

SENATE JUDICIARY COMMITTEE

2005 Members

Chairperson.....Senator John Vratil  
Vice Chairperson.....Senator Terry Bruce  
Ranking Minority Member.....Senator Greta Goodwin

Members:

Senator Barbara Allen  
Senator Donald Betts  
Senator Kay O'Connor  
Senator Les Donovan  
Senator David Haley  
Senator Phil Journey  
Senator Derek Schmidt  
Senator Dwayne Umbarger

Staff:

Michael Heim, Kansas Legislative Research Department  
Jerry Donaldson, Kansas Legislative Research Department  
Jill Wolters, Revisor of Statutes' Office  
Helen Pedigo, Revisor of Statutes' Office  
Nancy Lister, Committee Secretary

2005

**Senate Judiciary Committee  
Member Attendance Record**

Meeting Date	01-11-05	01-12-05	01-13-05	01-18-05	01-19-05	01-20-05	01-24-05	01-25-05	01-26-05	01-27-05	1-31-05	2-1-05	Number Excused	Number Absent
Senator Vratil, Chairman	X	X	X	X	X	X	X	X	X	X	X	X	0	0
Senator Bruce, Vice Chairman	X	X	X	X	X	X	X	X	X	X	X	X	0	0
Senator Allen	X	X	E	X	E	X	X	X	X	X	X	X	2	0
Senator Betts	X	X	X	X	X	X	X	X	X	X	E	E	2	0
Senator O'Connor	X	X	X	X	X	X	X	X	X	X	X	X	0	0
Senator Donovan	X	X	X	X	X	X	X	X	X	X	X	X	0	0
Senator Goodwin, Ranking Min.	X	X	X	X	X	X	X	X	X	X	X	X	0	0
Senator Haley	X	X	X	E	X	X	X	X	X	X	E	X	2	0
Senator Journey	X	X	X	X	X	X	X	X	X	X	X	X	0	0
Senator Schmidt	E	X	X	E	X	X	X	X	X	X	X	X	2	0
Senator Umbarger	X	X	X	X	X	X	X	X	X	X	X	X	0	0
* Temporary Member														
X-Present														
E - Excused														
A - Absent														

2005

**Senate Judiciary Committee  
Member Attendance Record**

Meeting Date	02-02-05	02-03-05	02-07-05	02-08-05	02-09-05	02-10-05	02-14-05	02-15-05	02-16-05	02-17-05	02-18-05	02-21-05	Number Excused	Number Absent
Senator Vratil, Chairman	X	X	X	X	X	X	X	X	X	X	X	X	0	0
Senator Bruce, Vice Chairman	X	X	X	X	X	X	X	X	X	X	X	X	0	0
Senator Allen	X	X	X	X	X	X	X	X	X	X	X	X	0	0
Senator Betts	X	X	X	X	X	X	X	X	X	E	X	X	1	0
Senator O'Connor	X	X	X	X	X	X	X	X	X	X	X	X	0	0
Senator Donovan	X	X	X	X	X	X	X	X	X	X	X	X	0	0
Senator Goodwin, Ranking Min.	X	X	X	X	X	X	X	X	X	X	X	X	0	0
Senator Haley	E	X	X	X	E	X	X	X	X	X	X	X	2	0
Senator Journey	X	X	X	X	X	X	X	X	X	X	X	X	0	0
Senator Schmidt	X	X	X	X	X	E	X	X	X	X	X	X	1	0
Senator Umbarger	X	X	X	X	X	X	X	X	X	X	E	X	1	0
* Temporary Member														
X-Present														
E - Excused														
A - Absent														

