

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:34 A.M. on February 21, 2008, in Room 123-S of the Capitol.

All members were present except:

Terry Bruce arrived, 9:36 A.M.
Greta Goodwin- excused
Donald Betts- excused
Les Donovan arrived, 9:36 A.M.
David Haley- excused
Phil Journey arrived, 9:38 A.M.
Derek Schmidt arrived, 9:37 A.M.

Committee staff present:

Bruce Kinzie, Office of Revisor of Statutes
Athena Andaya, Kansas Legislative Research Department
Karen Clowers, Committee Assistant

Conferees appearing before the committee:

Don Jordan, Secretary, Kansas Department of Social & Rehabilitation Services
Senator Janis Lee

Others attending:

See attached list.

The Chairman opened the hearing on **SB 588–Traffic in contraband in a correctional facility.**

Don Jordan spoke in support, stating the intent of the bill was to enhance and support staff safety and security and he fully supported the bill (Attachment 1). Secretary Jordan voiced concern with the current format of the bill regarding some of the definitions and provided two balloons amendments (Attachment 2 & 3).

Senator Janis Lee testified in support (no written testimony) and urged enactment of the bill.

There being no further conferees, the hearing on **SB 588** was closed.

The hearing on **SB 565–The state fair board, employees, background investigations** was opened.

Senator Terry Bruce reviewed the bill and provided supportive testimony from Denny Stoecklein, General Manager of the Kansas State Fair (Attachment 4).

There being no further conferees, the hearing on **SB 565** was closed.

The Chairman opened the hearing on **SB 581– Juvenile offender, possession of alcohol.**

Senator Phil Journey testified in support as sponsor of the bill (Attachment 5). In 2007 the legislature passed a comprehensive bill pertaining to the Juvenile Justice Code which moved the “minor in possession” charge to the jurisdiction of the Juvenile Court. The Senator stated the intent of the bill is to move the jurisdiction back to municipal and district courts. Due to 2007 legislation, many cases have gone uncharged leading to the frustration of law enforcement.

Written testimony in support of **SB 581** was submitted by:

Ed Klumpp, Kansas Association of Chiefs of Police (Attachment 6)

There being no further conferees, the hearing on **SB 581** was closed.

The Chairman called for final action on **SB 546–Family dispute resolution fund, grants, docket fees.** Senator Vratil reviewed the bill. Senator Allen distributed information regarding recent filing fees and docket fee history (Attachment 7). Following review and discussion, Senator Allen distributed a balloon amendment

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:34 A.M. on February 21, 2008, in Room 123-S of the Capitol.

which would authorize creation of the fund, funded through the State's General Fund with no increase to the docket fees (Attachment 8).

Senator Allen moved, Senator Lynn seconded, to adopt the balloon amendment. Motion carried.

Senator Allen moved, Senator journey seconded, to recommend **SB 546** as amended, favorably for passage. Motion carried.

The Chairman called for final action on **SB 551—Driving while suspended, term of imprisonment**. Senator Vratil reviewed the bill. Senator Journey distributed a balloon amendment (Attachment 9).

Senator Journey moved, Senator Bruce seconded, to adopt the balloon amendment. Motion failed.

Senator Bruce moved, Senator Lynn seconded, to table **SB 551**. Motion carried.

The meeting adjourned at 10:29 A.M. The next scheduled meeting is February 22, 2008.

PLEASE CONTINUE TO ROUTE TO NEXT GUEST

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: 2-21-08

NAME	REPRESENTING
Scott Heidner	KADC
Donna Hoener-Quaal	OJA
ART THOMPSON	OSA
Dan Jordan	SRS
Pat Woods	SRS
Melissa	KU Social Workers
Holly	KU SW
Cindy Riddell	KU SW.
KEVIN GREGG	KMCA
Dustin Meyer	Prager, Smith & Assoc.
Patricia Dunbar	K.U.S.W.
Danielle C. Began Silve	KU School of Social Welfare
Janet Wisdom	KU School of Social Welfare
SEAN MILLER	CAPITOL SECRETARIES

SB 588 – Traffic in Contraband in a Correctional Facility
Senate Judiciary Committee
February 21, 2008

Chairman Vratil and members of the Committee, I am Don Jordan, Secretary of SRS. Thank you for the opportunity to appear before you today to discuss SB 588.

SRS supports the intent of this bill to enhance and support patient and staff safety and security but has some concerns with the current format of the bill.

Section 1 paragraph (b) would define the Sexual Predator Treatment Program (SPTP) and the State Security Hospital as a “correctional institution”. Defining the SPTP in this manner could put the constitutionality of this program in jeopardy as the program must be for the care and treatment of the people committed to the program.

Section 1 paragraph (c) (2) would hold the SPTP and State Security Hospital to the definition of contraband as established by rules and regulations adopted by the Secretary of Corrections. The nature of medical treatment facilities is much different than in correctional institutions. Hospitals are a therapeutic/treatment environment and some items that might be considered contraband in the Department of Corrections environment would not be considered contraband in hospitals, and vice-versa. For example, as residents move along the treatment continuum they prepare meals for themselves and are allowed to have knives for cooking. Conversely, movies that might be appropriate to show to a general population of inmates might not be appropriate for viewing by pedophiles.

SRS proposes a balloon amendment, as attached, which addresses these issues and provides for the Secretary of SRS to define contraband through rules and regulations.

I would be glad to stand for any questions from the Committee.

