

MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairman Ward Loyd at 1:30 p.m. on March 23, 2004 in Room 241-N of the Capitol.

All members were present.

Committee staff present:

Jill Wolters, Revisor of Statutes Office
Jerry Ann Donaldson, Legislative Research Department
Becky Krahl, Legislative Research Department
Nicoletta Buonasera, Legislative Research Department
Connie Burns, Committee Secretary

Conferees appearing before the committee:

Others attending:

See Attached List.

SB 528 - Kansas parole board actions

Chairman Loyd opened the hearings on **SB 528**.

Marilyn Scafe, Chair of the Kansas Parole Board appeared before the committee as a proponent of the bill. The Kansas Parole Board was downsized to three members during the 2003 legislative session. When the statute was amended to reflect the changes, the statute no longer explained required votes for the board's decisions. The intent of the legislature and the Governor that all actions would require a majority vote of the members of the board. This bill submitted by the board would clarify the voting requirements. This would not impact any board procedure and is current practice. (Attachment 1)

Chairman Loyd closed the hearing on **SB 528**.

HB 2941 - The Kansas criminal justice recodification, rehabilitation and restoration project

Representative Carter moved to strike the provisions of SB 45 and inserting the language of HB 2941. Representative Swenson seconded the motion. Motion carried.

Chairman Loyd offered amendments to the bill.

Representative Carter moved to amend in the form of the suggested language, except line 29 on page 4. Representative Dillmore seconded the motion. The motion carried.

Representative Carter moved to amend line 28 on page 4 add "to assist" before in meeting the needs of the offender and the offender's family and ensure that safe communities are maintained. Representative Dillmore seconded the motion. The motion carried.

Representative Goering moved to amend section (12) page 5 by inserting Attorney General and deleting appointed by Governor and section (13) on page 5 by inserting Attorney General and deleting appointed by Secretary of Correction . Representative Carter seconded the motion. Kassebaum moved to separate the motion. First part of the amendment to insert Attorney General and remove Governor in section (12) . Motion failed. Second part to insert Attorney General and remove Secretary of Correction in section (13). Motion failed.

Representative Dillmore made a motion to amend section (9) on page 5 to appointed by Attorney General. Representative Carter seconded the motion. After discussion the motion was withdrawn.

Representative Dillmore made a motion to amend section (9) on page 5 to appointed by the Deans of

CONTINUATION SHEET

MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE at 1:30 p.m. on March 23, 2004 in Room 241-N of the Capitol.

respective law school. Representative Owens seconded the motion. The motion carried.

Representative Carter made a motion to amend section (14) on page 5 to appointed by Attorney General striking appointed by Governor. Representative Goering seconded the motion. Motion withdrawn.

Representative Carter made a motion to amend section (14) on page 5 to add an additional member of the public to be appointed by Attorney General. Representative Goering seconded the motion. Motion carried.

Representative Dillmore motion to move **House Sub SB 45** as amended out favorably. Representative Carter seconded the motion. The motion carried.

SB 469 - Inmate deaths, requiring investigation and report of findings

Representative Swenson made a motion to move **SB 469** out favorably. Representative Owens seconded the motion.

Representative Goering made a motion to strike the amendment from the Senate Committee of a whole. Representative Yoder seconded the motion. The motion carried.

Representative Carter made a motion to reinsert the language in lines 15 -21 on page 2 but taking the burden off the Sheriff Department. The motion failed.

Representative Ward made a motion to add C & JJ chairperson on page 1 line 27 and line 35. Representative Goering seconded the motion. The motion carried.

Representative Carlin made the motion to amend in the provisions as amended by House Committee as a whole of **HB 2595 - State pays costs of litigation in civil commitment of sex predator cases**. The motion carried.

Representative Dillmore made a motion to amend the provisions of **HB 2730 - Endangering a child when the child's life is endangered or child is present in a meth lab or where meth is sold is a severity level 9, person felony**. Representative Owens seconded the motion. The motion was withdrawn.

The concern was the firearms portion would be controversial and might be the deal breaker in not getting **SB 469** passed.

Representative Carter made a motion to amend the provisions of **HB 2477 - Stalking when in possession of a firearm and in violation of a protection from stalking order is a severity level 8, person felony**. Representative Horst seconded the motion. The motion carried.

Chairman Loyd asked if there was any interest in amending in **HB2639** - Traffic in contraband while inmate is outside the DOC institution. No members indicated interest.

Representative Crow made a motion to strike sentencing provision in KSA 21-4704 special sentencing subsection and two other references that would be struck that have the ability to send the offender who commits domestic battery to prison. Representative Carlin seconded the motion. The motion carried.

Representative Huntington made a motion to remove **HB 2595 - State pays costs of litigation in civil commitment of sex predator cases**. Representative O'Malley seconded the motion. The motion carried.

