

HOUSE JUDICIARY COMMITTEE
1995 MEMBERS

Representative Michael O'Neal -- Chairperson

Representative Clyde Graeber -- Vice Chairperson

Representative Jim Garner -- Ranking Minority Member

Representative David Adkins

Representative John Edmonds

Representative Greta Goodwin

Representative Jill Grant

Representative David Haley

Representative David Heinemann

Representative Andrew Howell

Representative Danny Jones

Representative Doug Mays

Representative Britt Nichols

Representative Belva Ott

Representative Jan Pauls

Representative Tony Powell

Representative Ed Pugh

Representative Candy Ruff

Representative Joe Shriver

Representative Vince Snowbarger

Representative Doug Spangler

Representative Dee Yoh

STAFF

Jerry Donaldson, Kansas Legislative Research Department

Jill Wolters, Kansas Revisor of Statute

Cindy Wulfkuhle, Committee Secretary

**1995 HOUSE JUDICIARY
Member Attendance Record**

Date	Mar 8	Mar 9	Mar 13	Mar 14	Mar 15	Mar 16	Mar 17	Mar 20	Mar 21	MAR 30		Number Excused	Number Absent
REP. DAVID ADKINS	E	X	X	X	E	X	E	X	E			8	
REP. JOHN EDMONDS	X	X	X	X	X	X	X	X	X	E		1	
REP. JIM GARNER	X	X	X	X	X	X	X	X	X			1	
REP. GRETA GOODWIN	X	X	X	X	X	X	X	X	X				
REP. CLYDE GRAEBER	E	E	E	E	X	X	E	X	X	E		8 9	
REP. JILL GRANT	X	X	X	X	X	X	X	X	X	E		1	
REP. DAVID HALEY	X	X	X	X	X	X	X	X	X				
REP. DAVID HEINEMANN	X	X	X	X	X	X	X	X	X			1	
REP. ANDREW HOWELL	X	X	X	X	X	X	X	X	X	E		1	
REP. DANNY JONES	X	X	X	X	X	X	X	X	X			1	
REP. DOUG MAYS	E	X	X	X	X	E	X	X	X	E		8 4	
REP. BRITT NICHOLS	X	X	X	X	X	X	X	X	X				
REP. MIKE O'NEAL	X	X	X	X	X	X	X	X	X			1	
REP. BELVA OTT	X	X	X	E	E	E	E	X	X			5	
REP. JAN PAULS	X	X	X	X	X	X	X	X	X				
REP. ED PUGH	X	X	X	X	X	X	X	X	X			1	
REP. JOEL RUTLEDGE	X	X	X	E	X	X	X	X	X			2	
REP. CANDY RUFF	E	E	E	E	E	X	X	X	X			13	
REP. VINCE SNOWBARGER	X	E	X	X	E	E	E	X	E	E		8 7	
REP. DOUG SPANGLER	X	X	X	X	X	E	X	X	E			3	
REP. DEE YOH	X	X	X	X	X	X	X	X	X				

