

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:30 A.M. on January 19, 2006, in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Mike Heim, Kansas Legislative Research Department
Jill Wolters, Office of Revisor of Statutes
Helen Pedigo, Office of Revisor of Statutes
Karen Clowers, Committee Secretary

Conferees appearing before the committee:

Others attending:

See attached list.

Bill Introductions

Kyle Kessler, Director of Legislative Affairs, Social and Rehabilitation Services, requested the introduction of a bill as part of the Kansas Payment Center Clean-Up (Attachment 1). It pertains to a limited power of attorney permitting the Kansas Payment Center to automatically endorse and deposit support checks payable to custodial parents and clarifies the standards for operation of the Kansas Payment Center set forth in K.S.A. 23-4, 118. Senator Donovan moved, Senator Umbarger seconded, to introduce the bill. Motion carried.

Senator Vratil introduced a bill concerning pay for jury duty. Senator Schmidt moved, Senator Goodwin seconded, to introduce the bill. Motion carried.

The hearing on **SB 200—Fingerprinting and photographing juvenile offenders** was opened.

The Chairman gave a brief overview of the bill.

There were no conferees present, written testimony support of the bill was submitted by:

Don Jordan, Acting Commissioner, Juvenile Justice Authority (Attachment 2)

Senator Goodwin moved, Senator Umbarger seconded, to amend the dates in the bill from 2004 to 2005. Motion carried.

Senator Bruce moved, Senator Goodwin seconded, to recommend the bill favorably and place it on the consent calendar. Motion carried.

The hearing on **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** was opened.

Senator Jordan briefed the committee on the bill. The Chairman pointed out that the only amendment to current law in this bill pertains to a motion requesting prosecution as an adult, for a person who has waived the right to a hearing on the motion requesting prosecution as an adult.

There were no conferees present, the following conferees did not appear before the committee but requested that their written testimony in support of the bill be distributed and placed in the committee minutes.

Don Jordan, Acting Commissioner, Juvenile Justice Authority (Attachment 2)

Senator Bruce moved, Senator Umbarger seconded, that the committee recommends SB 201 favorably for passage. Motion carried.

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:30 A.M. on January 19, 2006, in Room 123-S of the Capitol.

Final Action SB 342--Obstruction of a Medicaid fraud investigation and forfeiture of proceeds

Senator Vratil called for final action on **SB 342**. There was a proposed amendment referring to language in Section 2. The amendment involves a policy question concerning bankruptcy laws. Senator Journey moved, Senator O'Connor seconded, to amend the bill on page 2, line 23, adding the phrase, "except as otherwise provided by law". Motion carried.

The Attorney General also had a proposed amendment and provided a balloon with the requested change to add a subsection pertaining to the severity of the offense. Senator O'Connor moved, Senator Schmidt seconded, to amend by adding another subsection to "obstruction of a medicaid fraud investigation is a severity level nine, non-person felony". Motion carried.

Senator O'Connor moved, Schmidt seconded, to recommend favorably SB 342 as amended. Motion carried.

SB 334 –Life imprisonment or hard 25 and lifetime parole with electronic monitoring for rape and aggravated sodomy if victim under 14 and offender over 18; lifetime post release supervision for sexually violent crimes

Senator Schmidt provided background and indicated that there were three different balloon amendments. Senator Schmidt explained that following the public hearing on **SB 334**, he invited several interested parties whom had suggested changes to the bill to work together and attempt to meld their suggestions into one amendment. This resulted in the proposed amendments balloon which blends together the proposals made in testimony by the Secretary of Corrections, the Attorney General's office, Kansas Bureau of Investigation, and Representative Kilpatrick. Senator Schmidt explained that the proposed balloon amendment and Senator Journey's amendment are mutually exclusive, therefore the third one-page amendment would make it possible to incorporate some of Senator Journey's ideas into the bill.

The Chairman clarified that there were three distinct options for the committee to consider:

- Option 1: Proposed amendments balloon that the parties agreed on
- Option 2: Proposed amendments balloon that the parties agreed on plus the one page (a middle ground approach between the initial approach and Senator Journey's approach
- Option 3: Senator Journey's amendment

Senator Journey briefed the committee on his amendment.

Following discussion on the differences between the amendments Senator Betts moved, Senator Journey seconded, to adopt the amendment by Senator Journey. Motion failed.

Senator Bruce moved, Senator Schmidt seconded, to adopt the proposed amendments balloon. Motion failed.

Senator Journey moved, Senator Goodwin seconded, to adopt the proposed amendments balloon plus the one page amendment. Motion carried.

