ill persons.	Jud (req, D.Kerr)	<i>3-15 Criminal Sub</i>	<i>request withdrawn - request an interim study.</i>	
SB 753	Penalties for violations of Kansas healing arts act.	Fed & State	withdrawn from	Judiciary and reassigned to PH&W (3-2-90)	
SB 758	Power of KBI members to administer oaths and acknowledge signatures.	Fed & State	<i>Criminal Sub 3-15-90</i>		
SB 772	Limitations on amounts of disposable earnings subject to garnishment.	Ways & Means (Winter)	3-22-90		
SB 764	Defining and classifying the crimes of interference with the legislative process and possession of a loaded firearm within the state capitol building.	Ways & Means (LCC)	<i>Criminal Sub 3-15-90</i>		
SB 616 <i>Blessed</i>	Prohibiting the display of obscene bumper stickers on motor vehicles.	Francisco			

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SENATE JUDICIARY BILLS AND RESOLUTIONS

Bill No.	Description	Author	Hearings	Comm. Action	Senate Action
HB 2019	Home equity protection act	Vancrum	Judicial Council		
HB 2070	Consumer protection, actions brought by attorney general, attorney fees	Judiciary		BNP - 2-7-90	
HB 2101	Civil liability for giving a worthless check	Heinemann			
Sub HB 2347	party shacks described as common nuisances	Judiciary	1-16, 17-90	BPA 1-23-90	
HB 2432	Transfer of property prior to payment of personal property tax; bankruptcy proceedings	Local Government	RE & CL sub 1-31-90 <i>Report 2-14-90</i>	BNP 2-14-90	
HB 2462	Construction and interpretation of trusts	Judiciary	89 referred to Jud. Council <i>Probab Sub 3-15-90</i>		
HB 2478	Abandoned personal property liens may be removed from records by register of deeds	Judiciary	RE & CL sub 1-31-90 <i>Report 2/14</i>	BPA 2-14-90	
<i>1990 Session</i> HB 2645	District court; disposition of money received by the clerk	Judiciary	<i>Probab Sub 3-15-90</i>		
HB 2646	municipal courts; relating to the right to counsel	Judiciary	2-12-90	BP-Consent 2-12-90	
HR 2647	crime and punishments; relating to expungement	Judiciary	2-12-90	BP-Consent 2-12-90	
HB 2648	criminal procedure; relating to release prior to trial	Judiciary	2-12-90	BP-Consent 2-12-90	

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SENATE JUDICIARY BILLS AND RESOLUTIONS

Bill No.	Description	Author	Hearings	Comm. Action	Senate Action
HB 2649	criminal procedure; relating to diversion agreements	Judiciary	2-12-90	<i>BP-consent 2-12-90</i>	
HB 2688	attorney fees taxes as costs in certain actions involvign negligent motore vehicle operation	Judiciary (KTLA)	<i>Probate Sub 3-15-90</i>		
HB 2347	Party shacks described as common nuisances	Jud (sub for HB 2347)	1-16-90, 1-17-90	BPA, 1-23-90	
HB 2292	Sub 2292 (Fed & State)2-23-90 Suspension of minor's driving privileges for any alcohol or drug-related offense.	Lowther & 20 others	3-26-90		
HB 2353	The oil and gas owners' lien act.	Shore, Holmes	3-22-90		
HB 2439	Civil procedure for limited actions.	Jud	<i>Probate Sub 3-23-90</i>		
HB 2469	Income withholding for enforcement of support.	PH&W	<i>Probate Sub 3-15-90</i>		
HB 2470	Revivor of dormant judgments in child support cases.	PH&W	<i>Criminal Sub 3-15-90</i>		
HB 2643	Rules of pleadings; damages in excess of \$50,000.	Jud	<i>Probate Sub 3-15-90</i>		
HP 2644	Recording of certain decrees of the court with the register of deeds.	Jud	<i>Criminal Sub 3-15-90</i>		
HB 2671	Probable cause shown before installation and use of pen register allowed.	Jud	<i>Criminal Sub 3-15-90</i>		

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SENATE JUDICIARY BILLS AND RESOLUTIONS

