

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on February 21, 2006 in Room 313-S of the Capitol.

All members were present except:

Representative Michael Peterson

Committee staff present:

Jerry Ann Donaldson, Kansas Legislative Research

Jill Wolters, Office of Revisor of Statutes

Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Lee Woodard, Sedgwick County Law Center

Jim Clark, Kansas Bar Association

Pete Bodyk, Kansas Department of Transportation, Bureau Chief of Traffic Safety

Frank Henderson, Crime Victims Compensation Board

Chairman O'Neal opened the hearing on **HB 2879 - fee increase authority for county law libraries.**

Lee Woodard, Sedgwick County Law Center, appeared in support of the proposed bill which would increase the docket fees by \$4.00. They do not intend to immediately use the total amount collected from the increase but wanted to have cash in reserve to meet the rising costs of the future and not have to come back anytime soon to the Legislature to request another increase. (Attachment 1)

Jim Clark, Kansas Bar Association, appeared before the committee and explained that while they generally do not support increases in docket fees they do support the proposed increase because the law library fees have not been increased since 1988. (Attachment 2)

The committee expressed concern about increasing docket fees to support law libraries and wondered why the Supreme Court couldn't just impose an emergency surcharge to fund them or provided for an increase in the library usage fee.

Written testimony in support of the bill was provided by Newman University (Attachment 3) and Woodard, Hernandez, Roth & Day (Attachment 4)

The hearing on **HB 2879** was closed.

**HB 2916 - driving privileges, DUI; ignition interlock, proof of installation**

Pete Bodyk, Kansas Department of Transportation, Bureau Chief of Traffic Safety, provided the committee with an amendment to the bill that would keep Kansas in compliance with the Federal regulations and not lose funding. The amendment would replace language on page 5, line 33 and page 7, line 22 to ensure that a person would receive a suspended license for a period of one year and at the end of the suspension they would be restricted to driving a vehicle equipped with an ignition interlock device. Proof of the installation must be provided to the division before the person's driving privileges would be fully reinstated. (Attachment 5)

Representative Pauls made the motion to adopt the proposed amendment. Representative Hutchins seconded the motion. The motion carried.

Representative Kinzer made the motion to have staff do a technical amendment on page 2, line 15 to read "not less than one year". Representative Owens seconded the motion. The motion carried.

Representative Kinzer made the motion to report **HB 2916** favorably for passage, as amended. Representative Hutchins seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE House Judiciary Committee at 3:30 P.M. on February 21, 2006 in Room 313-S of the Capitol.

**HB 2748 - traffic violation; failing to report a accident**

Representative Hutchins made the motion to report HB 2784 favorably for passage. Representative Kelley seconded the motion.

Committee discussion focused on the penalty provision for an occupant when an occupant fails to report the traffic violation. Representative Loyd made the motion to have that provision apply to anyone over 18 years of age. Representative Hutchins seconded the motion. The motion carried.

Representative Hutchins made the motion to report HB 2784 favorably for passage, as amended. Representative Kinzer seconded the motion.

Representative Kiegerl made a substitute motion to strike on page 1, line 40 "breaks of bones". Representative Watkins seconded the motion. Several members of the committee pointed out that bone fractures and bone breaks are medically two different things. With the permission of the seconded representative Kiegerl withdrew his motion.

The motion to report carried.

**HB 2761 - crime victims compensation; reasons compensation reduced or denied**

Representative Kinzer made the motion to report HB 2761 favorably for passage. Representative Hutchins seconded the motion.

The committee received a request that would amend in the provisions of **HB 2911- crime victims compensation; victim includes a person who had a significant relationship with someone who committed suicide.** (Attachment 6)

Frank Henderson, Crime Victims Compensation Board, appeared in opposition to the request because it would provide a new definition for the term victims and would open the door to any other horrendous death, such as drowning, fires, and motor vehicle accidents. He was also concerned that the expenditure would not be matchable under the Department of Justice Department of Fund. Currently, there are no states that provide compensation for survivors of suicide.

Representative's Kinzer motion to report favorably carried.