SENATE BILL No. 588

By Committee on Judiciary
2-11

9 AN ACT concerning crimes and punishment; relating to traffic in con-
10 traband in a correctional institution **or care and treatment facility**;
11 amending K.S.A. 21-3826 and repealing the existing section.
12

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

14 Section 1. K.S.A. 21-3826 is hereby amended to read as follows: 21-
15 3826. (a) Traffic in contraband in a correctional institution **or care and**
16 **treatment facility** is introducing or attempting to introduce into or upon
17 the grounds of any correctional institution **or care and treatment facility**
18 or taking, sending, attempting to take or attempting to send from any correc-
19 tional institution **or care and treatment facility** or any unauthorized possession
20 while in any correctional institution **or care and treatment facility** or distri-
21 buting within any correctional institution **or care and treatment facility**, any
22 item without the consent of the administrator of the correctional institution
23 **or care and treatment facility**.

24 (b) For purposes of this section, "correctional institution" means any
25 state correctional institution or facility, conservation camp, ~~state security~~
26 ~~hospital~~, juvenile correctional facility, community correction center or
27 facility for detention or confinement, juvenile detention facility ~~or or~~, jail ~~or~~
28 ~~facility operated by the department of social and rehabilitation services~~
29 ~~for the purposes provided for under K.S.A. 59-29a02 et seq., and amendments~~
30 ~~thereto~~.

31 (c) For purposes of this section, "care and treatment facility" means
32 the state security hospital provided for under K.S.A. 76-1305 et seq., and
33 amendments thereto, and a facility operated by the department of social
34 and rehabilitation services for the purposes provided for under K.S.A. 59-
35 29a02 et seq., and amendments thereto.

36 (c) (d) (1) Traffic in contraband in a correctional institution **or care and**
37 **treatment facility** of firearms, ammunition, explosives or a controlled substance
38 which is defined in sub-section (e) of K.S.A. 65-4101, and amendments thereto,
39 is a severity level 5, nonperson felony.

40 (2) Traffic in any contraband, as defined by rules and regulations
41 adopted by the secretary, in a correctional institution by an employee of
42 a correctional institution is a severity level 5, nonperson felony.

43 (3) Traffic in any contraband, as defined by rules and regulations
44 adopted by the secretary of social and rehabilitation services, in a care and
45 treatment facility by an employee of a care and treatment facility is a
46 severity level 5, nonperson felony.

47 (d) (e) Except as provided in subsection (c) (d), traffic in contraband in a
48 correctional institution **or care and treatment facility** is a severity level 6,
49 nonperson felony.

50 Sec. 2. K.S.A. 21-3826 is hereby repealed.

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

SENATE BILL No. 588

By Committee on Judiciary
2-11

9 AN ACT concerning crimes and punishment; relating to traffic in con-
10 traband in a correctional institution; amending K.S.A. 21-3826 and
11 repealing the existing section.

or care and treatment
facility

12
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 21-3826 is hereby amended to read as follows: 21-
15 3826. (a) Traffic in contraband in a correctional institution is introducing
16 or attempting to introduce into or upon the grounds of any correctional
17 institution or taking, sending, attempting to take or attempting to send
18 from any correctional institution or any unauthorized possession while in
19 any correctional institution or distributing within any correctional insti-
20 tution any item without the consent of the administrator of the correc-
21 tional institution.

22 (b) For purposes of this section, "correctional institution" means any
23 state correctional institution or facility, conservation camp, state security
24 hospital, juvenile correctional facility, community correction center or
25 facility for detention or confinement, juvenile detention facility or or jail or
26 facility operated by the department of social and rehabilitation services
27 for the purposes provided for under K.S.A. 59-29a02 et seq., and amendments
28 thereto.

(c) For purposes of this
section, "care and treatment
facility" means the state
security hospital provided
for under K.S.A. 76-1305
et seq., and amendments
thereto, and a facility
operated by the department
of social and rehabilitation
services for the purposes
provided for under K.S.A.
59-29a02 et seq., and
amendments thereto.

29 (c) (d) (1) Traffic in contraband in a correctional institution of firearms,
30 ammunition, explosives or a controlled substance which is defined in sub-
31 section (e) of K.S.A. 65-4101, and amendments thereto, is a severity level
32 5, nonperson felony.

33 (2) Traffic in any contraband, as defined by rules and regulations
34 adopted by the secretary, in a correctional institution by an employee of
35 a correctional institution is a severity level 5, nonperson felony.

36 (d) (e) Except as provided in subsection (c) (d), traffic in contraband in a
37 correctional institution is a severity level 6, nonperson felony.

38 Sec. 2. K.S.A. 21-3826 is hereby repealed.

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

(3) Traffic in any contra-
band, as defined by rules and
regulations adopted by the
secretary of social and reha-
bilitation services, in a
care and treatment facility
by an employee of a care
and treatment facility is a
severity level 5, nonperson
felony.

February 20, 2008

Sen. John Vratil
Chair, Senate Judiciary Committee
300 SW 10th Ave., Room 281-E
State Capitol
Topeka, KS 66612

Sen. Vratil and Members of the Committee:

Good morning, Mr. Chairman and members of the Committee. My name is Denny Stoecklein, General Manager of the Kansas State Fair.

Each year, the Kansas State Fair hires approximately 600 part-time employees to assist with the production of the annual State Fair. It is our desire to, at a minimum, conduct a search of these potential applicants through the Kansas Bureau of Investigation's Registered Offender Database and to deny employment to any applicant who is found to be in the database.

