

## MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:35 A.M. on January 16, 2007, in Room 123-S of the Capitol.

All members were present except:

Les Donovan- excused

David Haley- excused

Committee staff present:

Athena Anadaya, Kansas Legislative Research Department

Bruce Kinzie, Office of Revisor of Statutes

Nobuko Folmsbee, Office of Revisor of Statutes

Karen Clowers, Committee Assistant

Conferees appearing before the committee:

Eric Fish, National Conference of Commissioners on Uniform State Laws

Ronald W. Nelson, Attorney, Nelson & Booth

Linda Elrod, Righter Distinguished Professor of Law, Washburn University

Sandy Barnett, Executive Director, Kansas Coalition Against Sexual and Domestic Violence

Howard Shipley, Detective, Reno County Sheriff's Office

Janet England, Clerk of the District Court, Sixth Judicial District

Others attending:

See attached list.

#### Bill Introductions

Senator Schmidt introduced a bill regarding sentencing relating to burglary. Senator Schmidt moved, Senator Bruce seconded, to introduce the bill. Motion carried.

Senator Goodwin introduced a bill that enhance penalties for homicide of a pregnant woman. Senator Schmidt moved, Senator Betts seconded, to introduce the bill. Motion carried.

Senator Allen introduced a bill which would make it easier to reinstate a woman's maiden name following a divorce. Senator Allen moved, Senator Goodwin seconded, to introduce the bill. Motion carried.

Senator Vratil introduced two bills. The first bill would allow a one time change of judge upon request of either party. The second would extend the moratorium in the Kansas Offender Registration Act for one year. Senator Vratil moved, Senator Goodwin seconded, to introduce the bills. Motion carried.

The Chairman opened the hearing on **SB 18--Uniform child abduction prevention act.**

Eric Fish appeared as a proponent, indicating the Uniform Child Abduction Prevention Act (UCAPA) provides states with a tool to deter both pre-decree and post-decree domestic and international child abductions by parents, persons acting on behalf of a parent or others (Attachment 1). The act anticipates the need for cooperation and communication among the courts of different states as well as addressing the special problems involved with international child abductions. This act will provide the courts a means to identify risk factors for child abductions and a system for imposing appropriate abduction prevention measures.

Ronald W. Nelson spoke in favor of the bill, relating that society has become increasingly mobile (Attachment 2). Long distance travel and communications are easier; intermarriage between faiths, nationalities and social groups more common; and outcomes of child custody decisions less predictable the more often parent's have sought to use extra-judicial and non-judicial methods of gaining advantage in custody cases. Mr. Nelson indicated this bill would address the growing problem of parental abduction and protect children.

Linda D. Elrod spoke as a proponent, stressing the need for an uniform approach among states (Attachment 3). UCAPA would complement existing law, and aid in preventing wrongful abductions. In addition, it was recommended that the comments be included in the statutes to help practitioners. The comments clarify

CONTINUATION SHEET

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many of the Act's provisions, including those relating to domestic violence and would help practitioners.

Sandy Barnett provided neutral testimony recognizing the importance of preventing wrongful abductions of children and requesting amendments that should reduce the possibility that UCAPA is misused by domestic abusers (Attachment 4). Ms. Barnett indicated that some of the best pieces of the act as it relates to these concerns are in the comments sections and requested the committee include the comments in the bill and that they be published in the statute books. A second request was made to amend the bill to re-vamp the Kansas crimes on interference with parental custody (K.S.A. 21-3422) and aggravated interference with parental custody (K.S.A. 21-3422a) which would provide protection for parents fleeing domestic violence and abuse. The Chairman indicated that rather than amend the bill Ms. Barnett should present the amendments in bill form to be introduced separately.

There being no further conferees, the hearing on **SB 18** was closed.

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

Howard Shipley appeared in support of the bill, specifically the addition of persons convicted of methamphetamine manufacturing related offenses to the offender registration act (Attachment 5). Detective Shipley indicated that due to the inherent dangers of producing methamphetamine, landlords should be able to easily check potential renters for drug related backgrounds in order to protect their property and the health and safety of other tenants.

Chairman Vratil announced due to time constraints the hearing on **SB 14** will be continued tomorrow. Written testimony in support of **SB 14** was submitted by:

Randy L. Rogers, Kansas Sheriff's Association  
Richard W. Barta, Sheriff, Shawnee County

The hearing on **SB 51--Vital statistics, list of deceased residents, district court clerks was opened.**

Janet England spoke in favor of the bill, indicating that the list for potential jurors is obtained from the Division of Motor Vehicles (Attachment 8). Since licenses are valid for several years, the list contains names of persons who are deceased and therefore the deceased person is named as a potential juror. Enactment of this bill will prevent this from happening.

There being no further conferees, the hearing on **SB 51** was closed.

The meeting adjourned at 10:29 A.M. The next scheduled meeting is January 17, 2007.