

Approved

3/3/92
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Representative Denise Everhart at
Chairperson

3:30 ~~am~~ p.m. on March 5, 1992 in room 313-S of the Capitol.

All members were present ~~except~~

Committee staff present:

Jerry Donaldson, Legislative Research
Jill Wolters, Revisor of Statutes
Judy Goeden, Committee Secretary

Conferees appearing before the committee:

Jim Clark, Association of County & District Attorneys

The meeting was called to order by Vice-chairman Denise Everhart.

HB 3151, transportation of alcoholic liquor or cereal malt beverage in open container was opened for hearing.

Jim Clark, Kansas Association of County & District Attorneys, testified in favor of HB 3151.

Representative Heinemann moved to request the Revisor's office to make necessary technical amendments to HB 3151 then report favorably for passage as amended. Rep. Hochhauser seconded the motion. Motion carried.

HB 2310, conditions of probation, suspended sentence or community corrections, was considered. State Representative Ann Cozine submitted written testimony to the committee on HB 2310. (Attachment #1)

Representative Snowbarger moved to table HB 2310. Rep. O'Neal seconded the motion. Motion carried.

Representative Hochhauser, chairman of subcommittee, reported on HB 2426, sexual exploitation by a mental health service provider.

Rep. Heinemann moved to redefine "counseling relationships" in HB 2426. Rep. Hochhauser seconded the motion. Motion carried.

Representative Hochhauser moved to change definition of sexual battery and aggravated sexual battery and to define theraputic relationship. Rep. Everhart seconded the motion. Motion carried.

Representative Hochhauser moved to make HB 2426 a substitute bill and to recommend Substitute HB 2426 as amended favorably for passage. Rep. Everhart seconded the motion. Motion carried.

Rep. Rock moved to have a technical amendment made to HB 3011. Rep. Everhart seconded the motion. Motion carried.

Rep. Rock moved to report HB 3011 as amended favorably for passage. Rep. Lawrence seconded the motion. Motion carried.

Rep. Heinemann submitted the subcommittee's recommendation on HB 3036. (Attachment #2)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY,

room 313-S, Statehouse, at 3:30 ~~am~~/p.m. on March 5, 1992

Rep. Heinemann conceptually moved to amend HB 3036 stating the Governor's residence does not apply to Governor, Governor's family and Governor's authorized specified guests. Rep. Carmody seconded the motion. Motion carried.

Rep. Heineman moved that the language in HB 3036 be cleaned up and in Section 1 stating "or leased as approved by the Secretary of Administration". Rep. Carmody seconded the motion. Motion carried.

Rep. Heinemann moved to include all county courthouses unless specifically excluded by county commissioners in HB 3036. Rep. Everhart seconded the motion. Motion carried.

Rep. Heinemann moved to amend HB 3036 by saying that county commissioners would have authority to extend prohibition to other buildings owned by them. Rep. Smith seconded the motion. Motion failed.

Rep. Heinemann moved to report HB 3036 as amended favorably for passage. Rep. Rock seconded the motion. Motion carried.

Rep. Hochhauser gave the subcommittee report on HB 3017.

Rep. Hochhauser moved to conceptually amend HB 3017 by simply stating "military personnel on active duty or in active reserve component units of the National Guard". Rep. Everhart seconded the motion. Motion carried.

Rep. Hochhauser moved to amend HB 3017 by stating no persons shall discriminate against military personnel in places of public entertainment or private housing. Rep. Everhart seconded the motion. Motion carried.

Rep. Hochhauser moved to amend HB 3017 in Section 5, line 8, by adding "member of". Rep. Carmody seconded the motion. Motion carried.

Rep. Hochhauser moved to amend HB 3017 by deleting the criminal penalty and inserting civil penalties instead. Rep. Everhart seconded the motion. Motion carried.

Rep. Hochhauser moved to pass HB 3017 as amended favorably. Rep. Everhart seconded the motion.

Rep. Garner made a substitute motion to delete the language "prejudiced or injured" and insert "discriminated against" in HB 3017. Rep. O'Neal seconded the motion. Motion carried.

Rep. Pauls made a substitute motion to include "spouses of military personnel" in HB 3017. Rep. Hochhauser seconded the motion. Motion carried.

Rep. Hochhauser's original motion to recommend HB 3017 as amended favorably for passage was considered. Motion carried.

Meeting adjourned at 5:10 P.M.

ANN COZINE
 REPRESENTATIVE, 81ST DISTRICT
 502 E. HELBERT
 MULVANE, KANSAS 67110
 (316) 777-4660 HOME
 296-7657 TOPEKA OFFICE



TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 ELECTIONS
 INSURANCE
 PUBLIC HEALTH & WELFARE

March 5, 1992

Mr. Chairman and Committee,

HB 2310 puts a basic ingredient that should be in the recipe for Community Corrections. When the majority of offenders in our Community Corrections Program are 18 - 20 years old, white males with a 9th Grade education, and the lack of educational preparation for the work force practically guarantees their risk of being return offenders, we have an educational problem that is far too costly to be ignored.

What does it cost to help the offender get a high school diploma, A G.E.D. certification, or vocational training to prepare them for the work force? A mere ~~penitance~~ compared to the likely alternative of return offenders.