While we realize the Database is public information, we have been advised that in order to deny employment to the prospective applicant, we need statutory authority to conduct such searches. Senate Bill 565 would grant the Kansas State Fair that authority.

At this time we do not anticipate conducting background checks more extensive than those outlined above.

I thank you for the opportunity to share this information and would be happy to stand for any questions.

Sincerely,

Denny Stoecklein
General Manager

Senate Judiciary

2-21-08
Attachment 4

SENATOR PHILLIP B. JOURNEY

STATE SENATOR, 26TH DISTRICT
P.O. BOX 471
HAYSVILLE, KS 67060

STATE CAPITOL—221-E
300 S.W. 10TH AVENUE
TOPEKA, KANSAS 66612
(785) 296-7367

E-mail: journey@senate.state.ks.us



TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS

VICECHAIR: SPECIAL CLAIMS AGAINST THE STATE
(JOINT), VICECHAIR
MEMBER: HEALTH CARE STRATEGIES
JUDICIARY
PUBLIC HEALTH AND WELFARE
TRANSPORTATION

CORRECTIONS AND JUVENILE JUSTICE
OVERSIGHT (JOINT)

**Testimony Before the Kansas State Senate Judiciary Committee
in Support of Senate Bill 581
The Honorable John Vratil, Chairman
February 21st, 2008**

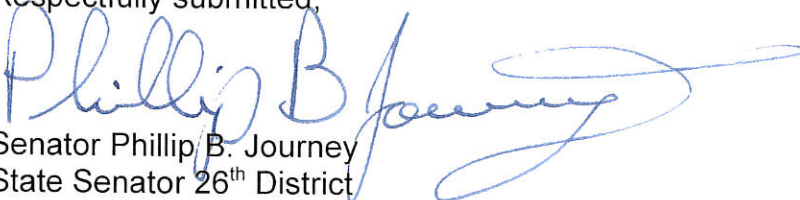
Senate Bill 581 amends the Kansas Juvenile Code as originally changed in K.S.A. 2007 Supplement for Kansas Statute 38-2302.

When we passed a comprehensive bill rewriting the Juvenile Justice Code, the statute for minor in possession of alcohol moved over to jurisdiction in the Kansas Juvenile Court. We're all aware that the procedure to initiate cases in Juvenile Court is significantly more cumbersome than the issuance of a citation. At the request of several leaders in law enforcement and members of the judiciary, I was requested to move the minor in possession charge back to Municipal and District Court jurisdiction. It has become apparent that law enforcement and prosecutors did not, in many instances, believe that minor in possession was a sufficiently serious charge to warrant the initiation of a juvenile offender case. Many of these instances went uncharged leading to frustration on the part of law enforcement.

Municipal and District Courts can adequately deal with minor in possession charges. The resources are available in these jurisdictions, as they are in other cases, for the appropriate resolution. Parents need to be made aware of the behavior of their children.

I appreciate the Committee's time and attention, and I stand for questions.

Respectfully submitted,


Senator Phillip B. Journey
State Senator 26th District



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Rose Hill Police Dept.

Jay Reyes
Vice President
Derby Police Dept.

Todd Ackerman
Sergeant at Arms
Marysville Police Dept.

Mike Keller
Treasurer
Andover Police Dept.

Janet Thiessen
Recording Secretary
Olathe Police Dept.

James Hill
SACOP Representative
Salina Police Dept.

William "Mike" Watson
Immediate Past President
Riley County Police Dept.-Ret

Doyle King
Executive Director
KACP

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Region V
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Vernon Ralston
Region VI
St. John Police Dept.

TESTIMONY TO THE SENATE JUDICIARY COMMITTEE IN SUPPORT OF SB 581 Presented by Ed Klumpp

February 20, 2008

This testimony is in support of SB 581. Many of the Chiefs are reporting difficulty in getting county and district attorneys to prosecute these juvenile cases. This results in those over 18 being prosecuted and those under 18 not being prosecuted even when they are at the same party. If a case like this is not prosecuted it sends a message to the youth that nothing will happen if they violate this law.

The handling of these cases in adult courts will allow municipal courts to take those that occur in a city with the appropriate ordinances. We already do that if the charge is transporting an open container of beer or liquor, a traffic offense under KSA 8-1599.

We believe passage of this bill will assist law enforcement and prosecutors to adjudicate these cases with better consistency and certainty. We encourage the committee to recommend this bill to pass.

Ed Klumpp
Chief of Police-Retired
Topeka Police Department

Legislative Committee Chair
Kansas Association of Chiefs of Police
E-mail: eklumpp@cox.net
Phone: (785) 235-5619
Cell: (785) 640-1102

Senate Judiciary

2-21-08

Attachment 6

Examples of Domestic High Conflict Best Practice Programs

High Conflict Parenting Plans	High Conflict Parent Education
Case Managers as Educators	Limited Case Management
Dependency Mediation	Child Custody Evaluations
Settlement Conferences	High Conflict Mediation/Conciliation
Special Masters	Neutral Evaluation
Neutral Exchange Sites	

How much would be generated by the fee increase?

It is anticipated that the fee increase would generate approximately \$325,000.

Who would provide the best practice programs?

The committee believes that local private providers would best provide most of the services. These could include mental health agencies, mediators, social workers, and attorneys.

How would the Kansas post-decree filing fee compare to fees charged in neighboring states?

