

*Revised #1*

**SENATE JUDICIARY COMMITTEE**

**1995**

**Chairperson.....Senator Tim Emert**  
**Vice Chairs.....Senator Richard Bond**  
**Senator Mike Harris**  
**Senator Mark Parkinson**  
**Ranking Minority Member.....Senator Marge Petty**

**Members:**

<b>Senator Bill Brady</b>	<b>Senator Lana Oleen</b>
<b>Senator Paul Feleciano, Jr</b>	<b>Senator Marian Reynolds</b>
<b>Senator Phil Martin</b>	<b>Senator Richard Rock</b>
<b>Senator Jerry Moran</b>	<b>Senator Bob Dancrum</b>

**Staff:**

**Michael Heim, Kansas Legislative Research Department**  
**Jerry Donaldson, Kansas Legislative Research Department**  
**Gordon Self, Revisor of Statutes' Office**  
**Janice Brasher, Secretary to the Committee (913) 296-6838**

**Sub Committees**

<b><u>Mike Harris</u></b>	<b><u>Mark Parkinson</u></b>	<b><u>Richard Bond</u></b>
<b>Phil Martin</b>	<b>Bill Brady</b>	<b>Jerry Moran</b>
<b>Paul Feleciano</b>	<b>Richard Rock</b>	<b>Lana Oleen</b>
<b>Bob Dancrum</b>	<b>Marian Reynolds</b>	<b>Marge Petty</b>

**1995 Senate Judiciary Committee  
Member Attendance Record**

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Date	1/12/95	1/17/95	1/18/95	1/23/95	1/24/95	1/25/95	1/26/95	1/27/95	1/31/95	2/1/95	2/2/95	2/3/95	2/6/95	2/7/95	2/8/95
Martin	x	x	x	x	x	x	x	x	x	x	x	x	E	x	x
Oleen	x	x	x	x	x	x	x	x	x	x	x	x	E	x	x
Rock	x	x	x	x	x	x	x	x	x	x	x	x	E	x	x
Reynolds	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Parkinson	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Emert	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Petty	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Harris	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Bond	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Feleciano	x	x	x	x	x	x	x	x	x	x	x	x	x	E	x
Vancrum	x	x	x	x	x	x	x	x	x	x	x	x	x	E	E
Brady	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Moran	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
*Temporary Member															
X - Present															
E - Excused															
A - Absent															

\* Committee meeting 1-19-95 all present.





SENATE JUDICIARY COMMITTEE

COMMITTEE ACTION INDEX

BILL NUMBER	SUBJECT	DATE OF HEARING/ DISCUSSION	DATE OF FINAL ACTION BY FULL COMM
SB 3	Civil commitment, evaluation, care and treatment of persons who commit sexually violent offenses (Interim Committee)	2-10-95 Sub committee 2-21-95	2/22/95 BPA
SB 7	Professional licenses suspended if child support not paid (Interim Committee)	Subcommittee Harris	No action
SB 10	Vital statistics; procedures for disinterment (Interim Committee)	Subcommittee Parkinson	No action
SB 16	<del>Definition and application of term "preborn human being" to certain criminal code sections</del> (Senator Sallee) Creating the crimes of injury to a pregnant woman by vehicle and prescribing penalties therefor	SubComm. Parkinson 1-23-95 1-30-95	2-17-95 BPA
SB 35	Garnishment of funds held by a financial institution (Committee on FII)	2-27-95	2-27-95 BPA
SB 72	Civil procedure, venue in actions against corporations (Ron Hein, Lobbyist EVCO-Comm. Bill)	2-3-95	Put aside to see what action occurs on HB2177
SB 110	Enacting the brokerage relationships in real estate transactions act (Real Estate Comm.-Karen France-ref. Comm. Fed & State)	2-1-95 more inform. needed 3-1-95 Referred to SubComm. Harris - Hearing subcom. 3-13-95. 3-21-95	3-21-95 BPA amended w/provisions in balloon and technical changes
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 (Jim Clark, Co. & Distr. Atty Assoc. on behalf of Montg. Co. Atty)	2-23-95 SubComm Harris rpt	2-23-95 BPC/C
SB 128	Crime of abuse of a child to include shaking (Jim Clark, Co. & Distr. Atty Assoc)	2-14-95 SubComm Parkinson	2-17-95 BPA
SB 129	CINC cases, placement by secretary of SRS subject to review of the court (Jim Clark, Co. & Dist. Atty Assoc)	2-20-95 SubComm Bond	2-22-95 BP
SB 130	Juvenile offender restitution may be enforced pursuant to code of civil procedure (Jim Clark, Co. & Dist. Atty Assoc)	2-6-95	2-27-95 Blessed
SB 131	Sex predators, payment of indigent person's counsel and experts by state board of indigents' defense services (Senator Ranson)	2-2-95 No action	2-21-95-Tabled