**HB 2701 - definition of drug paraphernalia**

Representative Owens made the motion to report HB 2701 favorably for passage. Representative Garcia seconded the motion. The motion carried.

**HB 2893 - criminal offenders in custody, health care costs**

Representative Loyd made the motion to adopt the balloon provided by the Kansas Medical Society. (Attachment 7) Representative Owens seconded the motion. The motion carried.

The Kansas Hospital Association provided a balloon at the meeting on February 21, 2006. The Chairman divided the balloon into two parts:

A. Balloon minus the prompt pay provisions. Representative Watkins made the motion to adopt those provisions. Representative Garcia seconded the motion. The motion carried.

B. 30 day prompt pay provisions. Committee members expressed concern with the short turn-around period requiring payment and therefore no motion was made.

The Kansas Association of Osteopathic Medicine requested an amendment at the meeting on February 21, 2006. Representative Pauls made the motion to adopt the proposed amendment. Representative Loyd

CONTINUATION SHEET

MINUTES OF THE House Judiciary Committee at 3:30 P.M. on February 21, 2006 in Room 313-S of the Capitol.

seconded the motion. The motion carried.

Representative Loyd made the motion to report **HB 2893** favorably for passage, as amended. Representative Owens seconded the motion. The motion carried.

**HB 2706 - person who is in arrearages on child support may have drivers license suspended**

Representative Ward provided the committee with a proposed balloon which would allow a judge to order the division of motor vehicle to suspend an individuals drivers license if one is two months behind in child support payments. (Attachment 8) He moved the adoption of the balloon. Representative Owens seconded the motion. The motion carried.

Representative Ward made the motion to report **Substitute for HB 2706** favorably for passage. Representative Garcia seconded the motion. The motion carried.

The committee meeting adjourned at 5:15p.m. The next meeting was scheduled for 3:30 p.m. March 1, 2006 in room 313-S.



The Sedgwick County Law Center, LLC

February 20, 2006

Members of the Judiciary Committee  
Kansas State Legislature  
Kansas State House  
300 S W 10<sup>th</sup> Avenue  
Topeka, KS 66612

Re: Sedgwick County Law Library

Dear Committee Member:

I am Chairman of the Board of Trustees of the Sedgwick County Law Library ("SCLL") and I am writing in support of HB 2879. This bill would amend K.S.A. 20-3129(a) to increase the upper limit of a county law library's share of filing fees paid to the Clerk of the District Court from \$10 to \$14. This statute now provides that each filing fee paid to the Clerk of the District Court shall include a county law library component, to be set by its trustees within a range of \$2 to \$10 for Chapter 60 cases and felony criminal cases. The range for all other cases is 50¢ to \$7. This bill does not increase a county law library's share of the existing filing fees, but instead provides for an increase in the existing filing fees by the amount of \$4.00. The SCLL last requested for an increase from the legislature in 1988.

The Sedgwick County Law Library is the only major law library west of Topeka. It is not only used by Sedgwick County attorneys and judges but, over the years, many out-of-county lawyers, particularly from southern and western Kansas, find it a valuable resource. Attorneys using the SCLL include government lawyers, those in private practice, public defenders and legal aid lawyers. The law library is also open to the public; non-lawyers use it regularly, including *pro se* litigants and many college and high school students. Some university instructors actually teach some of their classes in meeting rooms at the law library. Recently, the SCLL agreed to provide a classroom in which Consumer Credit Counseling Services can hold its debt counseling classes.

The Trustees believe an important part of the SCLL's mission is to help maintain a high quality of the practice of law in Sedgwick County and the surrounding area. Thus, in addition to providing a library, the SCLL also provides space for continuing legal education programs that are attended by attorneys from throughout this region, not just from Sedgwick County. The SCLL also provides meeting rooms for bar committees, most of which have the purpose of improving the quality of practice and the efficiency of the judicial process in Sedgwick County; rooms for mediations and depositions; and space for out-of-town lawyers trying cases in Wichita.

