

MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairperson Pat Colloton at 11:00 a.m. on February 27, 2009, in Room 535-N of the Capitol.

All members were present except:

Representative Bob Bethell- excused
Representative Nile Dillmore- excused
Representative Sheryl Spalding- excused

Committee staff present:

Jason Thompson, Office of the Revisor of Statutes
Jill Wolters, 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:

Tom Drees, Chair, Kansas Sentencing Commission Recodification
Mark Gleeson, Office of Judicial Administration
Jennifer Roth, Kansas Association of Criminal Defense Attorneys

Others attending:

See attached list.

HB 2332 - Recodification of certain drug crimes; quantities of drugs; proportionality of sentencing.

Chairperson Colloton opened the meeting by calling on Tom Drees, Chairperson, Kansas Sentencing Commission Recodification to continue his testimony as a proponent of **HB 2332**. He referred the Committee to a handout entitled *Drug Distribution/Possession with Intent to Distribute* to take in place of the one from February 26, 2009. (Attachment 1) He began his testimony finishing up the grids and changes they made and why. Mr. Drees took questions from the Committee during his testimony.

During Mr. Drees' testimony, Chairperson Colloton referred the Committee to the "written only" testimony of Tom Stanton, Deputy District Attorney, Reno County and KCDAA; (Attachment 2) and also, a supplement to his testimony. (Attachment 3) Mr. Drees yielded the floor to Richard Saminiego, who is standing in for District Attorney Stanton to review his testimony for the Committee. He stated that District Attorney Stanton is a proponent of the bill and highlighted on the two areas of the bill where he has concerns.

Upon the conclusion of the review, Mr. Drees continued with his testimony. In closing, he stated a lot of time and effort from great minds went into the drafting of this bill and urged to Committee to pass it out favorably.

Chairperson Colloton called on Ed Klumpp, Kansas Association of Chiefs of Police and Kansas Peace Officers Association to respond to District Attorney Stanton's concerns with the bill. He stated they had met with the Kansas Sentencing Commission and have come to an agreement.

Questions and answers followed.

Chairperson Colloton moved the hearing to neutral parties stating there was "written only" neutral testimony from Roger Werholtz, Secretary of the Department of Corrections (Attachment 4) and called on Mark Gleeson, from the Office of Judicial Administration, to give his testimony as a neutral party. Mr. Gleeson provided a written copy of his testimony. (Attachment 5) Mr. Gleeson stated the bill would require more training for Court Services Officers and he also added there are several sections of the bill that are unclear. He offered amendments attached to his testimony that address his concerns.

Upon the completion of Mr. Gleeson's testimony he stood for questions and a question and answer session followed.

Chairperson Colloton called on Jennifer Roth, Kansas Association of Criminal Defense Attorneys, to give her testimony as an opponent of **HB 2332**. Ms. Roth provided written copy of her testimony. (Attachment 6) Ms.

CONTINUATION SHEET

Minutes of the House Corrections And Juvenile Justice Committee at 11:00 a.m. on February 27, 2009, in Room 535-N of the Capitol.

Roth stated the Kansas Association of Criminal Defense Lawyers has a great interest in proportionality. The bill causes great concerns regarding the drug related sections. She explained the concerns. In closing, she urged the Committee to address these areas of concern before passing the bill out favorably.

Being no others that wish to testify on **HB 2332**, Chairperson Colloton closed the hearing. She stated the Committee would take action on this bill on Monday and adjourned the meeting at 12:30 p.m. with the next meeting scheduled for March 2, 2009 at 1:30 in room 535 N.