BILL NUMBER	SUBJECT	DATE OF HEARING/ DISCUSSION	DATE OF FINAL ACTION BY FULL COMM
SB 134	Time period for notification to parent before a minor's abortion and for informed consent (Senator Harris)	3-7-95	3-13-95-No Action
SB 138	Divorce, time for hearing, emergency (Judicial Council)	2-6-95	2-6-95 -No Action
SB 139	Effects of felony conviction on civil rights of convicted felon (Judicial Council)	2-7-95	2-7-95 BP
SB 140	Amendments to rules of civil procedure (Judicial Council)	2-8-95	2-17-95 BPA
SB 141	Criminal deprivation of property that is a motor vehicle, joyriding; enhanced penalties and proof (Senator Feleciano)	2-9-95 2-17-95	2-17-95 No Action
SB 142	Criminal restitution enforced pursuant to the code of civil procedure (Jim Clark, Co. & Distr. Atty Assoc.)	2-7-95	2-27-95 Blessed
SB 146	Reports of child abuse or neglect at state youth centers, procedures; willful making of false report as aggravated juvenile delinquency (Senator Hensley)-No hearing '95 session	No hearing	
SB 156	Creating the Kansas youth authority, establishing the commissioner of youth corrections and a state youth corrections department to deal with juvenile offenders (Hensley)-No hearing '95 session	No hearing	
SB 160	State board of education, applicants for issuance or renewal of certificates information relating to criminal offenses. (Senator Bogina)	2-13-95	2-17-95 BPA (part of SB 185 included)
SB 161	School districts, authorizing boards of education to receive criminal history information regarding employees and prospective employees (Senator Bogina)	2-13-95	No action
SB 177	Enhanced penalties for repeated acts of battery (Senator Ranson)	2-16-95	Referred to interim committee
SB 183	Requirements for alcohol and drug education programs attended by certain offenders (Gene Johnson, OJA)	2-14-95 Subcomm. Bond	2-17-95 Rpt No action
SB 184	Sexual exploitation of a child, to include computer technology (Senator Harris)	2-14-95 Subcomm Parkinson	2-17-95 2-21-95 BPA
SB 185	State board of education adopt guidelines to deny or cancel teachers' certificate if convicted of or granted diversion for violating certain crimes (Senator Hensley & Supt. McClure)	2-13-95	2-17-95 section(s) included in SB 160
SB 198	Nonprobate transfers of real property (Senator Bogina)	2-14-95 Bond's Subcomm	2-17-95 Referred to Judicial Council
SB 200	Administration of juvenile detention facilities fund (Senator Oleen)	2-23-95 Harris's Subcomm.	2-27-95 BPA

BILL NUMBER	SUBJECT	DATE OF HEARING/ DISCUSSION	DATE OF FINAL ACTION BY FULL COMM
SB 207	Repealing adverse possession of real property (Senator Bogina)	2-14-95 Bond's Subcomm.	2-17-95 Sub Comm Rpt No action
SB 213	Alcohol and drug safety action programs; evaluation and treatment by separate programs (Senator Vancrum)	3-9-95	3-13-95 Referred to Audit Comm
SB 214	Interlocal agreements for care and support of juvenile offenders (Senator Oleen)	2-23-95 Harris's Subcomm.	2-24-95 BP
SB 215	Reserve officers' training corp (ROTC) programs, educational benefits-No hearing '95 session	No hearing	
SB 222	Crime victims assistance fund; grants (Attorney General)	2-14-95 Harris's sub comm.	2-22-95 BPA
SB 223	Victims of crime; compensation; administration of protection from abuse fund (Attorney General)	2-14-95 Harris's subcomm	2-22-95 BPA
SB 227	Procurement of legal services for state agencies, requiring competitive bidding procedures (Senator Hensley)-No hearing '95 session	No hearing	
SB 230	Community programs and services for juvenile offenders; allocations to local juvenile intake and assessment programs; payment for offenders committed to state (Senator Petty)	2-15-95 3-1-95 <del>Referred to</del> <del>Ways and</del> <del>Means</del> 3/10/95 rereferred	3-20-95 amended into HB 2287
SB 231	Creating the Kansas children and youth authority; establishing a secretary of children and youth and a department of children and youth (Senator Petty)	2-15-95 <del>3-1-95 Ways</del> <del>and Means</del> 3/10/95 rereferred	3-20-95 Amended into HB 2287
SB 233	Requiring mediation in divorces (Senator Wisdom by request)	2-14-95 Bond's Subcomm.	2-17-95 SubComm Rpt No action
SB 234	Diversion programs for juvenile offenders; eligibility (Senator Oleen)	2-23-95 Harris subcomm 2-28-95 Mtg at rail of Whole	2-28-95 BPA
SB 237	Sex offenders, registration; adjudication as juvenile offender and diversions; records (Attorney General)	2-14-95 Harris Subcomm	2-22-95 BPA
SB 238	Expungement of records (Attorney General)	2-14-95 Harris Subcomm	2-22-95 Subcomm Rpt No action
SB 239	Victims of crime; notice and right to be present at parole and probation and juvenile offender proceedings (Attorney General)	2-14-95 Harris subcomm	2-22-95 BP

