

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:36 A.M. on March 7, 2006, in Room 123-S of the Capitol.

All members were present,

Barbara Allen arrived, 9:40 a.m.
Les Donovan arrived, 9:42 a.m.
Terry Bruce arrived, 9:45 a.m.
Donald Betts arrived, 9:49 a.m.
David Haley arrived, 9:56 a.m.

Committee staff present:

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

Conferees appearing before the committee:

Charles Branson, Douglas County District Attorney
Representative Virgil Peck, Jr.
Jared S. Maag, Deputy Attorney General, Criminal Litigation Division
Lt. Ron Rooks, Detective, Montgomery County Sheriff's Office
Representative Pat Colloton
Frank Denning, Sheriff, Johnson County
Gary R. Howell, Criminalistics Laboratory Director, Johnson County
Mike Keating, Sheriff, Hamilton County
Jane Nohr, General Counsel & Assistant Attorney General, Kansas Bureau of Investigation
James W. Clark, Legislative Counsel, Kansas Bar Association

Others attending:

See attached list.

The hearing on **HB 2701--Definition of drug paraphernalia** was opened.

Charles Branson appeared as a proponent and provided background on the bill (Attachment 1). Mr. Branson indicated the focus would be on retailers to stop distribution of paraphernalia packaged to circumvent current law.

There being no further conferees, the hearing on **HB 2701** was closed.

The hearing on **HB 2414--Penalties for battery against a law enforcement officer and aggravated battery against a law enforcement officer** was opened.

Representative Peck appeared in support providing background on **HB 2414** which would change penalties regarding battery against a law enforcement officer (Attachment 2).

Jared Maag spoke as a proponent indicating that the Attorney General favors legal consequences to reflect the nature of the act committed (Attachment 3).

Lt. Ron Rooks appeared as a proponent stating that the wrong message is sent when criminals are allowed to disrespect the law or its enforcers with minor repercussions (Attachment 4). Lt. Rooks also voiced concern that continuation of allowing abuse of law enforcement will reflect on the ability to recruit adequate personnel.

There being no further conferees, the hearing on **HB 2414** was closed.

The hearing on **HB 2554--Effective through June 30, 2008, DNA specimens collected if arrested for person felony or drug severity level 1 or 2; after July 1, 2008, DNA collected for all felonies; probable cause for arrest; destroyed if acquitted** was opened.

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:36 A.M. on March 7, 2006, in Room 123-S of the Capitol.

Representative Pat Colloton appeared in support providing an overview of the bill (Attachment 5).

Frank Denning spoke in support indicating enactment of **HB 2554** will provide an additional tool to the criminal justice system to identify perpetrators of crimes (Attachment 6).

Gary Howell presented testimony in support of the bill providing an explanation of DNA technology as used by law enforcement agencies (Attachment 7). Mr. Howell also presented information on Virginia's success with DNA testing.

Mike Keating appeared in support and relayed details of a crime in which DNA would have been the only evidence had the victim not survived (Attachment 8). He indicated that the creation of a DNA database would increase the probability of solving felony and drug crimes and that sexual offenders pose a serious risk of re-offending.

Jane Nohr spoke in support stating that establishment of the DNA database will be an invaluable tool for law enforcement (Attachment 9). Ms. Nohr requested three amendments. The first would add the word "database" to Section 4, page 3, line 26 to read "Kansas bureau of investigation database records". The second would add a new subsection at the end of Section 1, page 5, line 19, to read: "In the event that a person's DNA sample is lost or not adequate for any reason, the person shall provide another sample for analysis". The third is represented in Representative Colloton's balloon which removed Section 5.

Jim Clark appeared in opposition indicating concern regarding DNA collection prior to a judicial determination of probable cause. Mr. Clark also voiced concern that collection should not be made where an arrest is made without a warrant (Attachment 10).

Written testimony in support of **HB 2554** was submitted by:
William C. Blundell, Sheriff, Labette County (Attachment 11)

There being no further conferees, the hearing on **HB 2554** was closed.

The Chairman indicated that **HB 2554** would be worked on Monday, March 13.

The meeting adjourned at 10:33 a.m. The next scheduled meeting is March 8, 2006.