

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson John Vratil at 9:37 a.m. on March 8, 2001 in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Gordon Self, Revisor
Mike Heim, Research
Mary Blair, Secretary

Conferees appearing before the committee:

Matt Treaster, Harvey County Attorney
Sara Wolff, Orphan Medical
Glenn Bitter, Narcolepsy victim
Representative Ward Loyd
Jim Kaup, Garden City, Kansas
Detective Randy Ralston, Garden City, Kansas
Laura Howard, SRS

Others attending: see attached list

Minutes of the March 7th meeting were approved on a motion by Senator Donovan, seconded by Senator Schmidt. Carried.

HB 2178—concerning controlled substances; re: gamma hydroxybutyric acid (GHB)

Conferee Treaster testified in support of **HB 2178**, a bill which amends the criminal code by adding various components of a date rape drug, GHB, to the law prohibiting illegal administration of a substance. The bill contains a provision to distinguish medical GHB from the illegally used drug. The Conferee presented personal testimony regarding the frustration he felt as a prosecutor of a rape case in Rice County and his inability to charge distribution or possession of GHB because the Kansas analog law was not broad enough. He also offered and discussed an amendment which would make the unlawful administration of GHB without the person's consent a level 3 drug felony. (attachment 1) Brief discussion followed.

Conferee Wolff testified in support of **HB 2178**, a bill she stated appropriately controls all forms of GHB. She discussed the different forms of the drug and their use. She stated that this bill reflects the model adopted by the federal government last year and she outlined provisions in the bill. (attachment 2)

At the request of the Chair, Barbara Tombs of the Sentencing Commission agreed to do a bed space study on **HB 2178** for Committee.

Conferee Bitter testified in support of **HB 2178** especially the provision for distinguishing medical GHB from the illegally used drug. He presented personal testimony as a victim of narcolepsy and cataplexy and discussed the positive effects he receives from taking GHB to relieve his symptoms. (attachment 3)

Written testimony supporting **HB 2178** was submitted by Susan Linn, Kansas State Board of Pharmacy. (attachment 4)

Kyle Smith, KBI, was present and responded to questions Committee members posed during discussion of **HB 2178**.

HB 2207—concerning criminal procedure; re: abatement of common nuisances

Conferee Representative Loyd testified in support of **HB 2207**, a bill which “expands the list of activities that constitute common nuisances to include felony activity by criminal street gangs.” (see supplemental note on bill) The conferee presented an historical background on the bill (**2000-HB 2775**) and discussed the “gang abatement through the use of civil injunctions” concept behind the bill. (attachment 5)

Conferee Kaup testified only briefly in support of **HB 2207 (2000-HB 2775)** deferring his time to the next conferee. He fielded questions during Committee discussion. (attachment 6)

Conferee Ralston testified that he supported **HB 2207** and stood for questions from Committee. (no written testimony) Discussion followed.

HB 2084—concerning criminal procedure; re: competency to stand trial

The Chair distributed and briefly reviewed a written response from Judge Marla Luckert commenting, as was requested by the Chair, on previous **HB 2084** testimony by other conferees. (attachment 7)

Conferee Howard, at the Chair’s request, detailed SRS’s recommended amendments to **HB 2084** which provide a short-term solution and a plan for a long-term focused process to address key issues in the bill. (attachment 8) Lengthy discussion followed with the Chair providing amendment clarification.

The meeting adjourned at 10:30 a.m. The next meeting is March 12, 2001.