

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson Michael O'Neal at 3:30 p.m. On February 12, 2001 in Room 313-S of the Capitol.

All members were present except:

Representative Candy Ruff - Excused

Representative Daniel Williams - Excused

Committee staff present:

Jerry Ann Donaldson, Legislative Research Department

Jennifer Strait, Intern for Legislative Research Department

Jill Wolters, Revisor of Statutes Office

Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Chuck Simmons, Secretary Department of Corrections

Barbara Tombs, Executive Director, Kansas Sentencing Commission

Representative Shari Weber

Kyle Smith, Kansas Bureau of Investigation

Shelia Walker, Director of Motor Vehicle

Detective David Falletti, Riley County Police Department

Kathy Olsen, Kansas Bankers Association

Ron West, Intrust Bank, Wichita

Sgt. Dan Hay, Financial Crimes Unit, Topeka Police Department

Lt. Tom Spencer, Financial Crimes Unit, Wichita Police Department

Susan Bechard, Kansas County & District Attorneys Association

Chuck Simmons, Secretary Department of Corrections, discussed the circumstances surrounding the error that was made by the Department of Corrections parole staff. He provided the committee with a copy of the press release which contains a chronology of events leading to Reginald Carr's discharge. (Attachment 1) The error resulting in the wrong discharge date from post-release supervision should not have happened and in response to that error they have discharged one personnel, gave another a seven day suspension without pay and are doing a review of 20% of their cases to determine if this was a one time error or something that has happened before, also they have modified the parole good time award sheet which determines when the discharge date is. He commented that the early discharge was not a cause of SB 323 rather an error by personnel.

Hearings on **HCR 5002 - declaring there shall be no amendments to the Kansas Sentencing Guidelines**, were opened.

Barbara Tombs, Executive Director, Kansas Sentencing Commission, explained that the Guidelines have been in effect for a period of seven years and that there has never been a legislative session where they weren't effected and the Legislature has never decreased a crime in severity level. There have been four basic types of changes that have occurred to the guidelines: modifying sentencing lengths by specific severity levels; reclassification of misdemeanor offenses to felony offenses & creation of new felony offenses; elevating severity levels for specific offenses; and changes in the periods of supervision. Anytime there is a policy change there are adjustments and modifications that need to happen and it has been difficult, with the continual changes, to determine if the Guidelines are effective.

She suggested that the Legislature craft changes so those who are non-violent be punished in another manner so as not to impact bed spaces. (Attachment 2)

Representative Shari Weber is a member of the Joint Committee on Corrections & Juvenile Justice Oversight which has determined that with the yearly changes in the Guidelines there is the inability to establish whether the underlying goals of the guidelines are being achieved. She support the Concurrent Resolution and urged the committee to report it favorably.

Hearings on **HCR 5002** were closed.

Hearings on **HB 2329 - allowing criminal justice agencies access to division of vehicle records**, were opened.

Kyle Smith, Kansas Bureau of Investigation, explained that the proposed bill would allow any criminal justice agency the authority to receive picture identification from the Department of Revenue's Drivers License Bureau. This would help to identify people who are wrongly accused. ([Attachment 3](#))

Shelia Walker, Director of Motor Vehicle, responded that these changes would probably increase the requests for the picture identifications and would therefore require additional monies to provide staff and electronic transfer of such data. If the DMV is updated with current computers that would aid in the electronic transfer of the photos they would have no opposition to the proposed bill. ([Attachment 4](#))

Mr. Smith noted that federal funds would be available to accommodate funding for a new system.

Hearings on **HB 2329** were closed.

Hearings on **HB 2328 - abusing toxic vapors**, were opened.

Detective David Falletti, Riley County Police Department, commented that chemicals used as inhalants are products that are used everyday such as: whiteout, nail polish, dry erase markers. The long term effects on the brain are irreversible. It's important to pass this legislation because it gives law enforcement a law they can enforce and will help protect our children. ([Attachment 5](#))

Hearings on **HB 2328** were closed.

Hearings on **HB 2296 - mandatory sentencing & fines for forgery**, were opened.

Kathy Olsen, Kansas Bankers Association, appeared as the sponsor of the proposed bill. She stated that check forgery is big business in Kansas. We're the only state of the surrounding states that do not require jail time upon conviction of a check forgery. The solution to the problem would be to treat repeat convicted offenders of check forgery more harshly and make those convicted of check forgery subject to the Kansas Civil Asset Seizure & Forfeiture Act. ([Attachment 6](#))

Sgt. Dan Hay, Financial Crimes Unit, Topeka Police Department, commented that part of the reason for the bill is restitution for those whose monies have been taken from them. ([Attachment 7](#))

Ron West, Intrust Bank, Wichita, has seen a recent surge of forgeries in the last four months from out of state people coming into the state because they know that they will serve no time for the crime. ([Attachment 8](#))

Lt. Tom Spencer, Financial Crimes Unit, Wichita Police Department, informed the committee that in 1998 the Wichita Police Department developed a Financial Crimes Unit and in 1999 they had six detectives and produced 600 warrants and last year they had 2,000 warrants. They are beginning to find a connection between forgery and meth labs in that they are using the money used from the forgery to set up the meth labs.

Susan Bechard, Kansas County & District Attorneys Association, requested two amendments. The first would replace the current language in the bill which makes forgery with a prior serve a shorter sentence. The second would have the time served be in a county jail or with conditions for probation so not to impact bed space. ([Attachment 9](#))

Hartland Community Bankers Association did not appear before the committee but requested that their written testimony in support of the bill be included in the minutes ([Attachment 10](#))

Hearings on **HB 2296** were closed.

Representative Long made the motion to approve the committee minutes from January 24, 25, 29, 30 & 31, 2001. Representative Shultz seconded the motion. The motion carried.

The committee meeting adjourned at 5:30 p.m. The next meeting is scheduled for February 13, 2001.