

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 23, 1995 in Room 514-S of the Capitol.

All members were present except:

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

Conferees appearing before the committee: Carla J. Stovall, Attorney General
Randy M. Hearrell, Kansas Judicial Council

Others attending: See attached list

Chair Senator Emert called the meeting to order at 10:06 having a quorum of the full Judiciary Committee and explained to the Committee members and to the audience that two meetings have been scheduled simultaneously. The full Committee will consider bill introduction which will take a very short period of time, then Senator Parkinson's Subcommittee will consider **SB 16**.

Bill Introductions:

Attorney General, Carla Stovall, addressed the Committee outlining legislative proposals from the Office of the Attorney General, (Attachment 1). Attorney General Stovall, presented eight legislative proposals dealing with: changes in the sex predator bills, crime victim's issues, expungement records (to include K.S.A. 21-3502), notification of victims of juvenile crime, and victims notification at parole. The Attorney General requested that the proposals be introduced as Committee bills.

Motion made by Senator Parkinson, second by Senator Petty to introduce this slate of bills from the Attorney General's Office. Motion carried.

Randy Hearrell, Research Director of the Kansas Judicial Council, presented a request from the Kansas Judicial Council for the introduction of three bills (Attachment 2). The subjects of the proposed bills include: an act amending the Kansas Code of Civil Procedure; an act relating to the divorce code and amending 60-1608 relating to emergency divorces; and an act relating to the effects of felony convictions.

Motion made by Senator Parkinson, second by Senator Feleciano that the bills requested from Judicial Council be introduced. Motion carried.

Senator Feleciano introduced a bill regarding joyriding, basically to raise the charge of joyriding to a level seven, non-personal felony.

Motion made by Senator Feleciano, second by Senator Parkinson to change the charge of joyriding from a misdemeanor to a level seven felony. Motion carried.

Senator Ranson requested a bill requiring the cost of defending the sex predator act be paid by the indigent defense fund of the state. Discussion clarified that this proposed bill refers only to the defense cost, and that the counties will still prosecute those cases. The need for the fiscal note was discussed.

Motion made by Senator Reynolds, second by Senator Parkinson to introduce the bill as proposed by Senator Ranson. Motion carried.

Meeting of the full Committee adjourned at 10:21 a.m..

The next meeting is scheduled for January 24, 1995.

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: 1-23-95

NAME	REPRESENTING
Carol June	ZAP
Kris Wehhaus	WomanCare Clinic, Topeka
Marta Caldwell	P. I. S.
Shirley Malashock	NCJW
Annul Stern	NCJW
Judy Weinstein	NCJW & BBW
Kittie Cohen	NCJW
Shelley Rogers	Planned Parenthood of Kansas City
Barbara Holzman	Greater Kansas City Section Nat'l Council of Jewish Women
Barbara Cosner	NCJW - Greater K.C. Section for Choice
Steve Davis	Self
Konrad Johnston	Planned Parenthood
Donna Tufeld	Choice
Ruth Ann Hebert	
Heddie Lindall	Senators, Fars
Lynn M. Malina	NOW
Pat Egan	NOW
Ruth Shink	Older Women's League
Peg Vines - Wichita	Catholicism for free choice Planned Parenthood

Natl org for women

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: Jan 23, 1995

NAME	REPRESENTING
Mary McDonough Harris	Kansas Catholics for Choice Women's International League
Claire Mann	League of Women Voters of KS
Judith L. Smith	CWA
Kathi Sparks	DOR
Susan Newdick	Planned Parenthood
Marty Ames	PPGKC
Kirk P. Perveen	Planned Parenthood Greater K.C.
Mediab Moseford	PPGKC

Barbara
F. ...



State of Kansas

Office of the Attorney General

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CARLA J. STOVALL
ATTORNEY GENERAL

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751
FAX: 296-6296

January 23, 1995

TO: Senate Judiciary Committee
FROM: Attorney General Carla Stovall
RE: Legislative Proposals

Carla Stovall

1. Sex Predator - Changes in K.S.A. 59-29a02 et seq. Extends notification to prosecutors from 60 days to 90 days prior to release, gives prosecutor 75 instead of 45 days to file petition, borrows language from civil commitment statutes to give probable cause hearing within 72 hours and allows housing in county jail, allows for non-unanimous jury, adds new sections dealing with access to records and closing hearings to protect victims, excludes jurisdiction from magistrate judges includes escape by sex predator in agg escape statute and establishes court costs. (Interim Judiciary recommendation)
2. Second Strike/Sex Predator - Companion to the sex predator act to amend the provisions in the Kansas sentencing law that upon a second conviction of a sex offense as defined in K.S.A. 22-3717 the offender would be sentenced to life without parole.
3. Sex Offender Registration - Amends K.S.A. 22-4907 to strengthen the Sex Offender Registration Act by specifying that the form be prepared by the KBI and that DNA sampling and other identifying information be required, and that the definition include juvenile offenders and those on diversions.
4. Crime Victims Issues: (all in one bill)
 - * Crime Victims Compensation Fund Increase - Amends K.S.A. 74-7336 to increase from 19% to 22% the fines, fees and forfeitures paid to the District Court.
 - * Protection from Abuse Fund - Amends K.S.A. 74-7325(c) to allow the Attorney General to administer the Protection from Abuse Fund which will consolidate all grant programs under the Attorney General's authority.