To: Members of the Judiciary Committee  
Re: Sedgwick County Law Library  
Date: February 20, 2006  
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Funding under the statutory scheme is set forth in K.S.A. 20-3126(c) and K.S.A. 20-3129(a). The first statute provides that attorneys in the county where the law library is located shall pay a registration fee to the Clerk of the District Court. This fee is set by the trustees for the Sedgwick County and Johnson County Law Libraries within a range of \$25 to \$125. The range for all other counties is \$10 to \$75. In 1988, the registration fees for Sedgwick County lawyers was \$25. The fee is now \$95, a 280% increase. Public defenders are exempt from this fee.

The existing statutes also provide that if lawyers in a county vote to establish a law library, the county commissioners must provide a place for it at the county courthouse or "other suitable place." The management and control of the law library, however, remains with trustees, who act as its governing body. County commissioners, with the advice and consent of the trustees, appoint a librarian and assistants who are county employees and receive a salary established by the trustees and approved by the commissioners. The trustees can release the county from its law library obligations in which case the county commissioners pay the trustees up to \$5,000 a year as a contribution towards the operation of the library. This is what the trustees of the SCLL have always done.

In its efforts to meet the needs of all patrons, the Sedgwick County Law Library maintains a print collection as well as providing computers for online research. The cost of adequately maintaining this collection increases each year. In 1988, the total operating expense for the SCLL was \$525,100.12. At year-end 2004, the operating expenses were \$693,467.29, a 32% increase. This increase would have been far greater had the trustees not taken strong action to cut expenses during the recent past. For example, in 1988 our average monthly book expense was \$12,058, while year-end 2004 it was \$13,511 and, when added to on-line expense, the total is \$14,359. This is a very small increase in light of the substantial price increases set frequently by law book publishers. This also reflects the severe cost-cutting implemented by the Trustees. Indeed, book expense has been cut to the point where the SCLL's collection is bare-bone, impairing the library's effectiveness as a resource. As a consequence, the trustees recognize a need to prudently restore materials and broaden the collection.

Another major cost saving move by the trustees was to move the SCLL from the Epic Center in downtown Wichita to a nearby building jointly purchased with the Wichita Bar Association. The building is owned, operated and maintained by the Sedgwick County Law Center, LLC ("the LLC"), in which the trustees are a 75% member and the Wichita Bar Association is a 25% member. These percentages reflect the contributions they made to the purchase of the building.

To: Members of the Judiciary Committee  
Re: Sedgwick County Law Library  
Date: February 20, 2006  
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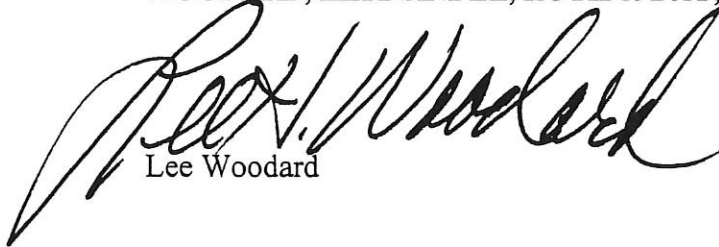
Both the Bar Association and the trustees pay rent to the LLC. Today the SCLL's annual rent is approximately \$42,000 less than the \$204,344 it paid in 2002, its last year at the Epic Center. Moreover, that year the SCLL's lease expired and the Epic Center's final renewal offer would have resulted in a substantial increase in rent over the next 10 years.

Despite the cost cutting measures implemented by the trustees and higher registration fees paid by Sedgwick County lawyers, the LLC had a deficit of \$25,000 for 2004, of which the SCLL's share is \$18,750. In 2005, the deficit was \$21,000.00, of which the SCLL's share is \$15,750.00. It is worth noting that if the SCLL had stayed at the Epic Center, there would have been a substantially greater operating deficit at year-end. In any event, if the SCLL is to continue its present collection and pursue its established mission, additional funding is necessary. This can be achieved by a relatively small dollar increase in filing fees paid by those who use the courts or who are brought into the system.

Thus, the SCLL trustees request that HB2879 be adopted. The trustees do not plan to implement immediately the maximum amount, but need flexibility to meet rising costs. Again, I want to emphasize that our request will have the effect of increasing the total filing fees and the increase will not encroach upon other components of the filing fees.