This filing fee increase would result in a fee that would be close to the fee charged in many of the states around Kansas. The cost to modify a divorce in Missouri is \$41. In Iowa, Kentucky, and Wisconsin, the cost is \$50. Minnesota charges a \$55 fee, Louisiana a \$65 fee, and Tennessee a \$75 fee. In Colorado the fee is \$95, in Illinois the fee is \$116, and Arkansas charges the full filing fee of \$159.

Thank you for the opportunity to appear in support of SB 546. I would be happy to stand for any questions.

	FY 2009 Estimate	Additional \$	Proposed FY 2009
Clerk's Fees	\$21,335,420	\$0	\$21,335,420

Fund	Current %	Current Estimate	Proposed %	Proposed Estimate
Domestic High Conflict Fund			1.52%	\$324,298.38
Judicial Performance Fund	3.54%	\$755,273.87	3.54%	\$755,273.87
Access to Justice Fund	4.92%	\$1,049,702.66	4.92%	\$1,049,702.66
Juvenile Detention Facilities Fund	2.73%	\$582,456.97	2.73%	\$582,456.97
Judicial Branch Education Fund	2.10%	\$448,043.82	2.10%	\$448,043.82
Crime Victims Assistance Fund	0.56%	\$119,478.35	0.56%	\$119,478.35
Protection from Abuse Fund	2.68%	\$571,789.26	2.68%	\$571,789.26
Judiciary Technology Fund	4.25%	\$906,755.35	4.25%	\$906,755.35
Dispute Resolution Fund	0.34%	\$72,540.43	0.34%	\$72,540.43
Kansas Juvenile Delinquency Prevention Trust Fund	1.24%	\$264,559.21	1.24%	\$264,559.21
Permanent Families Account in the Family and Children's Investment Fund	0.21%	\$44,804.38	0.21%	\$44,804.38
Trauma Fund	1.48%	\$315,764.22	1.48%	\$315,764.22
Judicial Council Fund	1.11%	\$236,823.16	1.11%	\$236,823.16
Child Exchange and Visitation Centers Fund	0.67%	\$142,947.31	0.67%	\$142,947.31
Judicial Branch Nonjudicial Salary Initiative Fund	17.85%	\$3,808,372.47	17.85%	\$3,808,372.47
State General Fund	56.32%	\$12,016,108.54	54.80%	\$11,691,810.16
	100.00%	\$21,335,420.00	100.00%	\$21,335,420.00

History of Docket Fee Distribution

7-3

Fund	FY2008 Percent	FY 2008 Estimate	FY2007 Percent	FY 2007 Estimate	FY2006 Percent	FY 2006 Estimate	FY2005 Percent	FY 2005 Estimate
Judicial Performance Fund	3.54%	\$ 755,274	3.54%	\$ 755,274				
Access to Justice Fund	4.92%	\$ 1,049,703	4.92%	\$ 1,049,703	5.90%	\$ 1,073,195	5.90%	\$ 1,069,210
Juvenile Detention Facilities Fund	2.73%	\$ 582,457	2.73%	\$ 582,457	3.27%	\$ 594,805	3.27%	\$ 592,596
Judicial Branch Education Fund	2.10%	\$ 448,044	2.10%	\$ 448,044	2.52%	\$ 458,382	2.52%	\$ 456,680
Crime Victims Assistance Fund	0.56%	\$ 119,478	0.56%	\$ 119,478	0.67%	\$ 121,871	0.67%	\$ 121,419
Protection from Abuse Fund	2.68%	\$ 571,789	2.68%	\$ 571,789	3.22%	\$ 585,710	3.22%	\$ 583,535
Judiciary Technology Fund	4.25%	\$ 906,755	4.25%	\$ 906,755	5.10%	\$ 927,677	5.10%	\$ 924,233
Dispute Resolution Fund	0.34%	\$ 72,540	0.34%	\$ 72,540	0.41%	\$ 74,578	0.41%	\$ 74,301
Kansas Juvenile Delinquency Prevention Trust Fund	1.24%	\$ 264,559	1.24%	\$ 264,559	1.49%	\$ 271,027	1.49%	\$ 270,021
Permanent Families Account in the Family and Children's Investment	0.21%	\$ 44,804	0.21%	\$ 44,804	0.25%	\$ 45,474	0.25%	\$ 45,306
Trauma Fund	1.48%	\$ 315,764	1.48%	\$ 315,764	1.77%	\$ 321,959	1.77%	\$ 320,763
Judicial Council Fund	1.11%	\$ 236,823	1.11%	\$ 236,823	1.33%	\$ 241,924	1.33%	\$ 241,025
Child Exchange and Visitation Centers Fund	0.67%	\$ 142,947	0.67%	\$ 142,947				
Judicial Branch Nonjudicial Salary Initiative Fund	17.85%	\$ 3,808,372	17.85%	\$ 3,808,372	21.41%	\$ 3,894,425	21.41%	\$ 3,879,965
State General Fund	56.32%	\$12,016,109	56.32%	\$12,016,109	52.66%	\$ 9,578,721	52.66%	\$ 9,543,155
	100.00%	\$21,335,420	100.00%	\$21,335,420	100.00%	\$18,189,748	100.00%	\$ 18,122,208

Amounts in each fund are calculated and may not be precise due to rounding.