2005

**Senate Judiciary Committee  
Member Attendance Record**

Meeting Date	02-22-05	02-23-05	03-01-05	03-02-05	03-03-05	03-7-05	03-08-05	03-9-05	03-10-05	03-14-05	03-15-05	03-16-05	Number Excused	Number Absent
Senator Vratil, Chairman	X	X	X	X	X	X	X	X	X	X	X	X	0	0
Senator Bruce, Vice Chairman	X	X	X	X	X	X	X	X	X	X	X	X	0	0
Senator Allen	X	X	X	X	X	E	E	E	E	E	E	E	7	0
Senator Betts	X	X	E	X	E	X	X	X	X	E	X	X	3	0
Senator O'Connor	X	X	X	X	X	X	X	X	X	X	X	X	0	0
Senator Donovan	X	X	X	X	X	X	X	X	X	X	X	X	0	0
Senator Goodwin, Ranking Min.	X	X	E	X	X	X	X	X	X	X	X	X	1	0
Senator Haley	X	X	E	X	X	X	E	E	X	X	E	X	4	0
Senator Journey	X	X	X	X	X	X	X	X	X	X	X	X	0	0
Senator Schmidt	X	X	E	X	X	X	X	X	X	X	X	X	1	0
Senator Umbarger	X	X	X	X	X	X	X	X	X	X	E	X	1	0
* Temporary Member														
X-Present														
E - Excused														
A - Absent														

2005

**Senate Judiciary Committee  
Member Attendance Record**

Meeting Date	03-17-05	03-21-05	03-22-05	3-30-05							Number Excused	Number Absent	Total Number Excused	Total Number Absent
Senator Vratil, Chairman	X	X	X	X							0	0	0	0
Senator Bruce, Vice Chairman	X	X	X	X							0	0	0	0
Senator Allen	E	E	E	E							4	0	13	0
Senator Betts	X	X	X	X							0	0	6	0
Senator O'Connor	X	X	X	X							0	0	0	0
Senator Donovan	X	X	X	X							0	0	0	0
Senator Goodwin, Ranking Min.	X	X	X	X							0	0	1	0
Senator Haley	X	E	E	X							2	0	10	0
Senator Journey	X	X	X	X							0	0	0	0
Senator Schmidt	X	X	X	E							1	0	5	0
Senator Umbarger	X	X	X	X							0	0	2	0
* Temporary Member														
X-Present														
E - Excused														
A - Absent														

2005  
SENATE JUDICIARY COMMITTEE

COMMITTEE ACTION INDEX

3/30/05

BILL NUMBER	SUBJECT	DATE OF HEARING/ DISCUSSION	DATE OF FINAL ACTION BY FULL COMMITTEE
SB 5	Trade secret defined as in uniform trade secrets act. (Spec.Com.on Local Govt.)	Hrg. 1/18/05	BPA2/1/05
SB 6	Abolition of the Kansas death penalty. (Sen. Haley)	Hrg. 1/26/05 <b>Rereferred</b>	PWR 2/7/06
SB 7	In child custody/residency, relevant factors include whether parent is residing with registered offender or person convicted of child abuse; notification to other parent if parent is residing with such offender. (Sen. Brownlee)	Hrg. 1/18/05	BPA 1/31/05
SB 14	Definition of mentally retarded for the purposes of imposing the death penalty; pre-trial hearing and special verdict question to the jury. (Spec.Com.on Judiciary)	Hrg. 1/25/05	Tabled 2/14/05
SB 24	Confidential security records or information, not subject to subpoena or discovery. (Joint Com. on Kansas Security)	Hrg. 1/18/05	BPA 2/18/05
SB 25	Terrorism and illegal use of weapons of mass destruction, penalties, procedures. (Joint Com. on Kansas Security)	Hrg. 1/20/05	BPA 2/1/05
SB 27	Unlawfully selling drug products containing Ephedrine or Pseudoephedrine, pharmacy controls; rebuttable presumption of intent if possession of more than nine grams. (Sen. Schmidt, et.al.)	Hrg. 1/19/05 Bruce to Chair Sub-Com. 2/1/05	BPA 2/14/05
SB 28	Death penalty; if aggravating circumstances outweigh mitigating circumstances, the sentence is death; if circumstances are equal, the defendant is not sentenced to death. (Judiciary Com.)	Hrg. 1/24/05 <b>Rereferred</b>	PWR 2/7/05