Very truly yours,

**WOODARD, HERNANDEZ, ROTH & DAY, L.L.C.**



Lee Woodard

LHW/kmk



**KANSAS BAR  
ASSOCIATION**

Testimony in Support of

**HOUSE BILL NO. 2879**

Presented to the House Judiciary Committee  
February 21, 2006

The Kansas Bar Association is a voluntary, non-profit association with a membership of over 6700, mostly lawyers licensed to practice in Kansas. Many of our members are from small or sole practitioner law firms, and are dependent on county law libraries. For that reason, KBA is in support of **HB 2879**, which authorizes the trustees of county law libraries to increase the docket fee or law library fee by up to \$4, and compels the clerks of the district court to raise the docket fee accordingly. There has not been an increase in law library fees since 1988.

The KBA is also aware of the unique status of the Sedgwick County Law Library, and is in support of extending sales tax exemption to that library, as is found on page 20 of **HB 2915**.

James W. Clark  
KBA Legislative Counsel  
785-234-5696

\* \* \*

House Judiciary

Date 2-21-06

Attachment # 2



February 21, 2006

Representative Mike O'Neal  
Kansas State House  
300 S.W. 10<sup>th</sup> Ave.  
Topeka, KS 66612

Re: Sedgwick County  
Law Library

Dear Representative O'Neal:

Please know that Newman University's Paralegal Studies Program enthusiastically supports HB 2879, a proposed statutory amendment which would increase the upper limit of Sedgwick County Law Library's (the "SCLL") share of District Court filing fees by \$4. As I understand it, if enacted, this bill would not increase the library's share of the present filing fee. Rather, this addition would come from an increase in the present District Court filing fee structure. I do not believe SCLL has had such an increase for nearly 18 years.

The Library's Board of Trustees makes SCLL available to all students enrolled in our Paralegal Program (the "Program"). Not only are we allowed to use the library's resources, but we are provided rooms and equipment to conduct our legal research and writing classes, which I teach. Neither Newman nor Wichita would be able to have a quality paralegal program without access to SCLL. It provides an essential element for our accreditation, as well.

During the academic year, our students and I are in the Library at least twice each week. Similar arrangements were made available to WSU's paralegal students, until 2004 when its program was moved to Newman. Unfortunately, as I have observed SCLL's holdings over these years, numerous publications have not been kept current because of the huge increases in the expense of books and supplements. While internet access is available, this does not cover some of the materials we use in our courses.

Our Program requires an internship toward the completion of the course of study. Consistent with Newman's dedication to social justice, we often place one or more interns with Kansas Legal Services, located near the Library. Access to SCLL enhances the ability of our students to be of service to a large underserved population in this County. During my time there, I often see non-legal people engaged in *pro se* work for themselves and for their organizations. SCLL is really their only resource for such information.

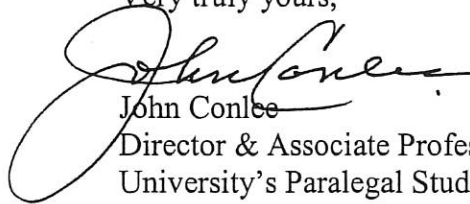
House Judiciary



Representative Mike O'Neal  
February 21, 2006  
Page 2

Your support of this legislative amendment would enable SCLL to provide enhanced resources to our students and to the public at large. Please give the proposed amendment you thoughtful and generous consideration. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Conlee", with a large, stylized flourish extending from the end of the signature.

John Conlee  
Director & Associate Professor, Newman  
University's Paralegal Studies Program

**WOODARD, HERNANDEZ, ROTH & DAY, L.L.C.**

ATTORNEYS AT LAW

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DEBORAH K. MITCHELL  
NANCY OGLE

February 20, 2006

House Judiciary Committee  
c/o Michael O'Neal, Chair  
300 SW 10<sup>th</sup> Ave  
Topeka, KS 66612

Re: House Bill No. 2879, Amending K.S.A. 2005 Supp. 20-3129


Dear House Judiciary Committee Member:

I am writing to urge you to support the passage of House Bill No. 2879. House Bill No. 2879 will amend K.S.A. 2005 Supp. 20-3129 to permit an increase in the docket fee, which will provide for increased funding to county law libraries. As an attorney practicing in Sedgwick County, I am most interested in the funding available to the Sedgwick County Law Library (SCLL). I devote most of my practice to legal research and brief writing and rely extensively upon SCLL.