A spot survey done by the Division of Community and Field Services Management, Community Corrections, said that between 20% and 33% of adult community corrections participants do not have a high school diploma or G.E.D. The program obtain educational services generally at no cost by accessing available community services. Two programs now pay the cost of the G.E.D. test.

However, even if the state had to put more funding into such a program it is an investment all of us should be willing to make for the sake of future of Kansas.

This is anti-crime and anti-poverty legislation. It is not a perfect bill, but it has overcome the stated objections of the correction's officials, and if the committee can further improve it by all means do it with my blessings.

If we are going to have correction programs we cannot ignore such primary correction needs, especially for this group of offenders who are living in the

HJC
 3-5-92
 Attach #1
 1084

community now.

Thank you for your consideration of HB 2310. I am not opposed to HB 2310 becoming your committee bill, if the committee so desires.

REPRESENTATIVE ANN COZINE

HJC
3-2-92
Attach #1
284

Office Memorandum

The Legislative Research Department

Room 545-N, Statehouse
Phone: (913) 296-3181
Topeka, Kansas 66612

3-5-92

TO: Rep. Cozine
FROM: Russell Mills
RE: Cost per housing inmates.
Table enclosed.

HJC
3-5-92
Attach #1
384

Department of Corrections
Operating Costs Per Capita

20-Feb-92

<u>Facility</u>	<u>Actual FY 1990</u>	<u>Actual FY 1991</u>	<u>Governor's Recommendation FY 1992</u>	<u>Governor's Recommendation FY 1993</u>
Lansing Correctional Facility	\$14,615	\$15,323	\$18,516	\$19,846
Hutchinson Correctional Facility	12,737	13,169	14,467	16,811
El Dorado Correctional Facility	10,111 *	19,288 **	25,488 **	19,096
Topeka Correctional Facility	19,717	18,274	18,711	17,439
Norton Correctional Facility	17,882	16,330	16,919	16,618
Ellsworth Correctional Facility	15,008	13,850	13,472	14,659
Winfield Correctional Facility	13,347	13,238	13,201	12,807
Wichita Work Release Facility	12,295	16,691	10,619	9,969
Larned Correctional Mental Health Facility	--	--	73,553 **	38,978
Contract Work Release/Other	10,827	15,695	--	--
Subtotal - Facilities	\$14,656	\$15,131	\$17,521	\$17,838
Inmate Medical and Mental Health Care	1,902	1,986	2,445	2,658
Inmate Programs	1,671	1,701	1,663	1,446
Total Expenditures	\$18,229	\$18,818	\$21,629	\$21,942

* El Dorado and Toronto Correctional Work Facilities only

** Reflects partial year funding and start-up of facilities

HJE
3-5-92
A Hack HJ
4 of 4

HOUSE BILL No. 3036

By Committee on Local Government

2-13

HJ 5-92
#2
Hack

8 AN ACT concerning crimes and punishments; relating to the pos-
9 session of a firearm on certain state property; amending K.S.A.
10 1991 Supp. 21-4218 and repealing the existing section.
11

12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 1991 Supp. 21-4218 is hereby amended to read
14 as follows: 21-4218. (1) Possession of a firearm ~~within~~ the state capitol
15 building, ~~the governor's residence, on the grounds of or in any~~
16 ~~building on the grounds of the governor's residence, the state office~~
17 ~~building at 915 Harrison known as the Docking state office building,~~
18 ~~the state office building at 900 Jackson known as the Landon state~~
19 ~~office building ~~and~~ the Kansas judicial center at 301 West 10th,~~ is
20 possession of a firearm by a person other than a commissioned law
21 enforcement officer, a full-time salaried law enforcement officer of
22 another state or the federal government who is carrying out official
23 duties while in this state, any person summoned by any such officer
24 to assist in making arrests or preserving the peace while actually
25 engaged in assisting such officer or a member of the military of this
26 state or the United States engaged in the performance of duties who
27 brings a firearm into, or possesses a firearm within, the state capitol
28 building, any state legislative office, any office of the governor or
29 office of other state government elected official ~~or~~, any hearing room
30 in which any committee of the state legislature or either house
31 thereof is conducting a hearing, ~~the governor's residence, on the~~
32 ~~grounds of or in any building on the grounds of the governor's~~
33 ~~residence or the Landon state office building, Docking state office~~
34 ~~building ~~or~~ Kansas judicial center.~~

35 (2) Possession of a firearm ~~within~~ the state capitol building
36 Violation of subsection (1) is a class B misdemeanor.

37 (3) This section shall be part of and supplemental to the Kansas
38 criminal code.

39 Sec. 2. K.S.A. 1991 Supp. 21-4218 is hereby repealed.

40 Sec. 3. This act shall take effect and be in force from and after
41 its publication in the statute book.

on the grounds of or in building

within

, within

within any other state owned or leased building if the secretary of administration has so designated through rules and regulations and conspicuously placed signs clearly stating that firearms are prohibited within such building, any county courthouse, and within any other building owned or leased by the board of county commissioners in such county if such board so designates by county ordinance and conspicuously placed signs clearly stating that firearms are prohibited with such building

, county courthouses, or any other building, state or county owned or leased, so designated