

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairman John Vratil upon adjournment of the Senate at 10:00 a.m. on March 14, 2003, in Room 531-N of the Capitol.

All members were present except: Senator Oleen (E)
Senator Donovan (E)

Committee staff present: Mike Heim, Kansas Legislative Research Department
Lisa Montgomery, Office of the Revisor of Statutes
Dee Woodson, Committee Secretary

Others attending: see attached list

Final action on:

HB 2015 - Modification of sentence of juvenile offender by the court based on medical condition

Chairman Vratil reviewed **HB 2015** pointing out a technical amendment to the bill on page 2. The House amended the bill to read, "(d) Any time after a court has committed a juvenile offender to a juvenile correctional facility, the court may, upon motion by the commissioner, modify the sentence and enter any other sentence based on the medical condition of the juvenile." (Attachment 1)

Senator Schmidt made a motion to amend the bill in accordance with the technical amendment, seconded by Senator O'Connor, and the motion carried.

Senator O'Connor moved to recommend **HB 2015** as amended favorably for passage, seconded by Senator Schmidt, and the motion carried.

HB 2017 - Joint committee on corrections and juvenile justice oversight, extending sunset two years

Chairman Vratil explained **HB 2017**. There were no amendments requested on the bill.

Senator Schmidt made a motion to recommend **HB 2017** favorably for passage, seconded by Senator Goodwin, and the motion carried.

HB 2034 - Kansas power of attorney act

The Chairman Vratil reviewed **HB 2034**, and explained the amendment covering purely technical changes that were pointed out during the hearing on the bill.

Senator Schmidt made a motion to make all the technical changes recommended, seconded by Senator Goodwin, and the motion to amend carried.

Senator Goodwin moved to pass **HB 2034** out favorably as amended, seconded by Senator Schmidt, and the motion carried.

HB 2068 - Tort claims liability; immunity; fire control and rescue equipment

Chairman Vratil reviewed **HB 2068**, and explained the amendment italicized on page 2, lines 12 through 16. The Chair had questioned during the hearing on the bill whether the language was necessary because the persons listed were already included under current language of the Tort Claims Act as employees of governmental agencies. The Chair stated he was informed that the firefighters have no problem with removing the language from the bill because they are already covered.

Senator Schmidt moved that the language be deleted as explained by the Chairman, seconded by Senator O'Connor, and the motion carried.

Senator Schmidt made a motion to pass **HB 2068** out favorably as amended, seconded by Senator Goodwin and the motion carried.

HB 2089 - Juvenile corrections advisory boards; county commissioners shall appoint at least 3 but not more than 6 additional members

CONTINUATION SHEET

MINUTES OF THE SENATE JUDICIARY COMMITTEE on March 13, 2003 in Room 123-S of the Capitol.

Chairman Vratil reviewed **HB 2089**, followed by brief Committee discussion. Senator Schmidt made a motion to pass out **HB 2089** favorably, seconded by Senator O'Connor, and the motion carried.

HB 2016 - Training and powers and duties of juvenile correctional officers

Chairman Vratil reviewed **HB 2016**. Committee discussion concerned required training of juvenile correction officers. Denise Everhart, Acting Commissioner for the Juvenile Justice Authority, clarified what training the officers received and where they received the training. The Acting Commissioner explained that in dealing with youth, the officers do not carry guns. She added that the language in this bill was drafted after the Department of Corrections' language and with the assistance of Kyle Smith, KBI. The Chair pointed out that the bill was really focusing on the power to arrest, and Ms. Everhart stated the only other power Juvenile Corrections officers would have would be custody power.

Senator Goodwin moved to pass **HB 2016** out favorably, seconded by Senator Allen, and the motion carried.

HB 2088 - Juvenile corrections advisory boards; county commissioners shall appoint at least 3 but not more than 6 additional members

Chairman Vratil reviewed **HB 2088** which was proposed by the Department of Corrections. Discussion regarded the cost of spending \$35,000 to do what the bill proposed.

Senator Schmidt made a motion to delete the \$600 figure in line 15, page 2, and restore the \$500 figure and do the same effective amendment in line 37. The motion was seconded by Senator O'Connor.