BILL NUMBER	SUBJECT	DATE OF HEARING/ DISCUSSION	DATE OF FINAL ACTION BY FULL COMMITTEE
SB 29	Removing the limitation on amount of property damages recovered in action for the negligent operation of a motor vehicle. (Judiciary Com.)		
SB 30	Exercising the state's option to provide an exemption to disqualification for public assistance to certain drug offenders. (Judiciary Com.)	Hrg. 1/19/05	BPA 2/7/05
SB 32	Persons with a cognitive disability not eligible for death penalty. (Judiciary Com.)	Hrg. 1/25/05	Tabled 2/14/05
SB 36	The supreme court may require applicants to practice law to be fingerprinted and submit to a national criminal history record check. (Judiciary Com.)	Hrg. 1/27/05	BPA 2/7/05
SB 38 Blessed	Public records made subject to subpoena, discovery or other process. (Electns. & Local Government)	Hrg. 3/7/05 <b>Rereferred</b>	No FA per O'Connor
SB 39	Service of process fees charge by sheriff; single payment for same case. (Sen. Emler)	Hrg. 1/27/05	BP 2/14/05
SB 40 Refer to Interim	Probate code; notice to surviving spouse; responsibility shifted from court to administrator, executor, petitioner or attorney representing such person. (Judiciary Com.)	No Hrg.	
SB 50	Changing references to the soldiers and sailors civil relief act to the servicemembers civil relief act. (Judiciary Com.)	Hrg. 2/1/05	BP 2/1/05
SB51	Tobacco settlement agreement; release of funds from escrow. (Judiciary Com.)	Hrg. 2/2/05	BP 2/14/05
SB52	Providing employer contribution for health insurance for senior judges. (Judiciary Com.)	Hrg. 2/1/05	BPA 2/16/05
SB 53 Refer to Judicial Council	Expert and opinion testimony. (Judiciary Com.)	Hrg. 2/2/05	
SB 61 Refer to Judicial Council	Divorce/child custody; shared residency, child resides with both parents on an equal/near equal basis. (Judiciary Com.)	Hrg. 2/3/05	

BILL NUMBER	SUBJECT	DATE OF HEARING/ DISCUSSION	DATE OF FINAL ACTION BY FULL COMMITTEE
SB 71	Creating the crime of automated teller machine robbery and aggravated automated teller machine robbery. (Sen. Journey)	Hrg. 2/3/05	BPA 2/16/05
SB 72	Worthless checks, more than once in a seven-day period, increased penalty. (Sen. Journey)	Hrg. 2/3/05	BPA 2/17/05
SB 75	Creating an immunity from liability for claims relating to obesity or weight gain. (Judiciary Com.)	Hrg. 2/8/05	BPA 2/22/05
SB 82	Previous sexual conduct of complaining witness in sex offense prosecutions not admissible in any court proceeding. (Judiciary Com.)	Hrg. 2/9/05	BP 2/18/05
SB 83	Sexual battery; striking the spousal exemption. (Judiciary Com.)	Hrg. 2/9/05	Tabled 2/18/05
SB 96	Punitive damage awards; splitting awards. (Judiciary Com.)	Hrg. 2/8/05	Tabled 2/18/05
SB 97 KIOGA Interim	Bill by Financial Institutions and Insurance Construction contracts; indemnification agreements.	Hrg. 2/10/05	No FA
SB 102	Civil procedure; relating to collateral source benefits (Financial Institutions and Insurance)		
SB111	Increasing marriage license fees; creating the domestic violence and sexual assault centers fund. (Judiciary Com.)	Hrg. 2/9/05	No FA
SB 112	Materialman's liens; priority of claims; property under construction. (Judiciary Com.)	Hrg. 2/10/05	BPA 2/23/05
SB 117	If an offender resides within 1,000 feet of any licensed child care facility or any school, sheriff shall notify such facility or school. (Sen. Brownlee)	Bruce Sub-Com.Rpt.on 2/23/05 Recom. Be passed with balloon amendt. <b>Rereferred</b>	BPA 2/23/05  <b>BPA 3/14/05</b>
SB 129	Consumer protection; modification or limitation of warranties; workmanlike performance. (Judiciary Com.)	Hrg. 2/15/05	BPA 2/22/05



