

Approved: \_\_\_\_\_

Date

2-1-99

## MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Vice Chairperson Tim Carmody at 3:30 p.m. on January 19, 1999 in Room 313-S of the Capitol.

All members were present except:

Representative Clark Shultz - Excused  
Representative Marti Crow - Excused

Committee staff present:

Avis Swartzman, Revisor of Statute  
Cindy Wulfsuhle, Committee Secretary

Conferees appearing before the committee:

Tim Madden, Chief Legal Council, Department of Corrections  
Bud Grant, Kansas Chamber of Commerce and Industry  
Greg DeBacker, National Congress for Fathers & Children

Tim Madden, Chief Legal Council, Department of Corrections, appeared before the committee with three bill requests. (Attachment 1) The first would authorize the provision of legal representation to state officials summoned to appear before a grand jury. Representative Wells made the motion to have the request introduced as a committee bill. Representative Powell seconded the motion. The motion carried.

The second request would clarify that the Secretary of Corrections has authority to issue arrest & detain warrants for interstate compact offenders under KDOC supervision. Representative Loyd made the motion to have the request introduced as a committee bill. Representative Howell seconded the motion. The motion carried.

The last request would authorize that the Secretary of Corrections could issue warrants for the apprehension of escaped inmates. Representative Swenson made the motion to have the request introduced as a committee bill. Representative Long seconded the motion. The motion carried.

Bud Grant, Kansas Chamber of Commerce and Industry, appeared before the committee with a bill request that would address the falsifying of Universal Price Code Labels. (Attachment 2) Representative Long made the motion to have the request introduced as a committee bill. Representative Gregory seconded the motion. The motion carried.

Greg DeBacker, National Congress for Fathers & Children, appeared before the committee with three request for bill introductions. The first would limit the amount of child support to \$2,000 for the first child and \$1,500 for additional children, any amount above that would go into an educational trust. Representative Ruff made the motion to have the request introduced as a committee bill. Representative Powell seconded the motion. The motion carried.

The second dealt with overtime pay & bonuses not being considered in determining child support. Representative Swenson made the motion to have the request introduced as a committee bill. Representative Klein second the motion. The motion carried.

The last request was concerning paternity and parenting rights. Representative Pauls made the motion to have the request introduced as a committee bill. Representative Wells seconded the motion. The motion carried.

The committee meeting adjourned at 4:30 p.m. The next meeting is scheduled for January 21, 1999.



STATE OF KANSAS



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Bill Graves  
*Governor*

Charles E. Simmons  
*Secretary*

**MEMORANDUM**

To: House Judiciary Committee  
From: Charles E. Simmons, *Secretary*  
Subject: Request for Bill Introductions  
Date: January 19, 1999

I respectfully request that the House Judiciary Committee introduce three bills that are included in the Department of Corrections' 1999 legislative package. A brief summary of each of these measures is provided below:

Legal Representation for State Officials in Grand Jury Proceedings

- The proposal amends KSA 75-4360 and 75-6108 to explicitly authorize the provision of legal representation to state officials summoned to appear before a grand jury or inquisition.
- The bill also provides the same criteria for the denial of representation by the state in regard to civil rights litigation as is currently provided for tort litigation by amendment of KSA 75-4360.
- An identical proposal passed both houses during the 1998 legislative session, but the measure was considered in two separate vehicles and was not enacted.

Arrest and Detain Authority Regarding Compact Probationers and Parolees

- This proposal clarifies the authority of the Secretary of Corrections to issue arrest and detain warrants for interstate compact offenders under KDOC supervision who have violated the conditions of their probation or parole supervision. A legal question has arisen as to whether the Secretary currently has this authority relative to interstate

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Attachment 1

compact offenders, or whether the warrant must be issued by the state for whom supervision is being provided pursuant to the terms of the compact agreement.

Authority to Issue Warrants for the Apprehension of Escaped Inmates

- This proposal amends KSA 75-5222 by explicitly authorizing the Secretary of Corrections to issue warrants for the apprehension of escaped inmates based on the fact that such inmates still have a portion of a lawfully imposed sentence to serve. Such warrants would not be for a new criminal charge of aggravated escape from custody which would still be issued solely by a judge upon the filing of new criminal charges.
- Warrants issued pursuant to the bill would be executed by law enforcement officers in the same manner as any other arrest warrant. An inmate apprehended pursuant to such a warrant would be detained in the county jail of the county where the arrest is made unless some other place is designated by the Secretary.

Bill drafts have been prepared by the Revisor of Statutes' office for each of the three proposals and are being made available to committee staff. We appreciate your consideration of our request that these bills be introduced for consideration during the 1999 session.

## DECEPTIVE PRACTICES MODEL BILL

**An Act relating to acts constituting making certain use of retail sales receipts or Universal Price Code labels an unlawful act; providing penalties; and providing an effective date.**

### Section I

- A. A person who, with intent to cheat or defraud a person primarily engaged in the retail sale of property or services, possesses, uses, utters, transfers, makes, alters, counterfeits, or reproduces a retail sales receipt or a Universal Price Code Label, commits a felony (lowest degree), and shall be punishable by (penalty) and by a fine not exceeding three times the value represented on the sales receipts or the Universal Price Code labels.
- B. A person who, with intent to cheat or defraud a person primarily engaged in the retail sale of property or services, possesses fifteen (15) or more fraudulent receipts, Universal Price Code labels, or possesses the device that manufacturers fraudulent Receipts or Universal Price Code labels, with be guilty of a felony (one degree Higher)

### Section II

This Act shall become effective (date).