The revisor stated that the law has always tried to keep civil procedure and criminal procedure separate and in doing this insertion would be crossing over the procedure line.

Representative Dillmore made a motion to move **SB 469** out favorably as amended. Representative

CONTINUATION SHEET

MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE at 1:30 p.m. on March 23, 2004 in Room 241-N of the Capitol.

Kassebaum seconded the motion. The motion carried.

Representative Swenson made a motion to move **SB 528** out favorably. Representative Owens seconded the motion. The motion carried.

Chairman Loyd placed before the committee the consideration of a recommendation on **Sub SB 275**.

Representative Swenson moved to table **Sub SB 275**. Motion carried.

The subcommittee presented the committee with a report on **HB 2320 - Dispositions for children in need of care because of truancy**. (Attachment 2)

Representative Carlin moved to accept the subcommittee report and refer to the Standing Committee on Corrections and Juvenile Justice 2004 interim for study. Representative Carter seconded the motion. The motion carried.

The meeting was adjourned at 3:23 PM.

HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE
GUEST LIST

DATE 3-23-04

NAME	REPRESENTING
ZACH POWERS	APSCME
Doris Spinkham	APSCME
Jim Clark	KBA
J. M. Neubre	KJC
Mark Gleason	USA
Charlie Keller	Hein Law Firm
Megan Thompson	Shadowing Eric Carter
Rocky Nichols	KAPS
JEREMY S BARCLAY	KDOC
Tanya Dorf	SRS
Patricia Biggs	KSC
Brenda Harmon	KSC
Marilyn Sate	KSC

Marilyn Scafe
Chairperson

Larry D. Woodward
Vice Chairperson

Paul Feleciano
Member



KANSAS PAROLE BOARD
LONDON STATE OFFICE BUILDING
900 SW JACKSON STREET, 4TH FLOOR
TOPEKA, KANSAS 66612-1236
(785) 296-3469

Colene Seidel
Administrator

MEMORANDUM

TO: Representative Ward Loyd, Chairman
Corrections and Juvenile Justice Committee

FROM: Marilyn Scafe, Chair *MS*
Kansas Parole Board

RE: SB 528

DATE: March 23, 2004

The Kansas Parole Board was downsized to three members during the legislative session of 2003. When K.S.A. 22-3709 was amended to reflect the changes, the statute no longer explained required votes for the board's decisions. It was the intention of the legislature and the Governor's office that all actions referred to in K.S.A. 22-3709 would require a majority vote of the members of the board. Therefore, the board is submitting this bill to clarify our voting requirements. This will not further impact any board procedure and is current practice.

March 23, 2004

Report of the House Corrections and Juvenile Justice Subcommittee on HB 2320

The Subcommittee on HB 2320, truancy, consisted of six members:

- Representative Terri Huntington, Chair
- Representative Oletha Faust-Goudeau
- Representative William Kassebaum
- Representative Tim Owens
- Representative Janice Pauls
- Representative Dale Swenson

The Subcommittee met on several occasions and received testimony and recommendations on behalf of numerous interested parties, in addition to those individuals who testified before the full Committee.

Among those who appeared before the Subcommittee were James Glass, Truancy Officer for USD 501; Julie Reed, the Family Resource Center; Kerrie Bacon, Kansas Commission on Disability Concerns; Sheryl Bussell, Wyandotte County Assistant District Attorney; Janice Masters, SRS; Thomas Graber, Sumner County District Court Judge; Daniel Mitchell, Shawnee County District Court Judge; Jim Lenz, School Superintendent of Garden City; Kathy Dale, School Superintendent of Copeland; and Jim Barrett, Southwest Plains Regional Service Center in Garden City.

Due to the scope and complexities involved in dealing with the issue of truancy, the Subcommittee believes that, in order to do justice to the topic, a thorough review of HB 2320 and accompanying issues should be referred to the Standing Committee on Corrections and Juvenile Justice for the 2004 interim for study.

Recommendations for the interim study could include, but are not limited to, the following:

1. Establish the "Kansas Code on Truancy." Define "truancy." Could define as "absences in three consecutive days, five days in a semester, or seven absences per year."
2. Separate the truancy policy from CINC policy, to allow for a truancy program that combines the resources of the parents, schools, and SRS. Judges and prosecutors need options besides criminalization of a truant. Develop a program with alternatives.

3. In cases where a student is declared child in need of care, students over age 14 should be represented by a guardian ad litem. Court could appoint two attorneys.
4. Children not going to school because of bullying should be able to receive their education in an alternative setting.
5. Retain new language as provided in page 9, line 19, through page 11, line 1, to allow for alternative actions regarding truants.
6. Consider "runaways" in the same program as truants.
7. Make parents responsible for students' attendance.
8. Determine the statewide truant population by age, gender, race, and ethnicity to assess truancy patterns and address the underlying problem.