(cont'd)

*Senate Judiciary
1-23-95
Attachment 1*

* Victims of Vehicular Crashes - Amends K.S.A. 74-7301 so that victims of involuntary manslaughter, agg battery, vehicular homicide and leaving the scene of an accident involving death or personal injury are compensable under the Crime Victims Compensation Act.

* Financial Stress/Compensation - Repeals the financial stress statute, K.S.A. 74-7305(d), which requires crime victims who seek compensation to prove financial hardship.

* Crime Victims' Compensation Board Annual Report - Amends K.S.A. 74-7316 which require the Crime Victims' Compensation Board to file an annual report but not to literally provide details on every claim filed.

5. Expungement Records - Amends K.S.A. 38-1610(b) to include violation of K.S.A. 21-3502 which is the crime of rape. ~~rape~~

6. Notification of Victims of Juvenile Crime - Amends K.S.A. 74-7335(3) to provide notification to victims or the victims' family of all juvenile proceedings. Also amends K.S.A. 38-1652(b) to allow victims or victims family members to attend all juvenile proceedings whether the act constitutes a felony or a misdemeanor if committed by an adult. *7 Criminal Sodomy*

7. Victims Notification at Parole - As a result of a recent Supreme Court decision, clarify that victims are entitled to notification of parole proceedings even though a public hearing may not be held.

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KANSAS JUDICIAL COUNCIL

JUSTICE KAY McFARLAND, CHAIR, TOPEKA
JUDGE J. PATRICK BRAZIL, TOPEKA
JUDGE DAVID S. KNUDSON, SALINA
JUDGE NELSON E. TOBUREN, PITTSBURG
SEN. TIM EMERT, INDEPENDENCE
REP. MICHAEL R. O'NEAL, HUTCHINSON
J. NICK BADGEROW, OVERLAND PARK
GERALD L. GOODELL, TOPEKA
PHILLIP MELLOR, WICHITA
MARVIN E. THOMPSON, RUSSELL

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ADMINISTRATIVE ASSISTANT
LISA R. NORTH
PUBLICATIONS

January 23, 1995

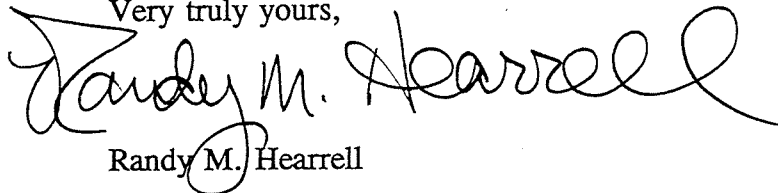
Senator Tim Emert
Chairman, Senate Judiciary Committee
Statehouse 143-N
Topeka, KS 66612

Dear Senator Emert:

The Kansas Judicial Council respectfully requests introduction of three bills on the following subjects:

- (1) An act amending the Kansas Code of Civil Procedure.
- (2) An act relating to the divorce code and amending 60-1608 relating to emergency divorces.
- (3) An act relating to the effects of felony convictions.

Very truly yours,



Randy M. Hearrell

RMH/jw

cc: Members and staff of Senate Judiciary Committee

Senate Judiciary Comm
1-23-95
Attachment 2

RULES OF CIVIL PROCEDURE

The Judicial Council requests introduction of a bill containing amendments to the rules of civil procedure as proposed by the Council's Civil Code Advisory Committee. The Civil Code Committee engaged in a two-year review of the Kansas rules of civil procedure. This review included a comparison of the Kansas provisions with the corresponding federal rules. Substantial amendments to the federal rules became effective in December of 1991 and December of 1993.

EMERGENCY DIVORCES

The Judicial Council requests introduction of a bill containing amendments to subsection (a) of K.S.A. 60-1608 as proposed by the Council's Family Law Advisory Committee. K.S.A. 60-1608(a) states, "An action for divorce shall not be heard until 60 days after the filing of the petition unless the judge enters an order declaring the existence of an emergency" K.S.A. 60-1608(a) was amended in 1991, apparently to provide protection against one party obtaining an emergency divorce without notice to the other party. District Judge Solomon of Kingman County wrote the Council concerning the procedures associated with the 1991 amendment. It appeared to Judge Solomon that the 1991 amendments allow an ex parte hearing to declare the existence of an emergency but defer granting the emergency divorce for 10 days, pending notice to the other side. The recommendations of the Family Law Committee continue the protection against one party obtaining an emergency divorce without notice, but provide for a single hearing, following notice, at which the court can determine whether an emergency exists and, if so, the court may proceed to address the issues in the action.

EFFECTS OF FELONY CONVICTION

The Judicial Council requests introduction of a bill containing the subject matter of 1994 SB No. 744, which related to the effects of a felony conviction on the civil rights of a convicted felon. 1994 SB 744 was recommended by the Council's Criminal Law Advisory Committee and was intended to make the statutes addressing the civil rights of convicted felons clearly compatible with the second sentence of article 5, sec. II of the Kansas Constitution, to remove apparent inconsistencies among such statutes and to avoid misleading discharged felons as to their rights to use and possess firearms.