SCLL provides an invaluable service to not only local attorneys, but also the surrounding community. In addition to practicing law, I teach two courses in legal research and writing for Friends University's Masters Studies in Business Law program. I meet with students at SCLL and also encourage my students to use SCLL's resources. SCLL's collection contains some unique resources within the Wichita area. Maintaining those resources is expensive and has become significantly more costly in recent years.

SCLL needs the increased funding provided by House Bill No. 2879 to maintain and develop its collection. I hope you will support the bill's passage out of your Committee and the House of Representative.

Very truly yours,

  
Nancy Ogle

House Judiciary

Date 2-21-06

Attachment # 4

Page 5, line 33 through line 1 of page 6

(2) on the person's second, third or fourth occurrence, suspend the person's driving privileges for one year and, at the end of the suspension for an alcohol-related conviction, restrict the person's driving privileges for one year to driving only a motor vehicle equipped with an ignition interlock device. Proof of the installation of such device must be provided to the division before the person's driving privileges are fully reinstated.

Page 7, line 22 after expense through line 29

Proof of the installation of such device must be provided to the division before the person's driving privileges are fully reinstated.

House Judiciary

Date 2-21-06

Attachment # 5

Carol Luttjohann  
501 Lincoln  
Topeka, KS 66606  
785.608.8199

Amendment to HB2761: Include provisions of HB2911 which will provide survivors of suicide access to services through the victims' compensation fund.

I would also ask that provisions be added to include survivors of suicide having the right to view the scene of the death before and / or after the removal of the deceased. Also, a provision that is one of the most crucial to the healing and understanding process for survivors is access to law enforcement records.

As I previously testified, there are many questions that haunt survivors of suicide and having the access to information is very important. Some law enforcement jurisdictions do not even provide families with a copy of a suicide note. Anything that might be at the scene, observed at the scene, pictures, etc can provide clues to a grieving survivor to help in understanding and moving on.

Please add these provisions to the amendment of HB2761.

On a personal note, I would also like you to consider "naming" the provisions for survivors "John's Law" for my brother that I lost to suicide and the driving force behind getting these provisions passed for all survivors.

House Judiciary

Date 2-21-06

Attachment # 6

# Kansas Medical Society Amendments

Session of 2006

## HOUSE BILL No. 2893

By Committee on Judiciary

2-13

9 AN ACT concerning offenders in custody; relating to health care costs.

10

11 *Be it enacted by the Legislature of the State of Kansas:*

12

13 Section 1. (a) ~~A health care provider that has a current approved~~  
14 ~~provider agreement with the Kansas health policy authority shall accept~~  
15 ~~payment for health care services provided to a person in the custody of~~  
16 ~~a county or city law enforcement agency, a county department of correc-~~  
17 ~~tions or the Kansas highway patrol, at the same rate that the provider~~  
18 ~~would have received if such health care service was paid by the authority~~  
19 ~~pursuant to such provider agreement. The provisions of this section shall~~  
20 ~~not apply if a person in the custody of a county or city law enforcement~~  
21 ~~agency, a county department of corrections or the Kansas highway patrol~~  
22 ~~is covered under a current individual or group accident and health insur-~~  
23 ~~ance policy, medical service plan contract, hospital service corporation~~  
24 ~~contract, hospital and medical service corporation contract, fraternal ben-~~  
25 ~~efit society or health maintenance organization contract.~~

26

27 (b) ~~Except as provided further, a county or city law enforcement~~  
28 ~~agency, a county department of corrections or the Kansas highway patrol~~  
29 ~~shall not pay less than the rate the provider would have received if such~~  
30 ~~health care service was paid by the authority pursuant to such provider~~  
31 ~~agreement. A county law enforcement agency or a county department of~~  
32 ~~corrections, or its authorized vendor, may enter into an agreement with~~  
33 ~~such a provider which is not based upon reimbursement for specific serv-~~  
34 ~~ices performed but is based upon a weekly, monthly or annual lump sum~~  
35 ~~payment for all services regardless of the rates pursuant to the provider~~  
36 ~~agreement.~~