BILL NUMBER	SUBJECT	DATE OF HEARING/ DISCUSSION	DATE OF FINAL ACTION BY FULL COMM
SB 241	Life imprisonment sentence for persistent sex offender (Attorney General)	2-21-95 2-22-95	2-27-95 Referred to interim committee
SB 248	Maliciously circulating false rumors concerning financial status of MIP (Committee on FI&I)-No hearing '95 session	No hearing	
SB 250	Burglary of a commercial yard	2-14-95 Parkinson's Subcomm	2-17-95 Subcomm Rpt No action
SB 282	Civil procedure and civil actions; garnishment; answers to garnishees (Comm. on Ways and Means	2-20-95 Parkinson's subcomm	2-22-95 BPA
SB 295	Alcohol and drug evaluation programs; qualifications (Senator Vancrum)	3-9-95	3-13-95 Referred to Audit Comm.
SB 296	Capitol area security patrol;jurisdiction (Highway Patrol-Capitol Police)	2-20-95 Parkinson's subcomm.	2-22-95 BP <b>HJudBP?</b>
SB 297	Kansas consumer protection act, enhanced civil penalties when victims are elder or disabled persons (Attorney General)??-No hearing '95 session	No hearing	
SB 298	Crimes and punishment, lesser included crimes (Senator Parkinson)	2-20-95 Harris's subcomm	2-23-95 BP
SB 299	Allowing county or district attorney to collect administrative handling cost from maker or drawer of bad checks (Senator Parkinson)	2-20-95 Harris's subcomm	2-23-95 BP
<del>SB 300</del>	County museums; exemptions from sprinkler system requirements (Senator Moran)	Referred to Fed and State 2-14-95	
SB 305	Abuse, neglect and exploitation of individuals in state hospitals (Comm. on Public Health & Welfare)	2-20-95 Bond's subcomm	2-22-95 BP
SB 307	Local citizen review boards duties concerning juvenile offenders (Comm. on Public Health & Welfare)	2-20-95 Bond's Subcomm	2-22-95 BP
SB 311	Subrogation rights under health insurance policies (Senator Parkinson)	2-23-95	No action
SB 312	Scope of review of appeals of departure sentences under the sentencing guidelines act (Kansas Sentencing Commission Lisa Moots)	2-23-95 Bond's Subcomm.	2-24-95 BPA
SB 313	Crimes and punishment, sentencing after committing a new offense (Attorney General)????	2-23-95 Bond's subcomm	2-24-95 No action
SB 314	Youth center commitments, payment of costs by SRS (KS Sentencing Commission-Lisa Moots)	No hearing	



