

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on March 14, 2007 in Room 313-S of the Capitol.

All members were present.

Committee staff present:

Jerry Ann Donaldson, Kansas Legislative Research
Athena Andaya, Kansas Legislative Research
Jill Wolters, Office of Revisor of Statutes
Cindy O'Neal, Committee Assistant

Conferees appearing before the committee:

Kyle Smith, Kansas Bureau of Investigation
Jennifer Roth, Kansas Association of Criminal Defense Lawyers
Peter Ninemire, Families against Mandatory Minimums
Laura Green, The Drug Policy Forum of Kansas
Chuck Sypher, Individual
Rick Guinn, Office of Attorney General
Marilyn Keller, Attorney from Kansas City
Stacey Donovan, Kansas Association of Criminal Defense Lawyers
Andrew & BelleAnne Curry, Overland Park
Rabbi Amy Katz, Overland Park
Debra Nordyke, Butler, Missouri

The hearing on **SB 14 - offender registration; convictions for manufacture of controlled substances, possession of certain drugs with intent to manufacture controlled substance required to register**, was opened.

Kyle Smith, Kansas Bureau of Investigation, explained that the proposed bill would expand the list of offenders who would be required to register pursuant to the Kansas Offender Registration Act. It would include anyone convicted of unlawfully manufacturing or attempting to manufacture methamphetamine (meth), those who have been convicted of possession of precursor chemicals with the intent to manufacture meth, and those convicted of selling or distributing opiate or narcotic drugs within 1,000 feet of school property. ([Attachment 1](#))

Mr. Smith voiced his concern with the senate amendments including all illegal narcotics and trafficking convictions, because law enforcement does not have the resources needed to handle the extra work and it would be diluting the registry.

Written testimony in support of the bill was provided by Senator Dwayne Umbarger. ([Attachment 2](#))

Jennifer Roth, Kansas Association of Criminal Defense Lawyers, informed the committee that *State v. Myers* precludes information about meth-related offenders whose offense dates were before the passage of **SB 14** from being posted on the KBI's website or made public records. Ms. Roth suggested that the committee consider patterning their offender registry after Tennessee. ([Attachment 3](#))

Peter Ninemire, Families against Mandatory Minimums, voiced his concern that the adoption of the proposed bill would make people who have been convicted of these types of crimes, and who have served their time, outcast. Many drug users are trying to get help and do not need the stigmatism that this bill would create. It simply eliminates hope. ([Attachment 4](#))

Laura Green, The Drug Policy Forum of Kansas, appeared as an opponent of the bill. She commented that there are more important funding needs in the area of corrections that should be addressed before spending money on this program. ([Attachment 5](#))

Chuck Sypher, Individual, has a son who is incarcerated and should be getting out soon. He was concerned that the proposed bill will simply expand his punishment after he has served his time. He strongly believes that non-violent offenders do not belong on the registry. ([Attachment 6](#))

CONTINUATION SHEET

MINUTES OF THE House Judiciary Committee at 3:30 P.M. on March 14, 2007 in Room 313-S of the Capitol.

The hearing on **SB 14** was closed.

The hearing on **SB 204 - requirements for persons required to register pursuant to the Kansas Offender Registration Act**, was opened.

Rick Guinn, Office of Attorney General, testified that the bill would tighten the procedures involved with the offender registration process. The proposed bill would bring Kansas into compliance with several of the federal Adam Walsh Child Protection & Safety Act. (Attachment 7)

Kyle Smith, Kansas Bureau of Investigation, explained that states have till July of 2009 to adopt the Adam Walsh Act. Upon adoption of the whole Act, Kansas would receive \$2,155,339. If the state does not adopt the Act, Kansas would lose 10% of what it received from the JAG/Byrne funding grant. The provisions on pages 5, 6, 8, 9, and 14 are requirements of the Act. (Attachment 8)

Marilyn Keller, Attorney from Kansas City, appeared before the committee to request that the committee strike the retroactive provisions for those who move into the State of Kansas. She suggested that those individuals moving into the state should be notified that they will be required to register for whichever sentence is longer. (Attachment 9)

Stacey Donovan, Kansas Association of Criminal Defense Lawyers, commented that it is unconstitutional to require an individual who moves to Kansas from another state to register for the longer sentence. (Attachment 10)

Andrew & BelleAnne Curry, Overland Park, relayed their story of Andy being convicted as a sex offender in the state of Missouri and moving to Kansas. They opposed the bill because it would treat people differently depending on the laws of the state where they were convicted. (Attachment 11)

Rabbi Amy Katz, Overland Park, opposed the bill but understood it was important to have a sexual offender registry. She believes the bill would unfairly brand individuals who have served their time and have moved forward with their lives. (Attachment 12)

Debra Nordyke, Butler, Missouri, opposed the bill because it “paints too-wide of brush stroke” by including all sexual offenders, disregarding those offenses which were not physically, emotionally or mentally pervasive. (Attachment 13)

The hearing on **SB 204** was closed.

The committee meeting adjourned at 5:30 p.m. The next meeting was scheduled for March 15, 2007.