37

38 (c) "Health care provider" means a person licensed to practice any  
39 branch of the healing arts by the state board of healing arts or the be-  
40 havioral sciences regulatory board, a person who holds a temporary per-  
41 mit to practice any branch of the healing arts issued by the state board  
42 of healing arts, a person engaged in a postgraduate training program ap-  
43 proved by the state board of healing arts, a licensed physician assistant, a  
medical care facility licensed by the department of health and environ-  
ment, a podiatrist licensed by the state board of healing arts, an optom-  
etrist licensed by the board of examiners in optometry, a pharmacist li-

Except as otherwise provided in this section, a county or city law enforcement agency, a county department of corrections, or the Kansas highway patrol shall be liable to pay a health care provider for health care services rendered to persons in the custody of such agencies the lesser of the actual amount billed by such health care provider or the Medicaid rate.

Nothing in this section shall prevent a county or city law enforcement agency, a county department of corrections, the Kansas highway patrol or their authorized vendors from entering into agreements with health care providers for the provision of health care services at terms, conditions and amounts which are different than the Medicaid rate.

House Judiciary

Date 2-21-06

Attachment # 7

1 censed by the state board of pharmacy, a registered nurse, and advanced  
 2 nurse practitioner, a licensed professional nurse who is authorized to  
 3 practice as a registered nurse anesthetist, a licensed practical nurse, a  
 4 licensed physical therapist, a professional corporation organized pursuant  
 5 to the professional corporation law of Kansas by persons who are author-  
 6 ized by such law to form such a corporation and who are health care  
 7 providers as defined by this subsection, a Kansas limited liability company  
 8 organized for the purpose of rendering professional services by its mem-  
 9 bers who are health care providers as defined by this subsection and who  
 10 are legally authorized to render the professional services for which the  
 11 limited liability company is organized, a partnership of persons who are  
 12 health care providers under this subsection, a Kansas not-for-profit cor-  
 13 poration organized for the purpose of rendering professional services by  
 14 persons who are health care providers as defined by this subsection, a  
 15 dentist certified by the state board of healing arts to administer anes-  
 16 thetics under K.S.A. 65-2899, and amendments thereto, a psychiatric hos-  
 17 pital licensed under K.S.A. 75-3307b, and amendments thereto, a li-  
 18 censed social worker or a mental health center or mental health clinic  
 19 licensed by the secretary of social and rehabilitation services and any  
 20 health care provider licensed by the appropriate regulatory body in an-  
 21 other state that has a current approved provider agreement with the Kan-  
 22 sas health policy authority.

23 Sec. 2. (a) A law enforcement officer having custody of a person ar-  
 24 rested without a warrant shall not release such person from custody  
 25 merely to avoid the cost of necessary medical treatment while the person  
 26 is receiving treatment from a health care provider unless the health care  
 27 provider consents to such release, or unless the release is ordered by a  
 28 court of competent jurisdiction. When the law enforcement officer is  
 29 satisfied that probable cause no longer exists to believe the suspect com-  
 30 mitted a crime based upon the ongoing investigation, or the prosecuting  
 31 attorney gives notice that no prosecution will be forthcoming at this time,  
 32 the law enforcement officer may release such person from custody. Upon  
 33 the date of notification to the health care provider that the person is being  
 34 released from custody because the ongoing investigation indicates that  
 35 probable cause no longer exists or a decision by the prosecuting attorney  
 36 that no charges will be filed, the arresting law enforcement agency shall  
 37 no longer be responsible for the cost of such person's medical treatment.

38 (b) As used in this section:

39 (1) "Law enforcement officer" has the meaning ascribed thereto in  
 40 K.S.A. 22-2202, and amendments thereto.