History of Docket Fee Distribution

7-14

Fund	FY2004 Percent	FY 2004 Estimate	FY2003 Percent	FY 2003 Estimate	FY2002 Percent	FY 2002 Estimate	FY2001 Percent	FY 2001 Estimate
Judicial Performance Fund								
Access to Justice Fund	5.90%	\$ 1,068,458	5.98%	\$ 1,107,267	6.05%	\$ 1,067,579	6.05%	\$ 1,002,291
Juvenile Detention Facilities Fund	3.27%	\$ 592,179	3.32%	\$ 614,737	3.36%	\$ 592,903	3.36%	\$ 556,644
Judicial Branch Education Fund	2.52%	\$ 456,358	2.55%	\$ 472,163	2.58%	\$ 455,265	2.58%	\$ 427,423
Crime Victims Assistance Fund	0.67%	\$ 121,333	0.68%	\$ 125,910	0.69%	\$ 121,757	0.69%	\$ 114,311
Protection from Abuse Fund	3.22%	\$ 583,124	3.26%	\$ 603,627	2.07%	\$ 365,271	2.07%	\$ 342,933
Judiciary Technology Fund	5.10%	\$ 923,582	5.17%	\$ 957,286	5.23%	\$ 922,882	5.23%	\$ 866,443
Dispute Resolution Fund	0.41%	\$ 74,249	0.42%	\$ 77,768	0.43%	\$ 75,877	0.43%	\$ 71,237
Kansas Juvenile Delinquency Prevention Trust Fund	1.49%	\$ 269,831	1.51%	\$ 279,594	1.53%	\$ 269,983	1.53%	\$ 253,472
Permanent Families Account in the Family and Children's Investment	0.25%	\$ 45,274	0.25%	\$ 46,290	0.25%	\$ 44,115	0.25%	\$ 41,417
Trauma Fund	1.77%	\$ 320,537	1.79%	\$ 331,440	1.81%	\$ 319,391	1.81%	\$ 299,859
Judicial Council Fund	1.33%	\$ 240,856						
Child Exchange and Visitation Centers Fund								
Judicial Branch Nonjudicial Salary Initiative Fund	21.41%	\$ 3,877,233	21.70%	\$ 4,018,011	21.97%	\$ 3,876,810	21.97%	\$ 3,639,724
State General Fund	52.66%	\$ 9,536,437	53.37%	\$ 9,882,084	54.03%	\$ 9,534,094	54.03%	\$ 8,951,038
	100.00%	\$ 18,109,451	100.00%	\$ 18,516,178	100.00%	\$ 17,645,927	100.00%	\$ 16,566,792

Amounts in each fund are calculated and may not be precise due to rounding.

History of Docket Fee Distribution

7-5

Fund	FY2000 Percent	FY 2000 Estimate	FY1999 Percent	FY 1999 Estimate
Judicial Performance Fund				
Access to Justice Fund	6.78%	\$ 923,734	6.94%	\$ 919,717
Juvenile Detention Facilities Fund	4.35%	\$ 592,661	4.45%	\$ 589,732
Judicial Branch Education Fund	3.34%	\$ 455,055	3.42%	\$ 453,232
Crime Victims Assistance Fund	0.90%	\$ 122,620	0.92%	\$ 121,922
Protection from Abuse Fund	2.68%	\$ 365,134	2.75%	\$ 364,441
Judiciary Technology Fund	6.77%	\$ 922,371	6.93%	\$ 918,392
Dispute Resolution Fund	0.56%	\$ 76,297	0.57%	\$ 75,539
Kansas Juvenile Delinquency Prevention Trust Fund	1.98%	\$ 269,763	2.03%	\$ 269,024
Permanent Families Account in the Family and Children's Investment	0.32%	\$ 43,598	0.33%	\$ 43,733
Trauma Fund	2.34%	\$ 318,811		
Judicial Council Fund				
Child Exchange and Visitation Centers Fund				
Judicial Branch Nonjudicial Salary Initiative Fund				
State General Fund	69.98%	\$ 9,534,351	71.66%	\$ 9,496,672
	100.00%	\$ 13,624,394	100.00%	\$ 13,252,403

Amounts in each fund are calculated and may not be precise due to rounding.

SENATE BILL No. 546

By Committee on Judiciary

2-5

Proposed
Balloon Amendment

Senate Judiciary
2-21-08
Attachment 8

9 AN ACT establishing a family dispute resolution fund; providing for
10 grants; concerning docket fees; amending K.S.A. 20-367 and K.S.A.
11 2007 Supp. 60-1621 and repealing the existing sections.

section

12
13 *Be it enacted by the Legislature of the State of Kansas:*

14 New Section 1. (a) There is hereby created in the state treasury the
15 family dispute resolution fund. Money credited to the fund pursuant to
16 K.S.A. 20-362, and amendments thereto, shall be used for the purpose
17 of making grants for programs providing services to persons and families
18 in domestic high conflict cases to assist them with the most appropriate
19 method of resolving their family-oriented dispute. The programs may
20 include high conflict education courses, high conflict parenting plans, case
21 management, child custody evaluations, neutral exchange sites and other
22 programs determined by the Kansas supreme court.

23 (b) All expenditures from the family dispute resolution fund shall be
24 made in accordance with appropriations acts upon warrants of the direc-
25 tor of accounts and reports issued pursuant to vouchers approved by the
26 chief justice of the Kansas supreme court or by a person or persons des-
27 ignated by the chief justice.

