

MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairperson Pat Colloton at 1:30 p.m. on February 12, 2009, in Room 535-N of the Capitol.

All members were present.

Committee staff present:

Jason Thompson, Office of the Revisor of Statutes  
Athena Andaya, Kansas Legislative Research Department  
Jerry Donaldson, Kansas Legislative Research Department  
Jackie Lunn, Committee Assistant

Conferees appearing before the committee:

Honorable Judge Tatum, Chief Judge, 10<sup>th</sup> Judicial District (Johnson County)  
Rise Haneberg, Johnson County Government,  
Kevin Graham, Assistant Attorney General for Kansas  
Ed Klumpp, Kansas Chiefs of Police Association and Kansas Police Officers Association,  
Phillip Cosby, NCPCF,  
State Representative Jeff Davis,  
Kathy Cosby, Retired Police Detective,

Others attending:

See attached list.

**HB 2207 - Criminal procedure, costs associated with supervision of the conditions of release of the appearance bond.**

Chairperson Colloton opened the hearing on **HB 2207** and introduced the Honorable Judge Tatum to give his testimony as a proponent of the bill. Judge Tatum provided written copy of his testimony. (Attachment 1) Judge Tatum stated the bill would allow an increase in the supervision fee of up to \$15.00 per week for bond supervision. The Courts history of bond supervision indicated that offenders are supervised for an average of 6 months for a total cost of \$240.00. Thus an increase to \$15.00 per week would, on average, cost most offenders a total cost of \$360.00. This is a more realistic fee and would help meet the actual costs of the program. In closing, Judge Tatum stated the Court was finding success in bond supervision and believes it is a vital tool for judges when determining bond for criminal offenders and it also allows for the Court to consider release of low risk defendants. He urged the Committee to support the bill.

Chairperson Colloton introduced Rise Haneberg, Johnson County Government, to give his testimony as a proponent of the bill. Mr. Haneberg did not have written testimony. He stated he was in support of the bill and hoped the Committee would pass it out favorably.

Upon the conclusion of Mr. Haneberg's testimony, a discussion followed.

There being no others to testify Chairperson Colloton closed the hearing on **HB 2207**.

**HB 2235 - Fleeing or eluding a police officer, appropriately marked official vehicle or bicycle.**

Chairperson Colloton called the Committee's attention to **HB 2235** and opened the hearing by introducing Kevin Graham, Assistant Attorney General of Kansas, to give his testimony as a proponent of the bill. Mr. Graham provided written copy of his testimony. (Attachment 2) Mr. Graham stated the bill is to resolve the very narrow language of the Flee and Elude statute at K.S.A. 8-1568, which is formally captioned as "Fleeing or attempting to elude a police officer". The new language attempts to strike a logical and fair balance between making sure the person being pursued is given appropriate notice that law enforcement is trying to stop them. He reviewed the case of State of Kansas vs. Stephen R. Stout (Attachment 3) which is an example why the bill is needed. In closing, he stated Attorney General Six believes prosecutors need every tool at their disposal when prosecuting the caliber of criminals that would attempt to evade law enforcement.

A discussion followed Mr. Graham's testimony.

## CONTINUATION SHEET

Minutes of the House Corrections And Juvenile Justice Committee at 1:30 p.m. on February 12, 2009, in Room 535-N of the Capitol.

Chairperson Colloton recognized Ed Klumpp, Kansas Police Chiefs Association and Kansas Police Officers Association to give his testimony as a proponent on the bill. Mr. Klumpp did not provide written testimony. He reviewed the problems with the current law and urged the Committee to pass this bill out.

Chairperson Colloton introduced State Representative Paul Davis to give his testimony as a proponent of **HB 2235**. Representative Davis provided written copy of his testimony. (Attachment 4) He stated he supported this bill because it clarifies the statute language to both fairly protect the citizen and better allow law enforcement to respond to criminal activity. The bill amends the statute to require either an official uniform or an appropriately marked vehicle. It also clarifies the definition of “appropriately marked vehicles”, allowing vehicles equipped with functional emergency lights or siren or both to qualify under the category. In closing, he stated the recommended changes are a fair compromise between the need to safeguard suspects and the need to better enable law enforcement to do its job.