HOUSE JUDICIARY

COMMITTEE ACTION INDEX

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BILL NUMBER	SUBJECT	DATE OF HEARING/ DISCUSSION	DATE OF FINAL ACTION BY FULL COMM
HB 2001	Limited liability for damages caused by amusement rides owned by nonprofit	1-18-95	2-24-95 Tabled
HB 2002	Mitigating circumstances shall not include the physical health of the defendant.	1-18-95	1-31-95 Tabled
HB 2003	Criminal possession of a firearm	1-18-95	1-23-95 BPA *Amended into HB 2445
HB 2012	Restitution paid to the victim; financial records open to the victim; programs for the inmates.	2-14-95	2-24-95 BPA *Idea amended into SB 222
HB 2013	Victim of sex offense identification not a public record.	2-14-95	2-16-95 BP
HB 2015	Private Property Protection Act	2-21-95	2-22-95 BPA
HB 2022	Municipal judges authorized to officiate at marriage ceremonies.		2-22-95 Amended into HB 2430
HB 2023	Repeals statute that allows wills to be deposited in district court.	2-22-95	2-22-95 BP
HB 2025	Life imprisonment sentence for persistent offenders	See HB 2155	
HB 2026	Divorce proceedings; child custody; material change in circumstances.		
HB 2027	Divorce proceedings; best interests of a child.		
HB 2028	Interference with parental custody, expanded to include interference with visitation rights.		
HB 2030	Crime of official misconduct	1-18-95	3-17-95 Amended into SB 128
HB 2031	Proceeds of civil forfeiture action.		
HB 2054	Standards for stringing and maintaining wires by utilities; liability in civil actions. (Referred separately to Energy & Natural Resources, Judiciary)		
HB 2064	Penalty for crime of blackmail		
HB 2075	Prohibiting certain amusement and carnival games.	1-23-95	
HB 2084	Creating the Kansas crime tip hotline; creating the crime tip hotline fund	2-20-95	2-24-95 Tabled
HB 2110	Hearing for probate; uncontested consent.	1-30-95	
HB 2111	Civil procedure, change of venue.	1-30-95	1-31-95 Amended into HB 2177
HB 2111	Jails (provisions in HB 2111 were struck and new language added)		2-24-95 BP *SB 88 as introduced was amended into HB 2111; Senate receded from its amendment

*Indicates work of the conference committee. Committee Minutes are not taken in conference committee meetings.

BILL NUMBER	SUBJECT	DATE OF HEARING/ DISCUSSION	DATE OF FINAL ACTION BY FULL COMM
HB 2155	Convicted of two felonies, as listed, life imprisonment	1-26-95	
HB 2170	Wrongful death action may include the death of an unborn child		
HB 2177	Venue for actions against corporations.	1-30-95	1-31-95 BPA Amended in HB 2111
HB 2179	Revocation of probate and nonprobate transfers by divorce.	2-2-95	
HB 2180	Amendments to the administrative procedure act and judicial review act.	2-7-95	2-24-95 BPA
HB 2181	Exceptions to the general rule of trustee's office not transferable.	2-2-95	2-13-95 BP Placed on C/C
HB 2182	Jury instructions include the ability to vote according to conscience.		
HB 2183	Probate code reference update; K.S.A. 59-513.	2-2-95	2-13-95 BP
HB 2184	Classification of demands against an estate.	2-2-95	2-13-95 BPA
HB 2213	Creating an office of administrative hearings within the department of administration; administrative law judges from such office would preside over administrative hearings under the Kansas administrative procedure act.	2-7-95	2-24-95 BPA
HB 2218	Collateral source benefits in certain actions for damages.	2-1-95	
HB 2219	Child support enforcement; penalties to payor for failure to pay over support withheld from obligor's paycheck.	2-9-95	2-16-95 BPA *Amended into SB 35
HB 2220	Collateral source benefits in certain actions for damages.	See HB 2218	
HB 2223	Criminal deprivation of property.	2-9-95	2-20-95 Tabled 2-23-95 BPA Amended in HB 2315 *Amended in Sections 4 & 5 from SB 312, as amended by HCW; amended in KS Sentencing Commission amendments; Amended in Sections 1, 2 & 3 from HB 2450, as amended by SCW; Amended in SB 184 with Section 1 back to age 16 and Section 2 (which is original SB 128); Amended in Section 22 of HB 2331, as amended by SCW (originally SB 34); Amended in HB 2331; HB 2586 as amended by HCW; amended in HB 2586 and stalking amendments.