28 (c) The chief justice may apply for, receive and accept money from
29 any source for the purposes for which money in the family dispute res-
30 olution fund may be expended. Upon receipt of each such remittance,
31 the chief justice shall remit the entire amount to the state treasurer in
32 accordance with the provisions of K.S.A. 75-4215, and amendments
33 thereto. Upon receipt of each such remittance, the state treasurer shall
34 deposit the entire amount in the state treasury to the credit of the family
35 dispute resolution fund.

36 (d) Grants made to programs pursuant to this section shall be based
37 on the number of persons to be served and such other requirements as
38 may be established by the Kansas supreme court in guidelines established
39 and promulgated to regulate grants made under authority of this section.
40 The guidelines may include requirements for grant applications, organi-
41 zational characteristics, reporting and auditing criteria and such other
42 standards for eligibility and accountability as are deemed advisable by the
43 supreme court.

8-2

1 Sec. 2. K.S.A. 20-367 is hereby amended to read as follows: 20-367.

2 (a) On and after July 1, 2006 through June 30, 2010, of the remittance of
3 the balance of docket fees received by the state treasurer from clerks of
4 the district court pursuant to subsection (f) of K.S.A. 20-362, and amend-
5 ments thereto, the state treasurer shall deposit and credit ~~to the judicial~~
6 ~~performance fund, a sum equal to 3.54% 3.49%~~ of the remittances of
7 ~~docket fees; to the access to justice fund, a sum equal to 4.02% 4.85%~~
8 ~~of the remittances of docket fees; to the juvenile detention facilities fund, a~~
9 ~~sum equal to 2.73% 2.69%~~ of the remittances of docket fees; to the ju-
10 ~~dicial branch education fund, the state treasurer shall deposit and credit~~
11 ~~a sum equal to 2.10% 2.07%~~ of the remittances of docket fees; to the
12 ~~crime victims assistance fund, the state treasurer shall deposit and credit~~
13 ~~a sum equal to .56% .55%~~ of the remittances of the docket fees; to the
14 ~~protection from abuse fund, the state treasurer shall deposit and credit a~~
15 ~~sum equal to 2.68% 2.61%~~ of the remittances of the docket fees; to the
16 ~~judiciary technology fund, the state treasurer shall deposit and credit a~~
17 ~~sum equal to 4.25% 4.19%~~ of the remittances of docket fees; to the dis-
18 ~~pute resolution fund, the state treasurer shall deposit and credit a sum~~
19 ~~equal to .34% .33%~~ of the remittances of docket fees; to the Kansas
20 ~~juvenile delinquency prevention trust fund, the state treasurer shall de-~~
21 ~~posit and credit a sum equal to 1.24% 1.22%~~ of the remittances of docket
22 ~~fees; to the permanent families account in the family and children in-~~
23 ~~vestment fund, the state treasurer shall deposit and credit a sum equal to~~
24 ~~.21% of the remittances of docket fees; to the trauma fund, the state~~
25 ~~treasurer shall deposit and credit a sum equal to 1.48% 1.46%~~ of the
26 ~~remittance remittances of docket fees; to the judicial council fund, the~~
27 ~~state treasurer shall deposit and credit a sum equal to 1.11% 1.09%~~ of
28 ~~the remittance remittances of docket fees; to the child exchange and vis-~~
29 ~~itation centers fund, the state treasurer shall deposit and credit a sum~~
30 ~~equal to .67% .66%~~ of the remittance remittances of docket fees; to the
31 ~~family dispute resolution fund, the state treasurer shall deposit and credit~~
32 ~~a sum equal to 1.50% of the remittances of docket fees; and to the judicial~~
33 ~~branch nonjudicial salary initiative fund, the state treasurer shall deposit~~
34 ~~and credit a sum equal to 17.85% 17.58%~~ of the remittance remittances
35 ~~of docket fees. The balance remaining of the remittances of docket fees~~
36 ~~shall be deposited and credited to the state general fund.~~

37 (b) On and after July 1, 2010, of the remittance of the balance of
38 docket fees received by the state treasurer from clerks of the district court
39 pursuant to subsection (f) of K.S.A. 20-362, and amendments thereto, the
40 state treasurer shall deposit and credit ~~to the access to justice fund, a sum~~
41 ~~equal to 5.10% 5.02%~~ of the remittances of docket fees; to the juvenile
42 ~~detention facilities fund, the state treasurer shall deposit and credit a sum~~
43 ~~equal to 2.83% 2.78%~~ of the remittances of docket fees; to the judicial

- | | |
|------|-------------------------------------------------------------------------------------|
| (1) | 3.54% to the judicial performance fund; |
| (2) | 4.92% to the access to justice fund; |
| (3) | 2.73% to the juvenile detention facilities fund; |
| (4) | 2.10% to the judicial branch education fund; |
| (5) | 0.56% to the crime victims assistance fund; |
| (6) | 2.68% to the protection from abuse fund; |
| (7) | 4.25% to the judiciary technology fund; |
| (8) | 0.34% to the dispute resolution fund; |
| (9) | 1.24% to the Kansas juvenile delinquency prevention trust fund; |
| (10) | 0.21% to the permanent families account in the family and children investment fund; |
| (11) | 1.48% to the trauma fund; |
| (12) | 1.11% to the judicial council fund; |
| (13) | 0.67% to the child exchange and visitation centers fund; |
| (14) | 1.52% to the family dispute resolution fund; |
| (15) | 17.85% to the judicial branch nonjudicial salary initiative fund; and |
| (16) | the balance to the state general fund |

