

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson Michael O'Neal at 3:30 p.m. On January 25, 2001 in Room 313-S of the Capitol.

All members were present except:

Representative Kathe Lloyd - Excused
Representative Candy Ruff - Excused
Representative Joe Shriver - Excused
Representative Clark Shultz - Excused
Representative Dale Swenson - Excused

Committee staff present:

Jerry Ann Donaldson, Legislative Research Department
Jennifer Strait, Intern for Legislative Research Department
Jill Wolters, Revisor of Statutes Office
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Representative Jan Pauls
Representative Doug Patterson
Kyle Smith, Kansas Bureau of Investigation

Representative Jan Pauls appeared before the Committee with a bill request she received which would add two more laboratories to the list of those which are forensic labs. Representative Pauls made the motion to have the bill introduced as a committee bill. Representative Newton seconded the motion. The motion carried.

Representative Doug Patterson requested a bill which would allow district court judges to require mediation when he believes the case should be settled. Representative Patterson made the motion to have the bill introduced as a committee bill. Representative Loyd seconded the motion. The motion carried.

Kyle Smith, Kansas Bureau of Investigation, requested a committee bill which would allow the Criminal Justice Information System to be available to all criminal justice agencies for official use (Attachment 1). Representative Loyd made the motion to have the request introduced as a committee bill. Representative Newton seconded the motion. The motion carried.

Hearing on **HB 2074 - Administration of the KBI; associate directors; deputy directors and assistant directors are unclassified state employees**, were opened.

Kyle Smith, Kansas Bureau of Investigation, appeared before the committee in support of the proposed legislation which would allow four of the administrators to be considered unclassified positions for the purpose of compensation and to allow more continuity for incoming directors to implement changes in policy (Attachment 2).

The committee meeting adjourned at 4:00. The next meeting is scheduled for January 29, 2001.



Kansas Bureau of Investigation

Larry Welch
Director

Carla J. Stovall
Attorney General

Bill Request
Before the House Judiciary Committee
Kyle G. Smith
Kansas Bureau of Investigation
January 16, 2001

Chairman O'Neal and Members of the Committee,

I am pleased to appear today on behalf of Director Larry Welch and the KBI to request legislation to make a small amendment to allow courts, probation officers and prosecutors to fully utilize the resources in the Criminal Justice Information System. We have reached agreement to incorporate the drivers license photos contained in the Kansas Department of Revenue's computers into the CJIS project. Quickly obtaining a good quality photograph will be of great benefit to criminal justice agencies in making faster identifications of suspects. Cases of people wrongfully held would certainly plummet if a judge could immediately pull up the photo of a suspect and compare it to the person claiming he is not the man they wanted.

However, the current statute, K.S.A. 74-2012, restricts access to these photographs to "law enforcement agencies for use in criminal investigation". We would like to slightly broaden the language, as shown below, to "criminal justice agencies for official use" so that all the agencies connected through CJIS, courts, prisons, court service officers and prosecutors, could use this feature when necessary.

Thank you for your consideration. I would be happy to answer any questions.

74-2012. (a) All records of the division of vehicles shall be subject to the provisions of the open records act, except as otherwise provided under the provisions of this section and by K.S.A. 1999 Supp. 74-2022, and amendments thereto.

(b) All records of the division of vehicles relating to the physical or mental condition of any person, to expungement or except as provided further, any photographs maintained by the division of vehicles in connection with the issuance of drivers' licenses shall be confidential. Photographs or digital images maintained by the division of vehicles in connection with the issuance of drivers' licenses shall be available to **criminal justice agencies for official use** ~~law enforcement agencies for use in criminal investigations.~~

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House Judiciary
1-25-01
Attachment 1



Kansas Bureau of Investigation

Larry Welch
Director

Carla J. Stovall
Attorney General

TESTIMONY
BEFORE THE HOUSE JUDICIARY COMMITTEE
KYLE G. SMITH, ASSISTANT ATTORNEY GENERAL
IN SUPPORT OF HB 2074
January 25, 2001

Mr. Chairman and Members of the Committee:

I am Kyle Smith, Director of Public and Governmental Affairs at the Kansas Bureau of Investigation (KBI), and appear today in support of HB 2074. KBI Director Larry Welch requested this legislation to facilitate the administration at the KBI. Unfortunately, Director Welch had a prior commitment in Wichita today but hopefully I can explain this fairly simple bill.

Besides striking obsolete language and renaming some positions at the KBI, the main thrust of HB 2074 is moving 4 of our top administrators to the unclassified service. The purpose is twofold; it allows this and future directors more ability to carry out his or her goals and gives these administrators more pay flexibility.

Currently the number two person at the KBI, the associate director, as well as the three assistant directors, are classified positions and will be there, regardless who the AG or Director may be. While that provides a certain amount of continuity, it might also make it difficult for an incoming director to implement changes in policy. It is a little like a new president having to keep the old vice president and cabinet members.

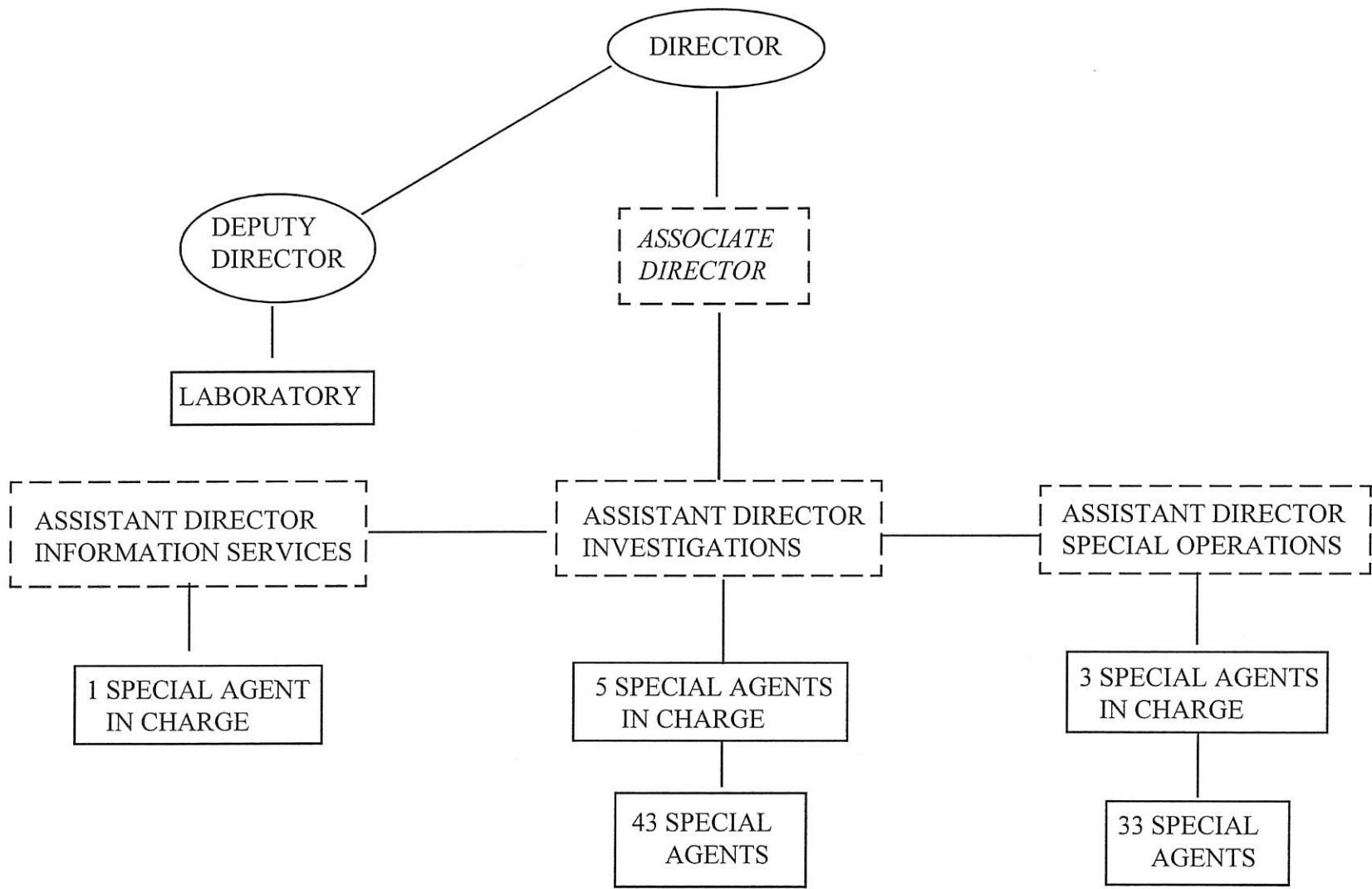
Of course, the other reason for going to unclassified positions is the compensation for those positions would be more flexible. The Director hopes in the future to work with the appropriations committees on what might be accomplished to make the salaries more appropriate to the duties. We have had several meetings within the KBI and with DPS regarding this problem. The requested bill is submitted without objection by the affected employees or DPS.

I have attached a chart of the organizational structure of the KBI, which might make this a little clearer. I would be happy to answer any questions.

House Judiciary
1-25-01
Attachment 2

KBI ORGANIZATIONAL CHART

2-2



- [- - -] Position changes
- [] Classified
- [] Unclassified