

Approved: _____
Date WPM 9/5

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Vice Chairperson Senator Jerry Moran at 10:05 a.m. on March 5, 1992 in room 514-S of the Capitol.

All members were present except:
Senators Winter, who was excused.

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

Conferees appearing before the committee:

Vice Chairperson Moran brought the Committee to order by presenting reports from the Subcommittee on Criminal Procedure. (ATTACHMENT 1)

SB 651 - notification to victims of application for pardon or commutation of sentence.

Senator Gaines moved to adopt the Subcommittee report to amend SB 651 as suggested by the Attorney General, make effective on publication in the Kansas Register, and to clarify "attempt of notification," and that the bill be recommended favorable for passage as amended. Senator Petty seconded the motion. The motion carried.

SB 668 - qualifications for holding office of attorney general

Senator Gaines moved to adopt the Subcommittee report to amend SB 668 to clarify the requirement of five-years legal practitioner experience does not have to be immediately prior to submittal of application, and that SB 668 be recommended favorable for passage as amended. Senator Bond seconded the motion. The motion carried.

SB 670 - providing for independent counsel

Senate Moran requested the Committee refrain from acting on SB 670 until the return of Senator Winter as he was the primary sponsor of the bill. The Committee agreed.

SB 688 - juvenile offenders not to include those charged or convicted as an adult in any other state or federal jurisdiction.

Senator Gaines moved to adopt the Subcommittee report to recommend SB 688 favorable for passage. Senator Kerr seconded the motion. Discussion followed whether it was appropriate to delegate Kansas discretion to an out-of-state authority who could have vastly differing criteria.

James Clark, Kansas County and District Attorneys Association, responded to questions from the Committee by stating that it is an action of full faith and credit. He concluded by stating that it is unfair to allow out-of-state residents to fall back into the juvenile system after being treated as an adult felon elsewhere when we do not allow Kansas residents that opportunity; it creates an unfair system of justice for Kansans.

Senator Bond made a substitute motion to conceptually amend SB 688 to give Kansas courts the discretion for determination. Senator Rock seconded the motion. After further debate on the issue, Senator Bond withdrew his substitute motion and Senator Rock withdrew his second.

Senator Parrish made a substitute motion to amend SB 688 by deleting Section 1(b)(5) "in Kansas or in any other state or federal jurisdiction." Senator Oleen seconded the substitute motion. The substitute motion to amend carried.

Senator Oleen moved to recommend SB 688 favorable for passage as amended. Senator Morris seconded the motion. The motion carried.

SB 735 - retention of jurisdiction by court in murder cases when person is convicted of lesser, included offense.

Senator Gaines moved to adopt the Subcommittee report to recommend SB 735 favorable for passage. Senator Bond seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
room 514-S, Statehouse, at 10:05 a.m. on March 5, 1992.

SB 734 - stipulation of facts included in diversion agreements involving offenses other than DUI.

Senator Gaines moved to adopt the Subcommittee report to recommend SB 734 favorable for passage. Senator Kerr seconded the motion. The motion carried.

SB 742 - penalty enhancements for subsequent drug offenses to include offense from other jurisdictions.

Senator Gaines moved to amend SB 742 to take effect on publication in the Kansas Register and that the bill be recommended favorable for passage as amended. Senator Oleen seconded the motion. The motion carried.

SB 757 - notification period for termination of rental agreements for nonpayment of rent.

Senator Gaines moved to recommend SB 757 favorable for passage. Senator Parrish seconded the motion. The motion carried.

The meeting was adjourned at 10:37 a.m.

Subcommittee on Criminal Law

- SB 648** - creating the crime of abuse of power and authority conferred by a durable power of attorney document.
no action taken - awaiting language for requested amendments
- SB 651** - notification to victims of application for pardon commutation of sentence.
amended as suggested by A.G.; effective in publication in Register; to clarify "attempt of notification" --
recommend favorable as amended
- SB 331** - drug-free housing act.
language changes requested - awaiting action
- SB 665** - creating the crime of stalking
no action taken
- SB 668** - qualifications for holding office of attorney general
recommend favorable as amended (the 5 year legal practioner experience requirement does not have to be
immediately prior to application submittal)
- SB 670** - providing for independent counsel
favorable as amended (page 2, lines 25-32)
- SB 686** - appeals from municipal courts (Judge Carpenter, can not be here due to jury trial)
Subcommittee could not agree on action -- no action to recommend
- SB 687** - certain devices used for medical or psychological therapy not obscene devices. (Sen. Francisco)
no motions arose
- SB 688** - juvenile offenders not to include those charged or convicted as an adult in any other state or federal
jurisdiction. (Jim Clark)
recommend favorable
- SB 735** - retention of jurisdiction by court in murder cases when person is convicted of lesser, included
offense. (Jim Clark)
report favorable
- SB 734** - stipulation of facts included in diversion agreements involving offenses other than DUI. (Jim
Clark)
recommond favorable
- SB 742** - penalty enhancements for subsequent drug offenses to include offense from other jurisdictions.
(A.G.)
report favorable as amended
- SB 135** - organized criminal activity act.
SB 297 - engaging in continuing criminal enterprise.
SB 447 - enacting the Kansas criminally influenced and corrupt organizations act.
SB 537 - enacting the organized criminal activity act.
awaiting action

Senate Judiciary Committee
March 5, 1992
Attachment 1