1 branch education fund, the state treasurer shall deposit and credit a sum
 2 equal to ~~2.18%~~ ~~2.14%~~ of the remittances of docket fees; to the crime
 3 victims assistance fund, the state treasurer shall deposit and credit a sum
 4 equal to ~~.58%~~ ~~.57%~~ of the remittances of the docket fees; to the protection
 5 from abuse fund, the state treasurer shall deposit and credit a sum equal
 6 to ~~2.78%~~ ~~2.73%~~ of the remittances of the docket fees; to the judiciary
 7 technology fund, the state treasurer shall deposit and credit a sum equal
 8 to ~~4.41%~~ ~~1.34%~~ of the remittances of docket fees; to the dispute reso-
 9 lution fund, the state treasurer shall deposit and credit a sum equal to
 10 ~~.25%~~ ~~.34%~~ of the remittances of docket fees; to the Kansas juvenile delin-
 11 quency prevention trust fund, the state treasurer shall deposit and
 12 credit a sum equal to ~~1.20%~~ ~~1.26%~~ of the remittances of docket fees; to
 13 the permanent families account in the family and children investment
 14 fund, the state treasurer shall deposit and credit a sum equal to ~~.22%~~
 15 of the remittances of docket fees; to the trauma fund, ~~the state treasurer~~
 16 ~~shall deposit and credit~~ a sum equal to ~~1.53%~~ ~~1.51%~~ of the remittance
 17 ~~remittances~~ of docket fees; to the judicial council fund, ~~the state treasurer~~
 18 ~~shall deposit and credit~~ a sum equal to ~~1.15%~~ ~~1.13%~~ of the remittance
 19 ~~remittances~~ of docket fees; to the child exchange and visitation centers
 20 fund, ~~the state treasurer shall deposit and credit~~ a sum equal to ~~.69%~~
 21 ~~.68%~~ of the remittance ~~remittances~~ of docket fees; to the family dispute
 22 resolution fund, ~~the state treasurer shall deposit and credit a sum equal~~
 23 ~~to 1.55% of the remittances of docket fees;~~ and to the judicial branch
 24 nonjudicial salary initiative fund, the state treasurer shall deposit and
 25 credit a sum equal to ~~18.51%~~ ~~18.20%~~ of the remittance ~~remittances~~ of
 26 docket fees. The balance remaining of the remittances of docket fees shall
 27 be deposited and credited to the state general fund.

28 Sec. 3. K.S.A. 2007 Supp. 60-1621 is hereby amended to read as
 29 follows: 60-1621. (a) No post decree motion petitioning for a modification
 30 or termination of separate maintenance, for a change in legal custody,
 31 residency, visitation rights or parenting time or for a modification of child
 32 support shall be filed or docketed in the district court without payment
 33 of a docket fee in the amount of \$33 \$58 on and after July 1, 2006 through
 34 June 30, 2010, and \$21 \$56 on and after July 1, 2010, to the clerk of the
 35 district court.

36 (b) A poverty affidavit may be filed in lieu of a docket fee as estab-
 37 lished in K.S.A. 60-2001, and amendments thereto.

38 (c) The docket fee shall be the only costs assessed in each case for
 39 services of the clerk of the district court and the sheriff. The docket fee
 40 shall be disbursed in accordance with subsection (f) of K.S.A. 20-362, and
 41 amendments thereto.

42 (d) The docket fee established in this section shall be the only fee
 43 collected or moneys in the nature of a fee collected for the docket fee.

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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>(1) 5.10% to the access to justice fund;
 (2) 2.83% to the juvenile detention facilities fund;
 (3) 2.18% to the judicial branch education fund;
 (4) 0.58% to the crime victims assistance fund;
 (5) 2.78% to the protection from abuse fund;
 (6) 4.41% to the judiciary technology fund;
 (7) 0.35 % to the dispute resolution fund;
 (8) 1.29% to the Kansas juvenile delinquency prevention trust fund;
 (9) 0.22% to the the permanent families account in the family and children investment fund;
 (10) 1.53% to the trauma fund;
 (11) 1.15% to the judicial council fund;
 (12) 0.69% to the child exchange and visitation centers fund;
 (13) 1.57% to the family dispute resolution fund;
 (14) 18.51% to the judicial branch nonjudicial salary incentive fund;
 and
 (14) the balance to the state general fund</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

And by renumbering the remaining sections accordingly

1 ~~Such fee shall only be established by an act of the legislature and no other~~
2 ~~authority is established by law or otherwise to collect a fee.~~

is

3 Sec. 4. K.S.A. 20-367 and ~~K.S.A. 2007 Supp. 60-1621~~ are hereby
4 repealed.

5 Sec. 5. This act shall take effect and be in force from and after its
6 publication in the statute book.

8-4

SENATE BILL No. 551

By Senator Journey

2-5

Proposed Amendment

Prepared by the Revisor of Statutes Office
February 20, 2008

Senate Judiciary
2-21-08
Attachment 9

9 AN ACT concerning drivers' licenses; driving while suspended; amend-
10 ing K.S.A. 2007 Supp. 8-262 and repealing the existing section.

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

13 Section 1. K.S.A. 2007 Supp. 8-262 is hereby amended to read as
14 follows: 8-262. (a) (1) Any person who drives a motor vehicle on any
15 highway of this state at a time when such person's privilege so to do is
16 canceled, suspended or revoked or while such person's privilege to obtain
17 a driver's license is suspended or revoked pursuant to K.S.A. 8-252a, and
18 amendments thereto, shall be guilty of a class B nonperson misdemeanor
19 on the first conviction and a class A nonperson misdemeanor on the sec-
20 ond or subsequent conviction.