BILL NUMBER	SUBJECT	DATE OF HEARING/ DISCUSSION	DATE OF FINAL ACTION BY FULL COMMITTEE
SB 135	Cruelty to animals, certain crimes a felony. (Sen. Haley)	Donovan Sub-Com.Rpt. on 2/18/05 No Rec.	No FA
SB 136	Transfer of certain real property in Wyandotte County upon death of owner to certain heirs. (Sen. Haley)	Donovan Sub-Com.Rpt. on 2/18/05 Recom. Not be passed out of Comttee.	No FA
SB 137	Deprivation of rights under color of law. (Sen. Haley)	Donovan Sub-Com.Rpt. on 2/18/05 No Rec.	No FA
SB 144	Dram shop law; liquor licensee liability for minors and incapacitated persons; social host liability for minors. (Judiciary Com.)	Hrg. 2/15/05	BPA 2/23/05
SB 145	Public court records filed on and after July 1, 2005 shall have any references to individual's social security number removed or rendered unreadable. (Judiciary Com.)	Bruce Sub-Com.Rpt. on 2/23/05 Recom. Be Passed	BP 2/23/05
SB 146	Increasing the compensation paid to chairpersons of medical malpractice screening panels. (Judiciary Com.)	Bruce Sub-Com.Rpt. on 2/23/05 Recom. Be Passed	BP 2/23/05
SB 147	Increasing general time limitation for actions to five years. (Judiciary Com.)	Hrg. 2/16/05	BPA 2/22/05
SB 148	Striking 5-year limitation on increase in repeat DUI penalties. (Judiciary Com.)	Bruce Sub-Com.Rpt. on 2/23/05 Recom. Be Passed	BP 2/23/05
SB 149 Small -Truckers Interim	Prohibiting requirement for indemnification from motor carriers for certain acts or omissions. (Judiciary Com.)	No Hrg.	No FA
SB 151	Crimes of trafficking and aggravated trafficking. (Sen. Jordan)	Hrg. 2/16/05	BP 2/22/05
SB 161	Immunity from liability for entities for whom offenders perform community service. (Judiciary Com.)	Hrg. 2/16/05	BP 2/22/05

BILL NUMBER	SUBJECT	DATE OF HEARING/ DISCUSSION	DATE OF FINAL ACTION BY FULL COMMITTEE
SB 162	Nonprison sanction of certified drug treatment; include attempt/conspiracy/solicitation to possess drugs; possession the most severe crime of conviction; court not required to sentence if defendant non-resident of Kansas or illegally in the U.S. (Judiciary Com.)	No Hrg.	
SB 171	Elimination of out of home services for youth ages 16 and up. (Fed. & State Affairs)	Donovan Sub-Com. Rpt. on 2/18/05 Recom. tabling bill	No FA
SB 179 Blessed	Enhancing penalties for offenses against children. (Judiciary Com.)	Donovan Sub-Com.Rpt. on 2/18/05 Recom. Be passd. favbly <b>Rereferred</b>	<b>BPA 3/9/05</b>
SB 180	Preliminary screening tests for alcohol consumption by minors; admissible into evidence. (Judiciary Com.)	Bruce Sub-Com.Rpt. on 2/23/03 Recom. Be passd. with Balloon amendt.	BPA 2/23/05
SB 181	Civil actions alleging violations of article 6 of Kansas constitution (education article) heard by three judge panel. (Judiciary Com.)	Hrg. 2/17/05	BP 2/17/05
SB 182	As part of the criminal disposition, judge may require inmate to reimburse county or sheriff for medical expenses. (Judiciary Com.)		
SB 199	Elimination of pre-adjudication custody of an offender to the commissioner. (Judiciary Com.)		
SB 200	Fingerprinting and photographing juvenile offenders. (Judiciary Com.)		
SB 201	Juvenile allowed to be placed in adult jail if juvenile, on record, waived right to a hearing on motion requesting prosecution as an adult. (Judiciary Com.)		
SB 202	Traffic in contraband in a correctional institution, defined by rules and regulations of the commissioner of juvenile justice. (Judiciary Com.)		

BILL NUMBER	SUBJECT	DATE OF HEARING/ DISCUSSION	DATE OF FINAL ACTION BY FULL COMMITTEE
SB 203	Committing the juvenile offender directly to the custody of the commissioner for a period of confinement and aftercare. (Judiciary Com.)		
SB 206	Videotaping felony interrogations. (Sen. Haley)		
SB 213	Controlled substances; drug paraphernalia; definition. (Judiciary Com.)		
SB 215	Commercial real estate broker lien act. (Fed. & State Affairs Com.)	Hrg. 2/17/05	BPA 2/22/05
SB 220	Domestic battery; allowing one diversion during lifetime. (Judiciary Com.)		
SB 221	Mentally ill persons subject to involuntary commitment not allowed to possess a firearm; certification of restoration. (Judiciary Com.)		
SB 224	Judicial discretion for 120 day call back in certain situations	Hrg. 2/15/05	No FA
SB 229	Child support enforcement; financial institution and insurance match and levy; suspension of driver's licenses; withholding hunting and fishing licenses; streamlining procedures. (Fed. & State Affairs Com.)		
SB 230	In child in need of care code, prohibit discrimination based on disability. (Judiciary Com.)		
SB 232	Creating the crimes of identity theft, identity fraud and vital record fraud. (Sen. Peterson)	No Hrg.; Unnecessary	
SB 240	Guardians and conservators; procedures. (Ways and Means Com.)		
SB 247	Selling or manufacturing controlled substances near day care, public park or playgrounds or in presence of person under 18 years of age. (Judiciary Com.)		