Following Committee discussion, the Chairman called for a vote on the motion to amend. The motion carried. Senator Goodwin commented that she abstained from voting because of her close work with the Interchange Program, and that by not providing at least two nights lodging, the inmates might be getting set up for failure.

Senator Schmidt moved to pass **HB 2088** out favorably as amended, seconded by Senator O'Connor, and the motion carried.

Chairman Vratil announced that the Committee would not work **SB 243** and **SB 197** today because some Committee members were absent and had expressed a desire to take part in the discussion. He stated that he intended to work those bills on Monday, March 17.

Senator O'Connor requested that Debbie Riggs be allowed to speak briefly regarding **SB 197** since she was from out of town, and would not be able to return to the meeting on Monday. Ms. Riggs stated that she had a great passion for this bill and had testified in the House on **HB 2319**. She said she had worked hard on the issue of furnishing alcoholic beverages to, and consumption by, persons under the age 21. Ms. Riggs obtained information from other states regarding their laws. She explained that her son died because of a car accident following alcohol consumption at a private residence, and that was her reason for strong support to change laws to hold parents accountable.

Chairman Vratil said that Senator O'Connor would offer an amendment to **SB 197**, to reinstate the language that would permit parents to provide 3.2 cereal malt beverage in the home, and make it a Class B misdemeanor to host minors and make cereal malt beverages available to other children. Senator O'Connor explained her position on the issue.

The meeting adjourned at 10:45 a.m. The next scheduled meeting is March 17, 2003.

HOUSE BILL No. 2015

By Joint Committee on Corrections and Juvenile Justice Oversight

1-14

10 AN ACT concerning the Kansas juvenile justice code; relating to modi-
11 fication of sentence; amending K.S.A. 38-1665 and repealing the ex-
12 isting section.

13
14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 38-1665 is hereby amended to read as follows: 38-
16 1665. (a) When a juvenile offender has been placed in a youth residential
17 facility or in the custody of a person other than a parent, the court may
18 cause the juvenile offender to be brought before it, together with the
19 person or persons in whose custody the juvenile offender may be. If it
20 appears that a continuance of the custody or placement is not in the best
21 interests of the juvenile offender, the court may rescind and set aside the
22 order giving custody and make a further order for the custody of the
23 juvenile offender as is appropriate, except that a child support order
24 which has been registered under K.S.A. 38-16,119 and amendments
25 thereto may only be modified pursuant to K.S.A. 38-16,119 and amend-
26 ments thereto.

27 (b) At any time after the entry of an order awarding custody of a
28 juvenile offender to a person other than a parent, the court on its own
29 motion, or the commissioner, the attorney for the juvenile offender or
30 any party or parent may file a motion with the court for a rehearing on
31 the issue of custody. Upon receipt of the motion, the court shall fix a time
32 and place for hearing and shall notify each party of the time and place.
33 After the hearing, the court may enter any sentence, except that a child
34 support order which has been registered under K.S.A. 38-16,119 and
35 amendments thereto may only be modified pursuant to K.S.A. 38-16,119
36 and amendments thereto. If the court determines that it is in the best
37 interests of the juvenile offender to be returned to the custody of the
38 parent or parents, the court shall so order.

39 (c) Any time within 60 days after a court has committed a juvenile
40 offender to a juvenile correctional facility the court may modify the sen-
41 tence and enter any other sentence, except that a child support order
42 which has been registered under K.S.A. 38-16,119 and amendments
43 thereto may only be modified pursuant to K.S.A. 38-16,119 and amend-

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1 ments thereto. *Such modification of sentence of the juvenile offender may*
2 *be based on the medical condition of the juvenile offender.*

3 (d) Any time after a court has committed a juvenile offender
4 to a juvenile correctional facility, the court, upon motion by the
5 commissioner, ~~may~~ modify the sentence and enter any other sen-
6 tence based on the medical condition of the juvenile.

may

7 Sec. 2. K.S.A. 38-1665 is hereby repealed.

8 Sec. 3. This act shall take effect and be in force from and after its
9 publication in the statute book.

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