21 (2) No person shall be convicted under this section if such person
22 was entitled at the time of arrest under K.S.A. 8-257, and amendments
23 thereto, to the return of such person's driver's license.

24 (3) Except as otherwise provided by subsection (a)(4) ~~or (c)~~, every
25 person convicted under this section shall be sentenced to at least five
26 days' imprisonment and fined at least \$100 and upon a second conviction
27 shall not be eligible for parole until completion of five days'
28 imprisonment.

29 (4) Except as otherwise provided by subsection (c), ~~if a person: (A)~~
30 Is convicted of a violation of this section, committed while the person's
31 privilege to drive or privilege to obtain a driver's license was suspended
32 or revoked for a violation of K.S.A. 8-1567, and amendments thereto, or
33 any ordinance of any city or resolution of any county or a law of another
34 state, which ordinance or law prohibits the acts prohibited by that statute;
35 and (B) is or has been also convicted of a violation of K.S.A. 8-1567, and
36 amendments thereto, or of a municipal ordinance or law of another state,
37 which ordinance or law prohibits the acts prohibited by that statute, com-
38 mitted while the person's privilege to drive or privilege to obtain a driver's
39 license was so suspended or revoked, the person shall not be eligible for
40 suspension of sentence, probation or parole until the person has served
41 at least ~~90~~ 30 days' imprisonment, and any fine imposed on such person
42 shall be in addition to such a term of imprisonment.

43 (b) The division, upon receiving a record of the conviction of any

1 person under this section, or any ordinance of any city or resolution of
2 any county or a law of another state which is in substantial conformity
3 with this section, upon a charge of driving a vehicle while the license of
4 such person is revoked or suspended, shall extend the period of such
5 suspension or revocation for an additional period of 90 days.

Except as provided in subsection (d), the

6 (c) (1) ~~The person found guilty of a class A nonperson misdemeanor~~
7 ~~on a third or subsequent conviction of this section shall be sentenced to~~
8 ~~not less than 90 days imprisonment and fined not less than \$1,500 if such~~
9 ~~person's privilege to drive a motor vehicle is canceled, suspended or re-~~
10 ~~voked because such person:~~

30

11 (A) Refused to submit and complete any test of blood, breath or urine
12 requested by law enforcement excluding the preliminary screening test
13 as set forth in K.S.A. 8-1012, and amendments thereto;

14 (B) was convicted of violating the provisions of K.S.A. 40-3104, and
15 amendments thereto, relating to motor vehicle liability insurance
16 coverage;

OR

17 (C) ~~was convicted of vehicular homicide, K.S.A. 21-3405, and amend-~~
18 ~~ments thereto, involuntary manslaughter while driving under the influ-~~
19 ~~ence of alcohol or drugs, K.S.A. 21-3442, and amendments thereto, or~~
20 ~~any other murder or manslaughter crime resulting from the operation of~~
21 ~~a motor vehicle; or~~

22 (D) was convicted of being a habitual violator, K.S.A. 8-287, and
23 amendments thereto.

24 (2) The person convicted shall not be eligible for release on proba-
25 tion, suspension or reduction of sentence or parole until the person has
26 served at least 90 30 days' imprisonment. The 90 30 days' imprisonment
27 mandated by this subsection may be served in a work release program
28 only after such person has served 48 consecutive hours' imprisonment,
29 provided such work release program requires such person to return to
30 confinement at the end of each day in the work release program. The
31 court may place the person convicted under a house arrest program pur-
32 suant to K.S.A. 21-4603b, and amendments thereto, or any municipal
33 ordinance to serve the remainder of the minimum sentence only after
34 such person has served 48 consecutive hours' imprisonment.

(d) (1) The person found guilty of a class A nonperson misdemeanor on a third or subsequent conviction of this section shall be sentenced to not less than 90 days imprisonment and fined not less than \$1,500 if such person's privilege to drive a motor vehicle is canceled, suspended or revoked because such person was convicted of vehicular homicide, K.S.A. 21-3405, and amendments thereto, involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, and amendments thereto, or any other murder or manslaughter crime resulting from the operation of a motor vehicle.

(2) The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The court may place the person convicted under a house arrest program pursuant to K.S.A. 21-4603b, and amendments thereto, or any municipal ordinance to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment.

35 (d) For the purposes of determining whether a conviction is a first,
36 second, third or subsequent conviction in sentencing under this section,
37 "conviction" includes a conviction of a violation of any ordinance of any
38 city or resolution of any county or a law of another state which is in
39 substantial conformity with this section.

40 Sec. 2. K.S.A. 2007 Supp. 8-262 is hereby repealed.

(e)

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

Sec. 2. K.S.A. 8-287 is hereby amended to read as follows:
8-287. Operation of a motor vehicle in this state while one's driving privileges are revoked pursuant to K.S.A. 8-286 and amendments thereto is a class A nonperson misdemeanor. The person found guilty of a third or subsequent conviction of this section shall be sentenced to not less than ~~90~~ 30 days imprisonment and fined not less than \$1,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least ~~90~~ 30 days' imprisonment. The ~~90~~ 30 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The court may place the person convicted under a house arrest program pursuant to K.S.A. 21-4603b, and amendments thereto, or any municipal ordinance to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment.