

Approved: February 6, 1992
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Chairperson Senator Wint Winter Jr. at
10:05 a.m. on January 27, 1992 in room 514-S of the Capitol.

All members were present except:
Senator Gaines who was excused.

Committee staff present:
Mike Heim, Legislative Research Department
Gordon Self, Office of Revisor of Statutes
Judy Crapser, Secretary to the Committee

Conferees appearing before the committee:
Carolyn Hill, SRS Commissioner of Adult and Youth Services
James Clark, Kansas County and District Attorneys Association
Paul Shelby, Office of Judicial Administration
Senator Jerry Moran

Chairman Winter brought the meeting to order by opening the hearing for SB 476.
SB 476 - traffic offense; juveniles prosecuted as adults. Re Proposal No. 12

Carolyn Hill, Acting Commissioner of Youth and Adult Services of the Kansas Department of Social and Rehabilitation Services, testified in support of SB 476. (ATTACHMENT 1) Ms. Hill responded to questions by noting SRS just recently made a commitment to move forward on all four additional juvenile detention facilities, to be located in Finney, Trego, Crawford and Douglas counties.

Chairman Winter noted to the Committee that SB 476 is a change required for compliance with federal law. There is debate on whether judges should have the authority to send juveniles to detention facilities.

James Clark, Kansas County and District Attorneys Association, rose to express their support of SB 476, but noted that in most areas there are no facilities to receive juveniles. He added that the bill deals only with suspension of drivers licenses and not with DUIs.

This concluded the hearing for SB 476. Chairman Winter opened the hearing for SB 478.
SB 478 - information accessible to foster parents or individuals caring for children. Re Proposal No. 12

Carolyn Hill, Acting Commissioner of Youth and Adult Services of the Kansas Department of Social and Rehabilitation Services, testified in support of SB 478. (ATTACHMENT 2)

Paul Shelby, Office of Judicial Administration, rose to state there have some concern with SB 478, but those concerns are lessened as long as Section 2(a)(4) remains, limiting disclosure to official files and not social files.

This concluded the hearing for SB 478.

Senator Feleciano moved to recommend SB 478 favorable for passage. Senator Parrish seconded the motion. The motion carried.

Chairman Winter opened the hearing for SB 499.
SB 499 - county law libraries in Edwards, Hodgemann, Lane, Ness, Pawnee and Rush counties.

Senator Moran presented SB 499 stating it was requested by the administrative law judge who is interested in improving the quality of their law libraries. He added that the bill is similar to previously passed legislation.

Paul Shelby, Office of Judicial Administration, testified in support of SB 499 and offered a suggestion for amending the bill. (ATTACHMENT 3)

The hearing was continued to the next meeting on January 28, 1992 at 10:05 a.m. in Room 514-S.

SB 479 - enacting the Kansas Sentencing Guidelines Act.

Senator Oleen presented a brief report from attending the morning meeting of the Kansas Sentencing Commission. She reported that, due to the recent significant changes in the membership of the KSC, they would present their reactions to any changes of SB 479 before the House Judiciary Committee.

The meeting was adjourned at 11:04 a.m.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES
Donna Whiteman, Secretary

SENATE JUDICIARY COMMITTEE
JANUARY 27, 1992
Testimony in Regard to S.B. 476

AN ACT concerning traffic offenses; relating to juveniles prosecuted as adults; amending K.S.A. 8-626 and 8-2204 and repealing the existing sections.

Mr. Chairperson, Members of the Committee, I am appearing today in support of SB 476, which provides for placement of certain juvenile traffic offenders in juvenile detention centers.

The purpose of the bill is to repeal the language which would result in a mandatory 90-day jail term for under age traffic offenders, and to substitute -- at the court's discretion -- placement in a juvenile detention center.

Federal law prohibits the placement of juveniles in adult jails after January 1, 1993. The legislature passed legislation in 1989 that would bring the state into compliance with these Office of Juvenile Justice and Delinquency Prevention requirements with regard to placement of juveniles in jails. This bill brings the traffic code into alignment with those provisions.

The department supports passage of this legislation.

Carolyn Risley Hill
Acting Commissioner
Youth and Adult Services
Department of Social and Rehabilitation
Services
(913) 296-3284
January 27, 1992

CRH:RBH

*Senate Judiciary Committee
January 27, 1992
Attachment 1*

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES
Donna Whiteman, Secretary

SENATE JUDICIARY COMMITTEE
JANUARY 27, 1992
Testimony in Regard to S.B. 478

AN ACT concerning children; relating to information accessible to foster parents or individuals caring for children; amending K.S.A. 1991 Supp. 38-134, 38-1506, 38-1607, and 38-1608 and repealing the existing sections.

Mr. Chairperson, Members of the Committee, I am appearing today in support of SB 478 which provides amendments on the release of information in three different codes concerning children.

The purpose of SB 478 is to require SRS to respond to a request for additional information from foster parents by either providing the information or indicating that the information is not available. In addition, certain information that is contained in the official court file would be made available to parties who are charged with the care of the child.

The bill was written on the basis of recommendations from an interim study committee which noted that SB 434, passed in 1990, gave foster parents access to certain information as it becomes available to the department.

The amendment to 38-134 would have minimal impact on the operations of the department or on the care of the clients in the department's custody as the department is already statutorily required to provide the information to foster parents, whether or not it is requested. It is anticipated that some formal documentation regarding the receipt of requests would need to be provided.

The amendments to 38-1506, 38-1607, and 38-1608 refer to the official file of the court and, therefore, do not have any effect on SRS operations.

We believe that the impact of SB 478 will be minimal. We support the passage of the bill.

Carolyn Risley Hill
Acting Commissioner
Youth and Adult Services
Department of Social and
Rehabilitation Services
(913) 296-3284
January 27, 1992

CRH:RBH

*Senate Judiciary Committee
January 27, 1992
Attachment 2*

Senate Bill No. 499
Senate Judiciary Committee
January 27, 1992

Testimony of Paul Shelby
Assistant Judicial Administrator
Office of Judicial Administration

Mr. Chairman:

I thank you for the opportunity to discuss Senate Bill No. 499 which concerns county law libraries. We support this proposal.

Over the past few years, the trustees of several county law libraries have requested the legislature to approve the higher law library fees for their individual county law library due to increase costs of law books and loose leaf publications and the decrease in revenues (usually from traffic cases).

Last year the legislature approved the addition of Seward and Stafford counties to the list bringing the total to seven counties authorized to charge higher fees. This bill adds six more counties from the 24th judicial district and there is presently a proposal in House Bill No. 2742 to add McPherson County.

Our amendment would simply allow the local trustees of each law library to set the rates authorized in this subsection, if needed, to support and keep the library in operation.

I thank you for your consideration.

*Senate Judiciary Committee
January 27, 1992
Attachment 3*

SENATE BILL No. 499

By Senator Moran

1-16

8 AN ACT concerning county law libraries; amending K.S.A. 1991
9 Supp. 20-3129 and repealing the existing section.

10
11 *Be it enacted by the Legislature of the State of Kansas:*

12 Section 1. K.S.A. 1991 Supp. 20-3129 is hereby amended to read
13 as follows: 20-3129. (a) Except as provided in subsection (b), the
14 clerk of the district court shall tax in all cases commenced pursuant
15 to chapter 60 of the Kansas Statutes Annotated and in all felony
16 criminal cases a library fee of not less than \$2 nor more than \$5
17 and shall tax in all other cases a library fee of not less than \$.50
18 nor more than \$4, for the benefit and account of the law library in
19 the county.

20 (b) The clerks of the district courts in ~~Sedgwick, Wyandotte,~~
21 ~~Linn, Riley, Saline, Seward and Stafford, Edwards, Hodgeman,~~
22 ~~Lane, Ness, Pottawatomie and Rush~~ counties shall tax in all cases com-
23 menced pursuant to chapter 60 of the Kansas Statutes Annotated
24 and in all felony criminal cases a library fee of not less than \$2 nor
25 more than \$10 and shall tax in all other cases a library fee of not
26 less than \$.50 nor more than \$7 for the benefit and account of the
27 law library in the county.

28 (c) The fees provided for by subsection (a) shall be deducted from
29 the docket fee.

30 (d) The fees provided for by subsection (b) shall be deducted
31 from the docket fees only to the extent provided in subsection (a)
32 and any excess fees shall be added to the docket fee otherwise
33 provided by statute.

34 (e) The trustees of each law library shall determine the fees to
35 be charged within the limits above and shall file with the respective
36 clerks the fees to be charged in that court.

37 (f) In all civil cases where the plaintiff settles with the defendant
38 and as part of settlement the case is dismissed at the cost of the
39 plaintiff or judgment is rendered against the plaintiff for costs but
40 is not paid within 90 days after the entry of the judgment, the
41 defendant shall be liable for the library fee. On motion in such case
42 judgment may be rendered against the defendant for the library fee,
4 and execution may issue on such judgment.

in which the trustees of the law library have taken action to set
library fees at rates authorized in this subsection as provided
in subsection (e)

3-7/3

1 (g) In criminal cases where the case is dismissed by the state,
2 the county shall be liable for the library fee. Where appeals from
3 conviction in the municipal court are dismissed for want of prose-
4 cution, or by the defendant, the state or city shall collect the library
5 fee. Upon failure of the state or city to do so within 90 days after
6 the dismissal, the county from which the appeal is taken shall be
7 liable therefor.

8 Sec. 2. K.S.A. 1991 Supp. 20-3129 is hereby repealed.

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

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