BILL NUMBER	SUBJECT	DATE OF HEARING/ DISCUSSION	DATE OF FINAL ACTION BY FULL COMMITTEE
SB 248	Inquisitions; prosecutor may issue subpoenas if is informed or has knowledge of violation of law. (Judiciary Com.)		
SB 249	Search warrants for internet service providers operating out-of-state. (Judiciary Com.)		
SB 258	Statutory and legal forms to be created and provided by the judicial council. (Judiciary Com.)	Hrg 2/15/05	BP 2/22/05
SB 261	Revised Kansas juvenile justice code. (Judiciary Com.)		
SB 287	Crime to drive with certain amounts of certain drugs in one's urine or blood. (Com. On Fed. & State Affairs)		
SB 307	Presumed imprisonment at minimum security correctional facility for certain persons convicted of burglary and construction of additional housing therefor. (Sen. Barnett)		
SCR 1606	Constitutional amendment to have the supreme court justices appointments subject to consent by the senate. (Judiciary Com.)	Hrg. 2/21/05	BPA 2/23/05
SR 1820	Resolution requesting that the United States supreme court grant certiorari in the Marsh case. (Resolution by Judiciary Com.)		BP 2/16/05
	<b>House Bills</b>		
SubHB 2004	Crimes of trafficking in the first degree and trafficking in the second degree. (Com. On Corrections & Juv. Justice)	No Hrg.	
HB 2016	Arbitration; validity of agreement; can apply to employer employee contracts and a tort claim. (Rep. Carter)	Hrg. 3/7/05	Refer to Judicial Council
SubHB 2016	Enhancing penalties for offenses against children. (Judiciary Com.)		BPA 3/14/05
HB 2034	Judicial review and civil enforcement of agency actions. (Joint Com. on Administrative Rules & Regulations)	Hrg 3/1/05	BP 3/1/05

BILL NUMBER	SUBJECT	DATE OF HEARING/ DISCUSSION	DATE OF FINAL ACTION BY FULL COMMITTEE
SubHB 2038	Multidisciplinary teams for adults. (Com. on Corrections & Juv. Justice)	Hrg. 3/16/05	Tabled 3/21/05
SubHB 2051	Timing of offender release notification. (Com. on Corrections & Juv. Justice)	Hrg. 3/16/05	Tabled 3/22/05
SubHB 2087	Relating to identity theft, identity fraud and vital record fraud. (Com. On Corrections & Juv. Justice)	Hrg. 3/15/05	BPA 3/21/05
HB 2104	UCC securities interest in oil and gas production. (Judiciary Com.)	Hrg.3/3/05	Refer to Judicial Council
HB 2109	Child passenger safety, seat belts, manufactured after 1968 (Transportation Cm.)	Hrg. 3/07/05	BPA 3/10/05
SubHB 2113	Municipal courts collecting fines and court costs. (Judiciary Com.)	Hrg. 3/8/05	No FA
HB 2122	Increasing from \$500 to \$1,000 the misdemeanor felony distinction in crimes involving a type of theft or loss of value. (Representative Huff)	Hrg. 3/10/05	BPA 3/10/05
HB 2128	Expansion of SRS access to criminal history records. (Com. on Corrections & Juv. Justice)	Hrg. 3/17/05	BPA 3/21/05
HB 2129	Compensation for attorneys representing indigent defendants, \$80 per hour. (Corrections & Juvenile Justice Com.)	Hrg. 3/8/05	BPA 3/14/05
HB 2130	Confidential mental health records; exchange of information between treatment facilities. (Com. On Corrections & Juvenile Justice)	Hrg. 3/1/05	BPA 3/1/05
HB 2147	Psychiatric reports of defendants and inmates, disclosure of.(Com. On Governmental Organizations and Elections)	Hrg. 3/1/05	BPCC 3/1/05
HB 2152	Master settlement agreement for tobacco; appeal bond limitations apply to affiliates of signatory. (Com. on Judiciary)	Hrg. 3/15/05	BP 3/15/05

