

Approved: 2-6-95  
Date

## MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Chairperson Tim Emert at 10:00 a.m. on January 12, 1995, in Room 514-S of the Capitol.

All members were present except: Senator Petty (excused)

Committee staff present: Jerry Donaldson, Legislative Research Department  
Gordon Self, Revisor of Statutes  
Janice Brasher, Committee Secretary

Conferees appearing before the committee:

Jim Clark, Executive Director for Kansas County & District Attorneys Association  
Ron Hein, EVCO

Others attending: See attached list

Chairman Emert welcomed Senator Reynolds to the Committee, and introduced the Committee's secretary. Chairman Emert discussed sub-committee assignments. Bills assigned to Senator Harris's sub-committee were **SB 7** and **SB 3**. The Chairman assigned **SB 10** and **SB 16** to Senator Parkinson's sub-committee.

Chairman Emert discussed the agenda for January. The Committee will devote January to studying juvenile (crime) issues. Joint Committee meetings will be held next week with the Senate Public Health and Welfare Committee. A number of people will address the Joint Committee during that week including a district judge, volunteers from CASA of Douglas County, and prosecutors of juvenile crimes. Introduction of bills will also be considered.

### Bill Introduction:

Jim Clark, Executive Director for Kansas County & District Attorneys Association distributed that Association's 1995 legislative agenda (Attachment 1). Mr. Clark explained that he wished to request a bill for each item. Items one and two were discussed.

A motion was made by Senator Parkinson, seconded by Senator Bond to accept and introduce the eight bills. Motion carried.

Mr. Ron Hein, of EVCO made a request for an amendment to the Code of Civil Procedures relating to venue in actions against corporations.

Motion made by Senator Parkinson, second by Senator Rock to make this a committee bill. Motion carried.

Mr. Jim Clark addressed the Committee on behalf of Association Member, Ann L. Smith, Montgomery County Attorney, (Attachment 2) requesting a bill to provide the notice to appear statutes (K.S.A. 8-2106 and 8-2204) that allows a citation to be written by police officers to include commercial DUI (K.S.A. 8-2144) and Disorderly conduct (K.S.A. 21-4101).

Motion made by Senator Parkinson, second by Senator Reynolds to introduce as a committee bill a bill to amend K.S.A. 8-2106 and 8-2204 allowing a ticket to be written for commercial DUI, and amending K.S.A. 21-4101 allowing a ticket to be written for disorderly conduct.

Meeting adjourned 10:35. The next meeting scheduled for January 17, 1995 will be a joint meeting with the Senate Public Health and Welfare Committee at 10:00 a.m. in Room 514-S.

The next meeting is scheduled for January 17, 1995.



OF 5

Dennis C. Jones, President  
Paul J. Morrison, Vice-President  
Nanette L. Kemmerly-Weber, Sec.-Treasurer  
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## Kansas County & District Attorneys Association

827 S. Topeka Blvd., 2nd Floor • Topeka, Kansas 66612  
(913) 357-6351 • FAX (913) 357-6352

EXECUTIVE DIRECTOR, JAMES W. CLARK, CAE • CLE ADMINISTRATOR, DIANA C. STAFFORD

Kansas County and District Attorneys Association

### 1995 LEGISLATIVE ISSUES

1. Allow the juvenile judge to have veto power over SRS placement in CINC cases;
2. Allow amount owed to become civil judgment at end of 90 day parole period;
3. Amend child abuse statute, 21-3609 to include "shaking";
4. Juvenile restitution becomes a civil judgment when the child turns 18;
5. Amend property crime victim compensation statute to eliminate payment docket request and referral of reports, and make law enforcement responsible for giving notice to victims;
6. Make crime victim compensation available for all misdemeanor and felony traffic offenses;
7. Place time limit on commitments to YCAT, after which SRS would pay cost of local confinement;
8. Make victim notification in juvenile cases apply in all cases where proceedings are open.

*Senate Judiciary Committee  
1-12-95  
Attachment 1*

James Brasher

1-12-95  
Bill

Attachment

# Office of County Attorney

MONTGOMERY COUNTY JUDICIAL CENTER  
300 E. MAIN  
INDEPENDENCE, KANSAS 67301  
316-331-5540  
FAX 316-331-7230

CITY HALL  
P. O. BOX 295  
COFFEYVILLE, KANSAS 67337  
316-251-0350

June 24, 1994

Jim Clark  
KCDAA  
827 S. Topeka Blvd., 2nd Floor  
Topeka, Kansas 66612

RE: Commercial DUI

Dear Jim;

I had a recent case where the truck driver was issued a citation under commercial D.U.I. - K.S.A. 8,2144.

Sally filed a motion to dismiss the citation because the statute doesn't allow for citation.

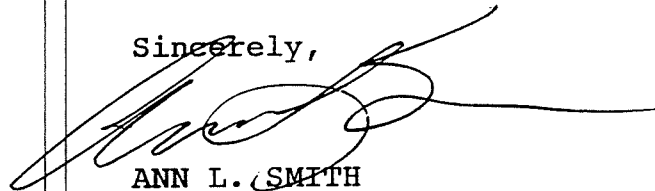
As far as I can see, she is right.

K.S.A. 8-2106 and 8-2204 do not seem to include all of Chapter 8 traffic offenses. Check on 8-126; 8-2,125 et seq.

Also- shouldn't Disorderly Conduct be in the list?

Can we change it next year?

Sincerely,



ANN L. SMITH  
Montgomery County Attorney  
Montgomery County Attorney's Office  
Montgomery County Judicial Center  
300 E. Main  
Independence, Kansas 67301  
(316) 331-5540

21-4101  
disorderly conduct

ALS:ne

Senate Judiciary Comm.  
1-12-95  
Attachment 2