

Approved: 1-23-96  
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY.

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on January 10, 1996 in Room 313-S of the Capitol.

All members were present except:

Representative Jill Grant - Excused  
Representative Britt Nichols - Excused  
Representative Belva Ott - Excused  
Representative Vince Snowbarger - Excused  
Representative Doug Spangler - Excused

Committee staff present:

Jerry Donaldson, Legislative Research Department  
Jill Wolters, Revisor of Statutes  
Cindy Wulfkuhle, Committee Secretary

Conferees appearing before the committee: None

Others attending: See attached list

Representative Miller made a motion to report the following bills adversely: **HB 2002** - Mitigating circumstances shall not include the physical health of the defendant, **HB 2022** - Municipal judges authorized to officiate at marriage ceremonies, **HB 2028** - Interference with parental custody, expanded to include interference with visitation rights (Attachment 1), **HB 2030** - Crime of official misconduct, **HB 2075** - Prohibiting certain amusement and carnival games, **HB 2179** - Revocation of probate and nonprobate transfers by divorce, **HB 2182** - Jury instructions include the ability to vote according to conscience, **HB 2296** - Sexually violent predators, attorney general shall represent the state in civil commitment proceedings, **HB 2315** - Expanding the definition of prima facie evidence of intent to permanently deprive the owner of property, **HB 2428** - Witness mileage fee, **HB 2449** - Allow KBI to collect genetic markers, **HB 2510** - Requiring use of ignition interlock device under certain restrictions of driver's licenses, **HB 2533** - Lapsing elective share of surviving spouse statutes until June 30, 1996, **SB 34** - Crime of impairing a security interest & **SB 234** - Diversion programs for juvenile offenders. Representative Adkins seconded the motion. The motion carried.

Chairman O'Neal commented that he had received two bill requests from the Uniform Law Commission. The first dealt with revisions of the Partnership Code and the second dealt with Article 5 of the Commercial Code.

Representative Adkins made a motion to have these bill requests introduced as committee bills. Representative Goodwin seconded the motion. The motion carried.

The Chairman notified committee members and guests that the House Judiciary Committee would not be accepting bill requests after January 31, 1996.

The next meeting is scheduled for January 16, 1996.





## KANSAS JUDICIAL COUNCIL

JUSTICE TYLER C. LOCKETT, CHAIR, 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  
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ADMINISTRATIVE ASSISTANT  
LISA R. NORTH  
PUBLICATIONS

September 29, 1995

Representative Michael R. O'Neal  
Chair, House Judiciary Committee  
P. O. Box 2977  
Hutchinson, KS 67504

Dear Representative O'Neal:

After the 1994 legislative session, you inquired of the Kansas Judicial Council if they had any interest in studying several legislative proposals. The Family Law Advisory Committee responded that they had an interest in considering 1994 HB 3003 relating to interference with parental custody and interference with visitation rights.

The Family Law Advisory Committee completed its consideration of 1994 HB 3003, and its successor, 1995 HB 2028, and at the September 8, 1995 meeting of the Judicial Council, the Chairman reported that the Family Law Committee had unanimously voted not to recommend 1995 HB 2028 (which was formerly 1994 HB 3003.)

Attached is a letter from Judge Nelson E. Toburen of Pittsburg, Kansas, who chairs the Judicial Council Family Law Advisory Committee, setting forth the committee's report on this matter. Also enclosed is a list of the members of the Family Law Advisory Committee.

Sincerely,

A handwritten signature in cursive script that reads "Tyler C. Lockett".

Tyler C. Lockett

TCL/jw

Enclosure

House Judiciary  
1-10-96  
Attachment 1

DISTRICT COURT  
ELEVENTH JUDICIAL DISTRICT

DIVISION ONE, JUDICIAL CENTER

PITTSBURG, KANSAS 66762

CHAMBERS OF  
**NELSON E. TOBUREN**  
JUDGE

316-231-3570

September 11, 1995

Mr. Randy M. Hearrell  
Research Director  
Kansas Judicial Council  
301 West Tenth Street, Suite 262  
Topeka, Kansas 66612-1507

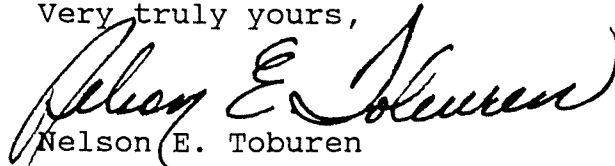
Re: HB 2028

Dear Randy:

This will confirm my report to the Judicial Council last Friday that the Family Law Advisory Committee has unanimously voted not to recommend HB 2028, formerly HB 3003.

Essentially, the bill would make it a felony for a person who has legal custody of a child under a valid court order to interfere with the custody or visitation rights of another person. The committee was reluctant to criminalize visitation issues and noted that these situations are generally better dealt with in civil court under existing civil remedies. The Committee also noted concern about the "inside or outside the state" language that would purport to make an act committed outside of Kansas a crime in Kansas. In addition to the jurisdictional issues, issues about indigent fees, extradition costs and other costs to the state were considered.

Very truly yours,



Nelson E. Toburen

c: Matt Lynch