A short discussion followed.

There being no others wishing to testify on **HB 2235**, Chairperson Colloton closed the hearing.

### **HB 2203 - Requiring law enforcement to collect and report pornographic materials found at scene of or in possession of person who commits a sexually violent crime.**

Next on the agenda is the hearing on **HB 2203**. Chairperson Colloton opened the hearing and introduced Phillip Cosby, National Coalition For The Protection of Children and Families, (NCPCF), to give his testimony as a proponent of the bill. Mr. Cosby provided written copy of his testimony. (Attachment 5) He stated the bill will provide for collection of data to qualify and connect the dots between pornographic materials and criminal behavior. Such data will either affirm or rebut the anecdotal observations, debates and speculations that range from “pornography is just harmless fun” to “pornography is the fuel that acts as a catalyst for fantasy driven criminal behavior”. In closing he urged the Committee to pass the bill out favorably.

Chairperson Colloton introduced Kathy Cosby, Retired Police Detective, to give her testimony as a proponent of **HB 2203**. Mrs. Cosby provided written testimony. (Attachment 6) She stated the bill will collect data and quantify the presence of pornographic materials and what she believes is their substantial influence on sexual criminal behavior. In her experience with sexual crimes she believes the statement made by the Vernon J. Geberth, retired Lt. Commander of the NYPD, “pornography is the fuel that acts as a catalyst for fantasy driven criminal behavior and there is not doubt in his mind that pornography plays an important part in violent sex crimes.” is a true statement. She reviewed two sexual cases that she worked on where pornography played a part or was present. In closing she urged the Committee to pass the bill.

A discussion followed.

Chairperson Colloton recognized Ed Klumpp, Kansas Association of Chiefs of Police, to give his testimony as a neutral party of **HB 2203**. Mr. Klumpp provided written copy of his testimony which contained an amendment he is offering is to reduce potential confusion of law enforcement officers created in the current bill language.

Questions and answers followed.

### **HB 2232 - Authorizing increased membership for corrections advisory boards.**

Chairperson Colloton call for any others to testify, there being none ,she closed the hearing on **HB2203**. She called the Committee’s attention to **HB 2232** and stated she would like to work this bill today. A discussion followed.

### **Representative Spalding made a motion to pass the bill out favorably. Representative McCray-Miller seconded. Motion passed.**

### **HB 2233 - Criminal procedure, tolling speedy trial time during appeal by the prosecution.**

CONTINUATION SHEET

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Chairperson Colloton called the Committee's attention to **HB 2233** and stated she would like to work this bill also.

**Representative Roth made a motion to pass HB2233 out favorably. Representative Frownfelter seconded. Motion passed..**

**HB 2060 - Violation of battery against a law enforcement officer causing bodily harm, sentence is presumed imprisonment**

Chairperson Colloton called the Committee's attention to **HB 2060** and stated she had received the fiscal note and there is a bed impact of additional 7 to 11 beds totaling \$250,000. 00 per year.

**Representative Patton made a motion to change presumption from probation to imprisonment. Representative Pauls seconded.**

A short discussion followed.

**Chairperson Colloton called for a vote of the motion on the floor. Motion passed.**

A lengthy discussion followed on **HB 2060**. Due to time restraints Chairperson Colloton tabled the bill until another day and called the Committee's attention to **HB 2207**.

**HB 2207 - Criminal procedure, costs associated with supervision of the conditions of release of the appearance bond.**

**Representative Brookens made a motion to pass HB 2207 out favorable for passage. Representative Frownfelter seconded. Motion passed.**

**Chairperson Colloton called the Committee's attention to HB 2235. Representative Patton made a motion to pass the bill our favorably. Representative Pauls seconded. Motion passed.**

**HB 2165 - Establishing recklessness as a standard in unlawfully hosting minors in a person's residence.**

Chairperson Colloton gave a update on **HB 2165** and reviewed the agenda for next week. She adjourned the meeting at 2:40 p.m. with the next meeting scheduled for February 16, 2009 at 1:30 p.m. in room 535 N.