

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY, Room 313-S-Statehouse, at 3:30 p.m. on January 17, 1996.

Approved: 1-23-96
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY.

The meeting was called to order by Ranking Minority Member Jim Garner at 3:30 p.m. on January 16, 1996 in Room 313-S of the Capitol.

All members were present except:

Representative David Adkins - Excused
Representative Jill Grant - Excused
Representative Gary Merritt - Excused
Representative Bob Miller - Excused
Representative Mike O'Neal - Excused
Representative Vince Snowbarger - Excused
Representative Doug Spangler - Excused

Committee staff present:

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

Others attending: See attached list

Jerry Donaldson, Legislative Research Department, appeared before the committee to give a briefing on Interim Committee Activity. She explained that Proposal's 39 - Custody and residence of children in domestic relations proceedings and various issues related to serving the best interest of the child, & 40 - Child support enforcement issues, were not studied because the Interim Committee did not have adequate time and suggested that the appropriate standing committees review these issues during the 1996 Legislative Session.

Proposal 41 - Sentencing guidelines and prison population - a review of the nondrug and drug grid sentencing guidelines to determine the impact both grids have on prison population and to insure crimes have appropriate punishments and that legislators are aware to the impact of the sentencing system on the prison population. The Interim Committee recommended that the Kansas Supreme Court adopt an intermediate sanctions system for probation violators to be used by the district courts similar to that which has been developed by the Kansas Department of Corrections for dealing with parole violators. The Interim Committee requested additional prison impact data from the Kansas Sentencing Commission regarding the following: making second degree murder and rape off grid crimes and doubling the sentencing ranges for levels 1 & 2 of the nondrug grid; the same as number 1 only increasing the nondrug grid levels 1 & 2 by 50 percent; double C through I levels 1 & 2 of the nondrug grid with rape and murder off grid; and double severity levels 1 & 2.

Proposal 43 - Review judicial district practices regarding determination of what Alcohol and Drug Safety Action Program a defendant is referred to for evaluation and what drug or alcohol treatment program a person is required to attend. The Interim Committee determined that there is currently not the need to set up a statewide bureaucracy to establish treatment and education certification.

Proposal 44 - Caseloads and jurisdiction of the Supreme Court and Court of Appeals. The Interim Committee stated that it appears that Kansas has fewer appellate court judges and less staff than other states with comparable caseloads. They recommended that the Kansas Legislature should consider adding more court of appeals judges and support staff to insure that the appellate courts are able to accomplish their statutory duties.

Proposal 45 - Adverse Possession of Property. The Interim Committee believes that the standard of clear and convincing evidence for a claimant of land by adverse possession provides a safeguard for original landowners. Therefore they recommended no changes be made in the current law.

Mike Heim, Legislative Research Department, briefed the committee on Proposal 42 - A review of the sentencing of juveniles in the various judicial districts to determine sentencing practices and to identify disparities that might exist. The Interim Committee was concerned that the current Juvenile Intake and Assessment Program established in 1994 has not been included in the Judicial Branch's budget request for FY 1997 because of the Judicial Branch's belief that the program will be administered by the Juvenile Justice Authority when that agency comes on line in 1997. The Interim Committee recommended that the 1996 Legislature insure the continued funding of this program.

The next meeting is scheduled for January 17, 1996.

HOUSE JUDICIARY COMMITTEE GUEST LIST

DATE: January 14, 1996

NAME	REPRESENTING
B Remy	Ks Assn of Defense Counsel
Janiselle	KCUA
Melissa Wargemann	Hein, Ebert & Weir
Wendy M. Jordan	ACLU
Randy M. Nearrell	Judicial Council
Jenny Wertz	Sec. of State's Office
KEITH R LANDIS	CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS
Shirley Moses	DNA - DTR
Bob North	DoA - Legal
Leslie Kaufman	Ks Farm Bureau
JASON PITSCHBERGER	BRAD SMITH
Jim Brown	John Peterson
TERRY HOLDREN	KANSAS BAR ASSN.
John Jones	KSC
Allen M. Grabel	KTLA
Leibee Schneider	Ks Livestock Assoc -
Marty Vanier	KAA
JUSTIN KASNER	Flint Hills Regional Ldrshp Program...
Bill Muir	" "

HOUSE JUDICIARY COMMITTEE GUEST LIST

DATE: January 16, 1996

NAME	REPRESENTING
Brad Beets	Flint Hills Leadership Program
Sandra Wiley	" "
Don Stephens	