Senator Schmidt moved, Senator Umbarger seconded, to favorably recommend SB 334. Motion carried.

Senator Donovan moved, Senator Umbarger seconded, to adopt the Committee Minutes dated January 9, January 10, and January 11, 2006. Motion carried.

The meeting adjourned at 10:33 a.m. The next scheduled meeting is January 24, 2006.

PLEASE CONTINUE TO ROUTE TO NEXT GUEST

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: 1-19-06

NAME	REPRESENTING
Jamie Corkhill	SRS
Kyle Kershner	SRS
Don Jordan	JJA
Lisa Mendoza	JJA
Natalie Gibson	Kansas Sentencing Comm
Brenda Harmon	" " "
Heather Morgan	JJA
Shelby Sweekey	ACM/NCK
Tim Madden	KDOC
Roger Verhulst	KDOC
Michael White	KCDAA
Nancy Strouse	Kansas Judicial Council
Mark Gleeson	Judicial Administrator
Elizabeth Purjes	SRS/HCP
Jeff Boffeloe	KU Med
Bob Keller	JCSO
Jason Smartt	Smartt Court Affairs
Luke Thompson	DHPF

PLEASE CONTINUE TO ROUTE TO NEXT GUEST

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: 1-19-06 (p. 2)

NAME	REPRESENTING
Jim Clark	KBA
Ron Seebor	Hankow Firm
Kyle Smith	KBI



K A N S A S

GARY J. DANIELS, ACTING SECRETARY

SOCIAL AND REHABILITATION SERVICES

KATHLEEN SEBELIUS, GOVERNOR

January 19, 2006

Honorable John Viratil, Chair
Judiciary Committee
Kansas Senate
Room 281-E, Statehouse
Topeka, Kansas 66612

Dear Senator Viratil:

I would like to request the introduction of one legislative proposal, Kansas Payment Center Clean-Up. This proposal creates a limited power of attorney that permits the Kansas Payment Center to automatically endorse and deposit support checks payable to individual Non-IV-D (non-SRS) custodial parents or the custodial parent's successor in interest. The proposal also clarifies that the standards for operation of the Kansas Payment Center set forth in K.S.A. 23-4, 118 are not limited to outsourced functions.

I appreciate your Committee's introduction of this bill and will be glad to provide additional information as requested.

Sincerely,

Gary J. Daniels ^{LRH}

Gary J. Daniels
Secretary

cc: Susan Kannar, KLRD
Jill Wolters, Office of Revisor of Statutes
Julie Thomas, Budget Division

Juvenile Justice Authority

Senate Judiciary Committee
Testimony on SB 200 and SB 201
January 19, 2006



Don Jordan
Acting Commissioner
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Heather Morgan
Director of Public and Legislative Affairs
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1/18/2006

Senate Judiciary
P 1-19-06
Attachment 2

Thank you for the opportunity to provide testimony on SB 200 and SB 201.

SB 200

SB 200 would allow all alleged juvenile offenders to be fingerprinted and photographed during processing at the Juvenile Intake and Assessment Center (JIAC). This would allow the JJA to maintain accurate identification of the juvenile within the Juvenile Justice Information System (JJIS). The bill would help law enforcement and community agencies address the ongoing problem of accurately identifying youth during intake and assessment. Currently, when youth enter the system through intake and assessment much of the information is self-reported. This information is not always accurate and has led to the same youth being entered into the system under multiple names and identifiers. SB 200 would help law enforcement and community agencies address this problem and ensure that youth are being properly identified.

It is likely that some intake and assessment centers could use local law enforcement's fingerprinting and photography equipment to identify the youth as described in SB 200. There may be some intake and assessment centers where this is not a viable option. Of the centers where this is not a viable option, the JIAC may not be able to afford this equipment within existing resources.

SB 201

SB 201 would amend current law to comply with the Federal Office of Juvenile Justice and Delinquency Programs (OJJDP) sight and sound separation requirements between juveniles and adult offenders. Sight and sound separation requirements ensure that youth are kept separate from both the sight and sound of adult offenders while being detained to prevent victimization or further harm to the juvenile. Currently in Kansas, the filing of a motion requesting prosecution as an adult allows the youth to be detained as an adult. This conflicts with federal requirements that provide a juvenile must be formally waived to the adult criminal court. This bill would reconcile these differences and make clear that when a juvenile offender has officially waived the right to a hearing on the motion that they be tried as an adult, the juvenile can be confined in an adult jail without violation of federal sight and sound requirements.