

Approved

Date: *March 21, 2001*

## MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson John Vratil at 9:40 a.m. on March 20, 2001 in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Gordon Self, Revisor  
Mike Heim, Research  
Mary Blair, Secretary

Conferees appearing before the committee:

David Falletti, Detective, Riley County Police Department

Others attending: see attached list

Minutes of the March 19<sup>th</sup> meeting were approved on a motion by Senator Schmidt, seconded by Senator Umbarger. Carried.

### **HB 2178—concerning controlled substances; re: gamma hydroxybutyric acid (GHB)**

The Chair reviewed **HB 2178**, a bill which amends the criminal code by adding various components of GHB to the law prohibiting unlawful administration of a substance. Senator Adkins moved to pass the bill out favorably, Senator Schmidt seconded. Following discussion there was general consensus to not adopt an amendment proposed by Harvey County Attorney Matt Treaster which increased the penalty for unlawfully administering GHB without a person's consent to a drug severity level three felony. Motion carried.

### **HB 2175—re: judgment liens**

Senator Schmidt reviewed a bill he introduced earlier, **SB 139**, which related to liability for domestic animal activity. He described the history of the bill and the amendments which were added to it since its inception stating that it was his desire to amend the provisions of **SB 139** into **HB 2175**. Following brief discussion Senator Schmidt moved to amend SB 139 into HB 2175, Senator Goodwin seconded. Carried. Senator Schmidt moved to pass the bill out favorably as amended, Senator Goodwin seconded. Carried.

### **HB 2173—concerning expungement**

The Chair reviewed **HB 2173**, a bill which provides that expungement of a person's criminal arrest file will be confidential and, in addition, the KBI is charged with notifying the FBI of the order of expungement. He discussed an amendment offered by the municipal courts who object to being included in the bill citing liability and fiscal concerns. Following discussion Senator Gilstrap moved to amend HB 2173 by deleting Section 1 so that provisions in the bill do not apply to municipal courts, Senator Oleen seconded. Motion failed. Following discussion Senator Goodwin moved to pass the bill out favorably, Senator Schmidt seconded. Carried.

### **HB 2136—re: criminal history classification**

The Chair reviewed **HB 2136**, a bill which amends the law regarding the computation of a defendant's criminal history for the crime of involuntary manslaughter while driving under the influence of alcohol or drugs. Senator Adkins moved to amend the bill by deleting a provision to discount or decay a DUI conviction after a period of ten years with no intervening violations, Senator Goodwin seconded. Carried. Senator Adkins moved to pass the bill out favorably as amended. Senator Goodwin seconded. Carried.

### **HB 2176—re: unlawful sexual relations**

The Chair reviewed **HB 2176**, an SRS bill, which expands the crime of unlawful sexual relations to include SRS employees who engage in consensual sexual activity with the victim age 16 or older. He stated that **HB 2445** regarding teachers who engage in prohibited sexual activity with a 16 or 17 year old student enrolled in the school where the offender teaches was amended by the House into this bill. Lengthy discussion followed. Senator Pugh moved to amend HB 2176 by deleting the language regarding teachers, Senator Goodwin seconded. Motion failed Senator Adkins moved to pass the bill out favorably, Senator Schmidt seconded. Carried.

### **HB 2328—re: abusing toxic vapors; possession of a controlled substance**

Conferee Falletti testified in support of **HB 2328**, a bill which would make the intentional use of inhaling certain toxic vapors for the purpose of “getting high,” a B nonperson misdemeanor. The Conferee reviewed national surveys and local statistics which indicate that approximately 20% of 8<sup>th</sup> graders have abused inhalants at least once in their lives. He stated 37 states have enacted legislation to address this problem and he proposed Kansas do the same including mandating abuse education to children of all ages. (attachment 1) Committee discussed the House floor amendment to this bill. Following lengthy discussion there was consensus to delay action on this bill until Committee was more fully informed about the House amendment.

### **HB 2154—concerning providers of care services**

The Chair briefly reviewed **SB 354**, a bill relating to placement of facilities in cooperation and consultation with municipalities and the public and asked the Committee to consider whether or not to amend it into **HB 2154**. Following lengthy discussion, Senator Haley moved to amend SB 354 into HB 2154, Senator Donovan seconded. Further discussion followed whereby, due to time constraints, the Chair opted to take no action on the motion at this time.

The meeting adjourned at 10:32 a.m. The next scheduled meeting is March 21, 2001.



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att 1

February 12, 2001

**TO:** Chairperson and Members

**Subject:** Inhalant Abuse Legislation - HB 2328

I am a Detective with the Riley County Police Department and work primarily with juveniles. I believe that the abuse of chemical vapors by our youth is on the rise and have seen reports of such activity in our community. It is difficult to evaluate the problem as there is no law against such activity and reports by police are not usually filed. To my knowledge thirty-seven states have enacted legislation against the use and possession with the intent to use these products for the purposes discussed here. It is my belief that we, as a state, need to pursue such laws for the protection of our youth and their future.

Inhalants are volatile substances that can be inhaled to induce a psychoactive or mind-altering affect. National surveys indicate that more than 12 ½ million Americans have abused inhalants at least once in their lifetime. According to the National Institute on Drug Abuse, 20 percent of 8<sup>th</sup> graders have abused inhalants. Local statistics, obtained from the Kansas Communities That Care Survey, show that 21.6 % of 8<sup>th</sup> graders polled in the year 2000 state 'yes' when asked if they have sniffed glue, breathed the contents of aerosol spray cans, or inhaled other gasses or sprays in order to get high in their lifetime.

The chemicals used for inhaling are readily available within products located in our homes, offices, and schools and include products such as white-out, paint thinner, nail polish, and dry erase markers. The chemicals in these products are rapidly absorbed through the bloodstream and quickly distributed to the brain and other organs. Within minutes the user experiences intoxication along with other effects similar to those produced by alcohol. The long term effects are devastating and irreversible. These range from brain damage, to the destruction of the kidneys and liver.

I believe that it is important that we pursue laws that protect our children, although these laws should include all ages, not just juveniles. The laws should also mandate abuse education to instill the dangers of these substances. I would like to thank you for your time and consideration in this matter.



David A. Falletti  
Detective  
Criminal Investigations Division  
Riley County Police Department

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