BILL NUMBER	SUBJECT	DATE OF HEARING/ DISCUSSION	DATE OF FINAL ACTION BY FULL COMM
HB 2225	Divorce proceedings; all parties allowed to see investigative reports concerning child custody.		
HB 2239	Adoption proceedings; what support includes.		
HB 2252	Defendant sentenced to death required to pay costs of certain appeals.	2-14-95	
HB 2263	District court judges positions created by K.S.A. 20-355 shall not be considered civil appointments to state office pursuant to K.S.A. 46-234.	2-13-95	2-15-95 BP
HB 2270	Obstructing legal process or official duty.	2-16-95	2-16-95 BPA
HB 2271	Reimbursement of state by former prison inmates for costs of care while in prison.	2-14-95	
HB 2275	Product liability; manufacturers duty to test on products most likely consumers/users.		
HB 2279	Attorney fees included in costs of civil action.		
HB 2295	Expungement of arrest records and diversion agreement records.	2-16-95	2-16-95 Referred to Judicial Council
HB 2296	Sexually violent predators; multidisciplinary teams formed by department of corrections to review records of sexually violent predators; attorney general shall represent the state in civil commitment proceedings.		*Amended into SB 3
HB 2297	Fees paid in diversion agreements subject to county audit; traffic infraction	2-16-95	2-16-95 No interest shown
HB 2298	Registered limited liability partnerships, fees for applications or renew application.	2-22-95	2-22-95 BP
HB 2299	Giving worthless checks and causing an unlawful prosecution for worthless checks	2-20-95	2-24-95 BP
HB 2310	Docket fees for inmates.	2-14-95	2-24-95 BP *Amended into SB 222
HB 2311	Tort claims act; maximum amount of award.	2-14-95	2-15-95 BPA
HB 2315	Expanding the definition of prima facie evidence of intent to permanently deprive the owner of property.	2-9-95	2-23-95 Amended into HB 2223
HB 2318	Durable power of attorney may include power to convey homestead rights.	2-20-95	2-24-95 BPA
HB 2319	Financial responsibility for minor's abortion without parental consent.		
HB 2320	Presumption of making anatomical gifts upon death.		
HB 2324	Nonprobate transfers of real property.	2-13-95	2-15-95 Referred to Judicial Council
HB 2331	Repealing not guilty by reason of insanity; creating the defense of lack of mental state.	2-15-95	2-24-95 BP *Amended in Section 2 and lack of mental state amendment in HB 2223

BILL NUMBER	SUBJECT	DATE OF HEARING/ DISCUSSION	DATE OF FINAL ACTION BY FULL COMM
HB 2338	Topeka correctional facility, new unit, use limited to female inmates.		
HB 2340	On order for garnishment, plaintiff is required to state the total amount and the amount currently owed.		
HB 2346	Eminent domain procedure; notice of hearing.		
HB 2351	Nonprobate transfer of motor vehicles.	2-13-95	2-15-95 Referred to Judicial Council
HB 2357	Best interest of child controls in determining grandparents/uncles/aunts role in caring for child pursuant to custody and guardianship.		
HB 2388	Appointment of special assistant attorney general to bring a civil action against tobacco companies to recover damages for costs to the state due to tobacco-related illnesses.		
HB 2391	Authority and benefits of certain special deputy sheriffs.	2-22-95	2-22-95 No Action Taken 2-24-95 BP
HB 2392	Investigations of reports of child abuse and procedures relating to investigation.		
HB 2396	Transfer of real property on death of owner; relating to an heir who files a notification of interest in title.	2-13-95	2-24-95 BP
HB 2402	Establishing visitation centers for victims of domestic violence; creating the visitation centers for victims of domestic violence fund.		
HB 2410	Nonpayment of child support; contempt of court; interest on arrearages; suspension of driving privileges; names in sheriff's office		
HB 2412	Include in the crime of perjury presenting false testimony to a legislative committee	2-9-95	2-24-95 Request interim study
HB 2418	Maintenance terminates if recipient of maintenance remarries or cohabitates		
HB 2424	Rape increased to a severity level 1, person felony; criminal discharge of a firearm which results in bodily harm increased to a severity level 3, person felony.	2-15-95	
HB 2425	Penalty for rape is increased to severity level 1; penalty for criminal discharge of firearm at occupied building or vehicle which results in bodily harm is a severity level	2-15-95	2-24-95 BPA 3-20-95 Amended into SB 312
HB 2426	Eliminates options for forming law libraries; all new law libraries will be formed pursuant to statute.	2-22-95	2-22-95 BPA
HB 2427	Durable power of attorney, unless the instrument states a time of termination, power may be exercised even if a lapse of time since execution.		
HB 2428	Witnesses mileage fee.	OJA doesn't want hearings on the bill.	
HB 2429	Civil procedure; expert testimony in the form of an opinion.		3-20-95 Amended into SB 140