BILL NUMBER	SUBJECT	DATE OF HEARING/ DISCUSSION	DATE OF FINAL ACTION BY FULL COMM
SB 329	Creating a new Kansas parole board; personnel; training, travel and work policies (Senator Tillitson)	2-21-95 Parkinson subcomm	2-24-95 BPA 3-20-95 amended into HB 2331
SB 330	Licensing of security officers and companies (Stu Enetz, Security Licensing)-No hearing '95 session	No hearing	
SB 332	Victims of crime, information (Judiciary) No hearing '95 session	No hearing	
SB 333	Controlled substances, penalties, violations involving marijuana of municipal ordinances (Senator Bond)	2-23-95 Bond's subcomm	2-24-95 BP
SB 334	Court order to test for certain infectious diseases; disclosure of certain information (Senator Moran)-No hearing '95 session	No hearing	
SB 336	Enacting the uniform limited liability company act (SOS)	2-21-95	2-22-95 BPA
SB 339	Crimes and punishment, railroad property (Comm. on Fed & State-contact Pat Hubbell, KS RR Assoc. 435-3392) -No hearing '95 session	No hearing	
SB 347	Court review of domestic violence in divorce, child custody and visitation proceedings (Comm on Ways and Means) see HB 2465-Contact Joseph Ledbetter 233-6946, Stan Flory, Chair F.A.T.H.E.R.S No hearing '95 session	No hearing	
SB 360	Placements of inmates in Labette correctional conservation camp; reduction of sentence; supervised release (Dept. of Correction, Charles Simmons--Governor Graves Office, Brent Anderson)	3-8-95	3-8-95 BP
SB 378	Kansas sentencing commission reduction in number of members	4-6-95	No action
<b>HOUSE BILLS REFERRED TO SENATE JUDICIARY COMMITTEE</b>			
HB 2003	Criminal possession of a firearm (Haulmark)	1-18-95	1-23-94 BPA Not voted in House yet
HB 2012	Restitution paid to the victim; financial records open to the victim; programs for the inmates (Phill Kline, Howell)-No hearing Sen.Jud '95 session	No hearing	
HB 2013	Victim of sex offense identification not a public record. (Phill Kline)-No hearing in SenJud '95 session	No hearing	

BILL NUMBER	SUBJECT	DATE OF HEARING/ DISCUSSION	DATE OF FINAL ACTION BY FULL COMM
HB 2015	Private Property Protection Act (J. Stubbs KS Builders Assoc.)	SenJud 3-15-95 no action	SenJud 3-20-95 BPA amended replacing substantial with reasonable
HB 2022	Municipal judges authorized to officiate at marriage ceremonies		2-22-95 Amended into HB2430
HB 2023	Repeals statute that allows will to be deposited in district court. (OJA)	SenJud 3-17-95	SenJud-3-17-95 BP C/C
HB 2083	Reporting termination of pregnancies. (Rep. Larkin)	3-7-95 Heard in Senate Judiciary (no action)	SenJud 3-13-95-Not pass
HB 2095	Penalties for intentional violations by public utilities and common carriers (HComm Energy and Natl Resources)	3-13-95-Sen Jud Hearing	SenJud. 3-13-95 BP
HB 2111	Jails(provisions in HB 2111 were struck and new language added)	Sen Jud 3-17-95	SenJud 3-17-95 BPA
<del>HB 2111</del>	<del>Civil procedure, change of venue</del>	<del>1-30-95</del>	<del>Amended into HB 2177 1-31-95</del>
HB 2177	Venue for actions against corporations (Powell)	SenJud 3-16-95 no action	3-21-95 BPA deleting Sec 2 & 3
HB 2180	Amendments to the administrative procedure act and judicial review act (Judicial Council)	SenJud 3-16-95	SenJud 3-16-95 BPA
HB 2181	Exceptions to the general rule of trustee's office not transferable(Judicial Council)	SenJud 3-16-95	SenJud 3-16-95 BPA
HB 2183	Probate code reference update; K.S.A. 59-513	SenJud 3-16-95	SenJud 3-16-95 BP C/C
HB 2184	Classification of demands against an estate(Judicial Council)	SenJud 3-16-95	No Action
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. (R. Rice) No hearing SenJud '95 session	No hearing	
HB 2219	Child support enforcement; penalties to payor for failure to pay over support withheld from obligor's paycheck. (Goodwin)-No hearing SenJud '95 session	No hearing	