BILL NUMBER	SUBJECT	DATE OF HEARING/ DISCUSSION	DATE OF FINAL ACTION BY FULL COMMITTEE
HB 2168	Uniform commercial code; defining a new class of payment instrument, drawn on the customer's account without an authorized signature, called a demand draft. (Judiciary Com.)	Hrg. 3/2/05	BP 3/15/05
HB 2180	Inherently dangerous felonies. (Corrections & Juvenile Justice Com.)	Hrg. 3/8/05	BP 3/16/05
HB 2200	Child in need of care code, certain persons could not be excluded from certain proceedings. (Appropriations)		
HB 2206	Disposal of abandoned inmate property. (Corrections & Juv. Justice Com.)	Hrg. 3/1/05	BPCC 3/1/05
SubHB 2261	Statute repealed relating to searches incident to lawful arrest includes evidence of the crime. (Com. on Corrections & Juv. Justice)	Hrg. 3/17/05	BPA 3/21/05
HB 2262	Legal holidays include holidays observed by the supreme court by order. (Corrections & Juvenile Justice Com.)	Hrg. 3/9/05	BPA 3/16/05
HB 2268	Uniform interstate enforcement of domestic violence protection orders act. (Judiciary Com.)	Hrg. 3/2/05	BPA 3/14/05
HB 2231	Defendant may petition the court to modify certain drug offense prison sentences to certified drug abuse treatment programs. (Rep. McCreary)		
HB 2300	Unborn victims of violence act. (Com. on Federal & State Affairs)		
HB 2304	Criminal act to ingest or inject certain controlled substances. (Corrections & Juvenile Justice Com.)	Hrg. 3/9/05	BPA 3/21/05
HB 2314	Timing of offender registration. (Corrections & Juvenile Justice Com.) (Amended in: If an offender resides within 1,000 feet of any licensed child care facility or any school, sheriff shall notify such facility or school.) (Sen. Brownlee)	Hrg. 3/3/05	BPA 3/14/05

BILL NUMBER	SUBJECT	DATE OF HEARING/ DISCUSSION	DATE OF FINAL ACTION BY FULL COMMITTEE
HB 2327	Authority for Juvenile Justice Authority to test offenders for infectious diseases. (Corrections & Juvenile Justice Com.)	Hrg. 3/3/05	BP 3/15/05
HB 2352	Revised Kansas code for care of children. (Com. on Judiciary)	No Hrg.	
HB 2380	Duties of the attorney general and assistants. (Com on Corrections & Juv. Justice)	Hrg. 3/17/05	BP 3/22/05
HB 2385	Admission of photographs of wrongfully taken property. (Com. on Corrections & Juv. Justice)	Hrg. 3/21/05	BPA 3/22/05
HB 2386	Unlawful sexual relations includes court services officers and community correctional officers. (Corrections & Juvenile Justice Com.)	Hrg. 3/9/05	BPA 3/16/05
HB 2387	Death of inmate, prisoner or juvenile in custody; investigation by KBI unless natural cause of death. (Corrections & Juvenile Justice Com.)	Hrg. 3/10/05	BPA 3/10/05
HB 2418	Magistrate may order person to pay for any costs of the supervision of the conditions of release of the appearance bond in an amount not to exceed \$10 per week; increased from \$5. (Rep. Yoder)	Hrg. 3/10/05	BPCC 3/10/05
SubHB 2457	Civil procedure; service of process, by return receipt delivery. (Com. on Judiciary)	Hrg. 3/16/05	BPA 3/22/05
HB 2485	Prohibited acts by notaries public related to services offered to non-English speaking persons. (Fed. & State Affairs)		

CONFIRMATIONS:

Appointment:

Reappointments:

Paula S. Salazar

Be Confirmed

Hrg. 3-30-05

4-year term serving on Crime Victims Compensation Board

Term expires 3-15-2009