41 (2) "Health care provider" has the meaning ascribed thereto in sec-  
 42 tion 1, and amendments thereto.  
 43

(d) Nothing in this section shall be construed to create a duty on the part of a health care provider to render health care services to a person in the custody of a county or city law enforcement agency, a county department of corrections, or the Kansas highway patrol.

(3) "Medicaid rate" means the terms, conditions and amounts a health care provider would be paid for health care services rendered pursuant to a contract or provider agreement with the Kansas health policy authority.

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

**PROPOSED SUBSTITUTE FOR HOUSE BILL NO. 2706**

By Committee on Judiciary

AN ACT concerning contempt of court; relating to driver's license restrictions and suspensions; amending K.S.A. 2005 Supp. 20-1204a and repealing the existing section.

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

Section 1. K.S.A. 2005 Supp. 20-1204a is hereby amended to read as follows: 20-1204a.

(a) When an order in a civil action has been entered, the court that rendered the same may order a person alleged to be guilty of indirect contempt of such order to appear and show cause why such person should not be held in contempt if there is filed a motion requesting an order to appear and show cause which is accompanied by an affidavit specifically setting forth the facts constituting the alleged violation.

(b) Except as provided in subsection (e), the order to appear and show cause shall be served upon the party allegedly in contempt by the sheriff or some other person appointed by the court for such purpose. Such order shall state the time and place where the person is to appear and shall be accompanied by a copy of the affidavit provided for in subsection (a). The court shall hear the matter at the time specified in the order, and upon proper showing, may extend the time so as to give the accused a reasonable opportunity to purge oneself of the contempt. If the court determines that a person is guilty of contempt such person shall be punished as the court shall direct.

(c) If, after proper service of the order to appear and show cause, the person served shall not appear in court as ordered, or if the court finds at a hearing held on motion of a party to the civil action that the person allegedly in contempt is secreting oneself to avoid the process of the court, the court may issue a bench warrant commanding that the person be brought before the court to answer for contempt. When such person is brought before the court, the court shall proceed as provided in subsection (b). The court may make such orders concerning the release of the person pending the hearing as the court deems proper.

(d) The provisions of this section shall apply to both criminal and civil contempts, but in the case of a criminal contempt the court on its own motion may cause the motion and affidavit provided for in subsection (a) to be filed.

(e) In cases involving an alleged violation of a restraining order issued pursuant to paragraph (2) of subsection (a) of K.S.A. 60-1607, and amendments thereto, if the affidavit filed pursuant to subsection (a) alleges physical abuse in violation of the court's order, the court immediately may issue a bench warrant and proceed as provided in subsection (c).

(f) If a person is found guilty of contempt in a child support enforcement proceeding, including an assignment of child support rights to the commissioner of juvenile justice and the evidence shows that the person is or may be authorized to practice a profession by a licensing body as defined in K.S.A. 74-146 and amendments thereto, the court, in addition to any other remedies, may order that a notice pursuant to subsection (a) of K.S.A. 74-147 and amendments thereto be served on the licensing body. If the person found guilty of contempt as provided in this subsection is a licensed attorney, the court may file a complaint with the disciplinary administrator if the licensing agency is the Kansas supreme court, or the appropriate bar counsel's office if the licensee practices in another state.

House Judiciary

Date 2-21-06

Attachment # 8



(g) If a person is found guilty of contempt in a child support enforcement proceeding, including an assignment of child support rights to the commissioner of juvenile justice, in an amount equal to or greater than the amount of support payable for ~~six~~ two months or the obligor has been ordered by the court to pay a sum certain each month toward the liquidation of the arrearages and the obligor has substantially failed to abide by that order, the court may restrict or suspend the obligor's driver's license. Such restriction may include, but not be limited to, driving to, from and during the course of such person's employment. The court may order the public office, as defined in K.S.A. 23-4,106, and amendments thereto, to contact the division of vehicles of the department of revenue to restrict the obligor's driver's license as indicated in the court order until further order of the court. *or suspend*

(h) The court shall not recognize a motion to issue nor order in a civil or criminal action a contempt citation against any person who reports or publishes the information that a gag order has been issued by the court.

Sec. 2. K.S.A. 2005 Supp. 20-1204a is hereby repealed.

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