

Approved 4-30-92
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Rep. John Solbach at
Chairperson

3:30 a.m./p.m. on March 30, 1992 in room 313-S of the Capitol.

All members were present ~~except~~

Committee staff present:

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

Conferees appearing before the committee:

Kyle Smith, KBI
Paul Shelby, Judicial Administration
Kevin Moriarity, Attorney, Johnson County

The chairman called the meeting to order.

The chairman called for discussion, amendment and action SB 358, amendments to Kansas Criminal Code.

Jill Wolters reviewed action completed to date on SB 358.

Rep. Rock moved to amend SB 595 into SB 358. Rep. Hamilton seconded the motion. Motion carried.

Rep. Pauls moved to amend SB 358 by including HB 3096 which includes crime during sale or manufacture of drugs. Rep. Parkinson seconded the motion. Motion carried.

Kyle Smith, KBI, and Paul Shelby, Judicial Administration, requested an amendment to SB 358 concerning forensic lab fees.

Rep. Douville moved to amend SB 358 to provide for a forensic laboratory fee of \$150. Rep. Pauls seconded the motion. Motion carried.

Rep. Douville moved to amend SB 358 to include charging people involved in money laundering. Rep. Parkinson seconded the motion. Motion carried.

Rep. Snowbarger moved to amend SB 358 in Section 48 by striking lines 16 through 19. Rep. Everhart seconded the motion. Motion carried.

Rep. Snowbarger moved to amend SB 358 on page 30 by striking lines 34 through 38. Rep. O'Neal seconded the motion. Motion carried.

Rep. Snowbarger moved and Rep. Parkinson seconded a motion to amend SB 358 in Section 48 to allow a person's hunting license to be revoked for up to one year. Motion carried.

Rep. Heinemann moved to amend SB 358 by reinserting 32-1013. Rep. Snowbarger seconded the motion. Motion carried.

Rep. Vancrum moved to amend SB 358 in Section 45 by leaving aggravated burglary a Class C felony. Rep. Pauls seconded the motion. Motion carried.

Rep. Garner moved to amend SB 358 by deleting New Section 78 since it has been taken care of with the drive-by shooting bill. Rep. Smith seconded the motion. Motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY,
room 313-S, Statehouse, at 3:30 ~~a~~m./p.m. on March 30, 1992

Rep. Snowbarger moved to amend SB 358 by having the Revisor take care of technical problems in the title and in the repealer. Rep. Douville seconded the motion. Motion carried.

Rep. Garner moved to amend SB 358 stating it would be an offense to trespass on non-navigable water if such person is navigating or attempting to navigate a non-powered vessel, (as in current Nebraska law) and also if non-powered vessel is ported. Rep. Hochhauser seconded the motion. Motion carried.

Rep. Hamilton moved to amend SB 358 by redefining telephone call to include fax machine harassment. Rep. Snowbarger seconded the motion. Motion carried.

Rep. Garner moved to amend SB 358 to have violations of criminal statutes to give rise to private cause of action. Rep. Pauls seconded the motion. Motion failed.

Rep. O'Neal requested Garner's previous motion be requested to be studied in an interim committee along with field services. Jerry Donaldson will draft request for study.

Rep. Garner moved to amend SB 358 by removing Section 79. Rep. O'Neal seconded the motion. Motion carried.

Rep. Heinemann discussed amending HB 2902 into SB 358, however it was agreed by the committee that it was not necessary to make this amendment since it is already included in the bill.

Rep. Hamilton discussed HB 2489. The committee agreed it was not necessary to amend this bill into SB 358 since it was already included in the bill.

Rep. Everhart moved to report SB 358 as amended favorably for passage. Rep. Heinemann seconded the motion. Motion carried.

Testimony was taken from Kevin Moriarty, Attorney, Johnson County, in opposition to SB 479. He has practiced criminal law for 16 years, and his concern on the bill is that he feels it is not a truth in sentencing bill. He feels the disparity in sentencing would not be helped because previously charged misdemeanors are not taken into consideration. He did not feel this bill would help reduce prison population. He thought additional funds for Community Corrections would ease prison overcrowding. He did not feel the current system needs to be completely changed. He answered committee members question.

Hearing on SB 479 was closed.

Rep. Pauls moved to recommend HB 744 favorably for passage. Rep. Vancrum seconded the motion.

Rep. Parkinson moved to amend SB 744 to say proceeds will be paid to the victims. Rep. Pauls & Vancrum accepted the friendly amendment to their motion. Motion carried.

Meeting adjourned at 5:10 P.M.