BILL NUMBER	SUBJECT	DATE OF HEARING/ DISCUSSION	DATE OF FINAL ACTION BY FULL COMM
HB 2430	Marriage licenses may be computer generated.	2-22-95	2-22-95 BPA Amended in HB 2022
HB 2440	Update law enforcement training statutes.		HCW Amended it into HB 2531
HB 2441	On or before January 1, 1997, each judicial district shall establish a court trustees office.		
HB 2442	Covered offenses under civil asset forfeiture to include driving while suspended or revoked for violation of DUI statute.		
HB 2443	Law enforcement powers for city police officers outside the officers		
HB 2444	KBI director is a member of the Kansas information resources council.		
HB 2445	Authorized interception of wire communications; cordless phones are now covered by the warrant requirements for a wiretap	2-22-95	2-22-95 BP
HB 2448	In property damage cases in auto accidents, attorney fees recovered only previous demand for payment has been made.	2-20-95	2-20-95 BPA
HB 2449	Allow KBI to collect genetic markers		3-20-95 Amended into SB 333
HB 2450	KBI send notice to FBI of expungement records; criminal history record information.	2-22-95	2-22-95 BP *Sections 1,2 & 3 amended into HB 2223; Gut bill and insert SB 375, as amended by Senate Judiciary; (Murdock Case)
HB 2463	Smoke detector act; requires smoke detectors in residences.		
HB 2464	Criminal trespass to include entering or remaining on premises in defiance of a condition of an appearance bond.		
HB 2465	Court review of domestic violence in divorce, child custody and visitation proceedings.		
HB 2502	Assumption of risk not an absolute bar to recovery.		
HB 2503	Enacting the uniform fraudulent transfer act.		
HB 2504	Attorney fees may be awarded in civil collection for worthless checks		
HB 2505	Enforcement of child support obligations.		3-1-95 Withdrawn
HB 2506	Amendments to the district court nominating commission statutes.		
HB 2507	Judicial positions and residency requirements.		
HB 2510	Requiring use of ignition interlock device under certain restrictions of driver's licenses.		3-20-95 Amended into House Sub. SB 127
HB 2514	Parole board may hear testimony from victim in pardon hearing and board, governor and pardon attorney shall review written testimony from victim submitted to them.		

BILL NUMBER	SUBJECT	DATE OF HEARING/ DISCUSSION	DATE OF FINAL ACTION BY FULL COMM
HB 2519	Drivers under 21 blood alcohol concentration .01 or greater, drivers license suspended.	3-14-95	3-20-95 Amended into House Sub. SB 127
HB 2528	Community corrections officers and directors included in definition of law enforcement officers under certain circumstances.		
HB 2529	Amendments to the capital murder and sentence of death statutes.	3-14-95	
HB 2530	Creating the crime of battery and aggravated battery against an emergency response official; increasing the penalty for arson and aggravated arson; increasing time limitations on prosecution for arson and aggravated arson.		
HB 2531	Municipal university police officers.	2-22-95	2-22-95 BP *Amended in HB 2440 concerning Law Enforcement Training Center
HB 2532	Sentence of death may be imposed on all premeditated murders; hard 40 sentence may be imposed on felony murder.		
HB 2533	Lapsing elective share of surviving spouse statutes until June 30, 1996.		
HB 2542	Theft, stolen firearm; increased penalty.		
HB 2562	Transfer of real property on death of owner, relating to an heir who files notification of interest in title		
HB 2586	Criminal defamation	3-30-95	3-30-95 BP *Amended into HB 2223
HCR 5009	Constitutional amendment (Kansas) regarding rights of parents for upbringing and education of their children.	2-8-95	3-20-95 BPA
	SENATE BILLS		
SB 3	Civil commitment, evaluation, care and treatment of persons who commit sexually violent offenses.	3-15-95	3-20-95 BPA *Amended in HB 2296
SB 16	Definition and application of term "preborn human being" to certain criminal code sections.	3-15-95	3-17-95 BP
SB 34	Crime of impairing a security interest.		*Amended into HB 2223
SB 35	Garnishment of funds held by a financial institution.	3-13-95	3-17-95 BPA *Amended in HB 2219 (penalties for failure to withhold support)
SB 127	Citations may be written for violations of driving under the influence of alcohol or drugs by commercial motor vehicle driver and disorderly conduct	3-8-95	