BILL NUMBER	SUBJECT	DATE OF HEARING/ DISCUSSION	DATE OF FINAL ACTION BY FULL COMM
HB 2223	Criminal deprivation of property. (Welshimer & Sedg. County)	SenSubcom Parkinson on adjourn. 3-15-95	SenJud 3-20-95 BPA Conceptual chg. add security amendment
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 (Carmody)	SenJud 3-16-95	SedJud 3-16-95 BP carried by Sen Parkinson
HB 2270	Obstructing legal process or official duty. (Farmer)-No hearing SenJud '95 session	No hearing	
HB 2287	Creating the Kansas youth authority, establishing the commissioner of youth corrections and a state youth corrections department to deal with juvenile offenders(Mays--)-Select Comm.on Juvenile Crime	SenJud 3-20-95	SenJud 3-20-95 BPA Strip current language add certain sections of SB 231 and amend in SB 230
HB 2298	Registered limited liability partnerships, fees for applications or renewal application. (J. Chubb Secretary of State )	SenJud 3-13-98	SenJud 3-13-95 BP C/C
HB 2299	Giving worthless checks and causing an unlawful prosecution for worthless checks.	SenJud 3-14-95 no action	SenJud 3-20-95 BPA Chg. Language triple damage
HB 2310	Docket fees for inmates. (Wilk)-No hearing SenJud '95 session	No hearing	
HB 2311	Tort claims act; maximum amount of award. (Wilk)-No hearing SenJud '95 session	No hearing	
HB 2315	Expanding the definition of prima facie evidence of intent to permanently deprive the owner of property.(Rutledge)-No hearing SenJud '95 session	No hearing	
HB 2318	Durable power of attorney may include power to convey homestead rights. (Snowbarger)	SenJud 3-17-95	No action
HB 2331	Repealing not guilty by reason of insanity; creating the defense of lack of mental state. (O'Neal)	Subcomm Parkinson on adjourn. 3-15-95	SenJud 3-20-95 BPA SB 329 amended into this bill with diff. implementation dates
HB 2391	Authority and benefits of certain special deputy sheriffs. (Mays)-No hearing in SenJud '95 session	No hearing	

BILL NUMBER	SUBJECT	DATE OF HEARING/ DISCUSSION	DATE OF FINAL ACTION BY FULL COMM
HB 2396	Transfer of real property on death of owner; relating to an heir who files a notification of interest in title. (Haley & Henderson)-No hearing in SenJud '95 session	No hearing	
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. (Toelkes, Wilk, Wilson, Yoh)-No hearing in SenJud '95 session	No hearing	
HB 2426	Eliminates options for forming law libraries; all new law libraries will be formed pursuant to statute. (OJA)	SenJud 3-17-95	SenJud 3-17-95 BPA
HB 2430	Marriage licenses may be computer generated (JA)	SenJud 3-14-95	SenJud 3-16-95 BPA
HB 2445	Authorized interception of wire communications; cordless phones are now covered by the warrant requirements for a wiretap. (K.Smith)	SenJud 3-14-95 no action	SenJud 3-21-95 BP
HB 2448	In property damage cases in auto accidents, attorney fees recovered only previous demand for payment has been made. (B.Sneed-Amer. Insurance Assoc)	SenJud 3-13-95 no action	Senate Jud 3-21-95 BPA Last known address & defendant attny fees
HB 2450	KBI send notice to FBI of expungement records; criminal history record information.(K.Smith-KBI)	SenJud 3-14-95	SJud 3-14-95 BPA
HB 2531	Municipal university police officers. (Mays)	3-13-95	SenJud 3-13-95 BP C/C
HB 2586	Amending the criminal defamation statute assigned 4-7-95 to SenJud.-No hearing SenJud '95 session	No hearing	
HCR 5019	Directing the attorney general to bring an action to enjoin the enforcement of and to declare unenforceable and in violation of the constitution of the United States, the national voter registration act of 1993.	2-8-95	Rests
<b>CONFIRMATIONS:</b>			
State Board of Indigents' Defense Services	David Boal	2-9-95	Be Confirmed
Confirmation: Kansas Parole Board	Marilyn Scafe	3-27-95	Be Confirmed
Director, Kansas Bureau of Investigation	Larry Welch	3-8-95	Be Confirmed

BILL NUMBER	SUBJECT	DATE OF HEARING/ DISCUSSION	DATE OF FINAL ACTION BY FULL COMM
Chair, Crime Victims' Compensation Board	Glenda Cafer	3-8-95	Be Confirmed
Crime Victims' Compensation Board	Carlos Cooper	3-8-95	Be Confirmed

CONFIRMATIONS

Appointments: State Board of Indigents' Defense Services:

David Boal, term expires July 1, 1997 (action by comm 2-9-95)

Kansas Parole Board:

Marilyn Scafe, term expires June 30, 1998 (action by comm 3-27-95)

Director, Kansas Bureau of Investigation:

Larry Welch, to serve at the Pleasure of the Attorney General (action by comm 3-8-95)

Chair, Crime Victims' Compensation Board:

Glenda Cafer, term expires June 30, 1996 (action by comm 3-8-95)

Victims' Compensation Board:

Carlos Cooper, term expires June 30, 1998 (action by comm 3-8-95)