

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Vice Chairperson Ward Loyd at 3:30 p.m. On March 5, 2001 in Room 313-S of the Capitol.

All members were present except:

Representative Nile Dillmore - Excused
Representative Geraldine Flaharty - Excused
Representative Andrew Howell - Excused
Representative Mike O'Neal - Excused
Representative Doug Patterson - Excused
Representative Daniel Williams - Excused

Committee staff present:

Jerry Ann Donaldson, Legislative Research Department
Jill Wolters, Revisor of Statutes Office
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Chris Biggs, Geary County Attorney
Donna Heintze, Milford, Kansas
Paul Morrison, Johnson County District Attorney
Ed Collister, Kansas Bar Association
Representative Bill McCreary
Bill Schwertfeger, Caldwell, Kansas
Representative Gary Boston
Don Krebs, Hillsboro, Kansas
Bruce Andrews, Topeka Parks & Recreation
Rick Bowden, Assistant Executive Director, Kansas State High School Activities Association

Hearings on **HB 2138 - one year time limitation on writs of habeas corpus**, were opened.

Chris Biggs, Geary County Attorney, appeared as a proponent of the bill. He stated that it would not interfere with any direct appeal rights but would limit the time following a direct appeal to challenge a conviction by a separate lawsuit. (Attachment 1)

Donna Heintze, Milford, Kansas, commented that the proposed bill would give the victim's family closure. (Attachment 2)

Paul Morrison, Johnson County District Attorney, explained that inmates file 1507's for two reasons; to harass the judicial system and to escape responsibility for their crime. He provided the committee with examples of cases where inmates have filed appeals. (Attachment 3)

Ed Collister, Kansas Bar Association, appeared in opposition to limiting the time an appeal can be filed because of the fear that courts would rush into judgements without serious consideration of the appeal. (Attachment 4)

Judge Steve Leben did not appear before the committee but provided written testimony in opposition to the bill. (Attachment 5)

Hearings on **HB 2138** were closed.

Hearings on **HB 2240 - involuntary manslaughter while handling a firearm under the influence of alcohol or drugs**, were opened.

Representative Bill McCreary appeared before the committee as the sponsor and explained the proposed bill. (Attachment 6)

Bill Schwertfeger, Caldwell, Kansas, provided the committee with a copy of the complaint that he filed in the District Court regarding the shooting death of his son. (Attachment 7)

Hearings on **HB 2240** were closed.

Hearings on **HB 2126 - battery against a sports official**, were opened.

Representative Gary Boston appeared as the sponsor of the bill. The legislation is a pro-active step towards solving a problem before it gets too big. (Attachment 8)

Don Krebs, Hillsboro, Kansas, commented that the legislature needs to send the message that this type of behavior will not be tolerated and that respect for authority figures is important in both work and play.

Bruce Andrews, Topeka Parks & Recreation, stated that there has been a loss of respect between players, fans and sports officials and that the legislature needs to make the right call and move the bill out.

Rick Bowden, Assistant Executive Director, Kansas State High School Activities Association, informed the committee that district attorneys are reluctant to press charges. The bill would give the district attorneys a stronger statute to file under. (Attachment 9)

Mike Boston & Barry Mano did not appear before the committee but requested their testimony in support of the bill be included in the minutes. (Attachments 10 & 11)

HB 2296 - mandatory sentencing & fines for forgery

Representative DiVita made the motion to report **HB 2296** favorably for passage, as amended on 2-20-01. Representative Lloyd seconded the motion. The motion carried.