BILL NUMBER	SUBJECT	DATE OF HEARING/ DISCUSSION	DATE OF FINAL ACTION BY FULL COMM
House Sub. SB 127	Drivers under 21 zero tolerance; use of ignition interlock device; standards for certification of DUI programs		3-20-95 BP Includes HB 2510 & HB 2421
SB 128	Crime of abuse of a child to include shaking.	3-8-95	3-17-95 Amended into SB 184
House Sub. SB 128	Crime of official misconduct		3-17-95 BP *Original SB 128 amended into SB 184, then SB 184 further amended into HB 2223; HB 2030 amended into H. Sub. SB 128
SB 129	CINC cases, placement by secretary of SRS subject to review of the court.	3-8-95	3-9-95 BPA *Amended in Section 2 of HB 2357, as introduced (nonparental custody)
SB 139	Effects of felony conviction on civil rights of convicted felon.	3-13-95	
SB 140	Amendments to rules of civil procedure.	3-13-95	3-20-95 BPA Amended in HB 2429
SB 184	Sexual exploitation of a child, to include computer technology.	3-8-95	3-17-95 BPA Amended in SB 128 *SB 184 amended into HB 2223; SB 184 gutted and Section 1 of SB 214 amended in (interlocal agreements); SB 234 amended in (diversion agreements for juveniles)
SB 212	Award of attorney fees to attorney general or county or district attorney in consumer protection cases.	3-15-95	3-20-95 BPA Amended in SB 224
SB 214	Interlocal agreements for care and support of juvenile offenders.	3-8-95	3-20-95 BP *Amended Section 1 into SB 184
SB 222	Crime victims assistance fund; grants.	3-9-95	3-20-95 BP *Amended in Section 12 of SB 223; only restitution left (HB 2012) and amended in docket fees from HB 2310
SB 223	Victims of crime; compensation; administration of protection from abuse fund.	3-9-95	3-17-95 BPA *Amended in SB 239 & Section 12 of SB 222
SB 234	Diversion programs for juvenile offenders; eligibility.	3-16-95	*Amended into SB 184

BILL NUMBER	SUBJECT	DATE OF HEARING/ DISCUSSION	DATE OF FINAL ACTION BY FULL COMM
SB 237	Sex offenders, registration; adjudication as juvenile offender and diversions; records.	3-15-95	
SB 239	Victims of crime; notice and right to be present at parole and probation and juvenile offender proceedings.		
SB 282	Civil procedure and civil actions; garnishment; answers to garnishees.	3-13-95	
SB 283	Debts owed to state; debt set off and collection		
SB 285	Tort claims fund payments for charitable health care providers, local health departments and indigent health care clinics.	3-15-95	3-16-95 BP Placed on Consent Calendar
SB 296	Capitol area security patrol; jurisdiction.	3-9-95	3-16-95 BPA *Sections 1&2 of SB 296 were amended into HB 2185 by SCW
SB 298	Crimes and punishment, lesser included crimes.	3-16-95	
SB 299	Allowing county or district attorney to collect administrative handling cost from maker or drawer of bad checks.	3-9-95	
SB 307	Local citizen review boards duties concerning juvenile offenders.	3-16-95	3-17-95 BP
SB 312	Scope of review of appeals of departure sentences under the sentencing guidelines act.	3-16-95	3-20-95 BPA Amended in HB 2425 *Amended Sections 4&5 into HB 2223
SB 329	Creating a new Kansas parole board; personnel; training; travel and work policies.		
SB 333	Controlled substances, penalties, violations involving marijuana of municipal ordinances.	3-16-95	3-20-95 BPA Amended in HB 2449
SB 336	Enacting the uniform limited liability company act	3-13-95	
House Sub. SB 336	Enacting the parts of the uniform limited liability company act		3-21-95 BP
SB 360	Placements of inmates in Labette correctional conservation camp; reduction of sentence; supervised release.	3-16-95	3-17-95 BPA

House Bills Assigned to Committee - 106
Hearings on House Bills - 53
House Bills Worked - 49

Senate Bills Assigned to Committee - 29
Hearings on Senate Bills - 25
Senate Bills Worked - 20