No.	Description	Author	Hearings	Comm. Action	Senate Action
HB 2689	Limitation of actions on latent diseases.	Jud	<i>Probate Sub</i> 3-23-90		
HB 2690	Amendments to the charitable organizations and solicitations act.	Jud	<i>Probate Sub</i> 3-15-90		
HB 2692	Court-ordered mediation for juvenile offenders.	Adam & 11 others	<i>Criminal Sub</i> 3-23-90		
HB 2721	Privilege against discovery or disclosure of certain proceedings and findings of accountants.	Jud	<i>Criminal Sub</i> 3-15-90		
HB 2734	Crime victims' compensation board; allowing victims of hit and run accidents to be compensated; allowing victims over 65 to collect sums under \$100; deleting the household exclusion.	Jud	<i>Criminal Sub</i> 3-23-90		
HB 2752	Court allowed 30 days to issue warrant for arrent of defendant who did not meet conditions of probation.	Jud	<i>Criminal Sub</i> 3-16-90		
HB 2753	Railroad not automatically liable to pay attorney fees in fire damage claims.	Jud	<i>Probate Sub</i> 3-15-90		
HB 2754	Sentencing commission receiving certain information.	Jud (<i>Sentencing Commission</i>)	2-19-90	BP, Consent 2-19-90	
HB 2770	Violations of the uniform controlled substances act including minors.	Jud (<i>Law office</i>)	3-19-90		
HB 2850	Collection services for state agencies by competitive bids.	Patrick			
HB 2880	Creating the crime of assault of a correctional employee.	Flower, & 3 others	<i>Criminal Sub</i> 3-23-90		

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SENATE JUDICIARY BILLS AND RESOLUTIONS

No.	Description	Author	Hearings	Comm. Action	Senate Action
HB 2920	Expedited appeal of habeas corpus actions involving extradition.	Jenkins & 3 others	<i>Criminal Sub</i> 3-15-90		
HB 2996	Notice of agency action resulting in right to request a hearing pursuant to KAPA must include a statement informing the person that written request for hearing must be filed with agency within 15 days of notice.	Jud (A.G.)	<i>Probate Sub</i> 3-15-90		
HB 3021	Service of process by certified mail.	Jud (<i>Judicial Council</i>)	3-22-90		
HB 3038	Child hearsay exception allowed in any proceeding.	Jud (<i>Rep. Hochhauser</i>)	3-22-90		
HB 3041	Length of detention shortened from 48 to 24 hours for a juvenile offender.	Jud (<i>C&DA Assoc</i>)			
HB 3042	Application of tort claims act to certain persons training inmates.	Jud (<i>Rep. Jenkins</i>)	3-26-90		
HB 3043	Increasing compensation for screening panel members	Jud	<i>Probate Sub</i> 3-15-90		
HB 3045	Reinserting prosecuting attorneys' training fund into court fees statute.	Jud	<i>Criminal Sub</i> 3-15-90		
HB 3054	Additional authority of judge pro tems.	Jud	<i>Probate Sub</i> 3-23-90		
HB 3039	Personal service of process at time of arrest allowed in drug forfeiture cases.	Jud (<i>Rep. Gomez</i>)	3- 19 -90		

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JOHN W. WHITE
ADMINISTRATIVE JUDGE

THOMAS M. SAXTON, JR.
DISTRICT MAGISTRATE JUDGE

BECKY WELSH
ADMINISTRATIVE ASSISTANT

DISTRICT COURT
COURT HOUSE
316-365-5145
IOLA, KANSAS 66749

MEMORANDUM

TO: Senate Judiciary Committee

FROM: John W. White, District Judge, Iola, Kansas
Member-Advisory Commission on Juvenile Offender Programs

RE: Senate Bill No. 742

I am appearing before you at the request of the Advisory Commission on Juvenile Offender Programs. My comments are directed to the provisions of Senate Bill No. 742. Senate Bill 742 is a juvenile jail removal bill.

For the past several years the State of Kansas has received federal funds through the Juvenile Justice and Delinquency Prevention (JJDP) Act. These funds are to be used in establishing programs which will remove juveniles from adult jails and lockups. The Advisory Commission has been delegated the responsibility for determining the programs eligible for JJDP funding.

To continue to be eligible for JJDP funds a state must show that it is in substantial compliance with federal regulations concerning removal of juveniles from adult jails and lockups. In 1989 Kansas received a waiver from the Office of Juvenile Justice and Delinquency Prevention (OJJDP). The regulations established by OJJDP provide for a waiver by the Administrator when a state

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exhibits (a) partial compliance and (b) makes an unequivocal commitment to achieving full compliance with the jail removal requirements. To demonstrate Kansas' commitment to full compliance Governor Hayden signed a Proclamation in 1989 indicating he would support legislation requiring removal of juveniles from adult jails and lockups. With this Proclamation a waiver of compliance was received for that year.

Kansas is eligible for \$457,000 in JJDP funds for the year 1990. The information which has been provided to the Advisory Commission leads us to believe that Kansas will not be granted another waiver absent legislation requiring removal of juveniles from adult jails.

The Advisory Commission recognizes that the issue of juvenile jail removal presents many problems. We have had many disagreements among the members of the Commission in our discussions regarding jail removal. I am not here to speak in support of the proposed legislation or in opposition to it. The Advisory Commission believes that the State's continued participation in JJDP funding in the future is a policy decision to be made by the legislature, not by our Commission. For that reason the Advisory Commission asked that I appear here today to bring to your attention that Kansas is in jeopardy of losing

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future JJDP funding unless Senate Bill No. 742 is enacted, and to request that you give the matter your consideration and determine whether the State should continue to seek JJDP funding.

Thank you for allowing me this opportunity to speak to you.

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SUMMARY OF PRESENTATION

1) Extending custody of juvenile offenders beyond 21 years of age provides significant prospects to reduce youth crime.

- Research and statistical analysis indicates that teenagers and young adults "commit crimes far in excess of their proportion of the population."
- The peak rate for property offenses is the late teens while the peak rate for violence is in the early twenties.
- Many young offenders carry the following burdens:
 - a) lower intelligence;
 - b) poor social-economic status;
 - c) no moral system of response;
 - d) impulsivity and inability to see future sequence of events or consequences.
- As a result, without strong supervision:
 - a) They can't hold jobs;
 - b) They don't maintain relationships;
 - c) They are susceptible to drug and alcohol problems which in turn lowers inhibition against bad conduct;
 - d) They can't manage letdown or stress;
 - e) They pass these problems to their own children through ineffective parenting, abuse, or abandonment.
- Depending on the blend of the above factors, many of these offenders will be evaluated to be anti-social (sociopathic) or passive aggressive. The prevailing view is that a violently anti-social person will not begin to become less violent or to have insight into his behavior until he reaches the mid-thirties.

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Summary of Presentation

- As such, it is not particularly surprising that many youth offenders in the Juvenile Justice System graduate to more serious criminal offences.
- As such, a Juvenile Justice System which ends custody at or prior to age 21 years of age is somewhat out of focus.

SB No. 741

- A major problem is that presumeably a District Magistrate Judge could sentence a 21 year of age to life in the custody of the S.R.S. at a State Youth Center.
- Limiting SB No. 741 to A and B Felonies, excludes crimes such as Aggravated Battery; Indecent Liberties; Robbery; Aggravated Indecent Solicitation of a Child; Attempted Poisoning; Sexual Exploitation of a Child; Aggravated Assault; Aggravated Burglary; Arson.
- Violent Felony Offenders should have definite minimum and maximum terms. At age 18, a comprehensive evaluation should be prepared. Court disposition should be required. Courts options should include transfer to Secretary of Corrections.
- Other Felony Offenders should be subject to custody to age 23 or 25. Evaluation at 18 should also be prepared. Courts options should have probation options; halfway house options; and transfer to community corrections or Secretary of Corrections. Offenders should earn release through achievement and stability.

Terry R. Fuller, Attorney at Law
P.O. Box 394, Kinsley, KS 67547
316-659-2222

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THOMAS COUNTY SHERIFF'S DEPARTMENT

225 North Court
Colby, Kansas 67701
(913) 462-6725

Thomas W. Jones, Sheriff
Scott Elberg, Undersheriff

March 19, 1990

The Honorable Wint Winter
Senate Judicial Committee
State Capitol
Topeka, KS 66612

Re: Senate Bill 742

Dear Senator Winter:

With regard to SB 742, I would like to voice my concerns with respect to juveniles in jail. My first and foremost concern is that of liability. Secondly, juveniles in jail pose a tremendous jail management problem as they are required to be housed out of sight and sound of adult inmates. This is virtually impossible considering the limitations of facilities in rural communities. Another factor is the increased risk of suicide among juvenile detainees.

Thomas County has one of the longest stretches of I-70 traversing through its jurisdiction than any other county in the State. Between 25 and 30 juveniles per year are arrested along this stretch on the average. These juveniles are brought in and detained for serious offenses as well as simply being runaways who must be detained until they can be turned over to another jurisdiction. These figures do not even include juveniles domiciled in our jurisdiction that we must deal with as well.

With the assistance of SRS Youth Services, we have established an Attendant Care Program in Thomas County. This program has become an important tool in dealing with the number of juveniles that enter the facility and it is our hope that funding continues to be available for this program.

Although Attendant Care is a qualified alternative to jail for a large number of juveniles, it is not appropriate for every instance in which a juvenile is arrested. At the time of this writing, I have two juveniles in jail who are wanted out of Georgia. One is wanted for assault and battery and the other is a juvenile running away from a Juvenile Detention Facility. Circumstances such as these leave me no alternative under the present system but to keep them incarcerated in the jail facility.

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The Honorable Wint Winter

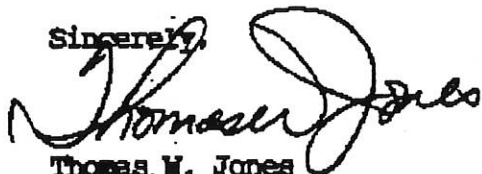
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For the type of problems these juveniles create when detained, the regional concept of a juvenile detention facility appears to be the best solution.

I strongly request your support in appropriating a share of the money derived from gaming statutes being used to facilitate the construction of these facilities.

Sincerely,



Thomas W. Jones
Sheriff

TWJ:bcm

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