

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Emert at 10:42 a.m. on April 5, 2000 in Room 231-N of the Capitol.

All members were present.

Committee staff present:

Gordon Self, Revisor
Mike Heim, Research
Jerry Donaldson, Research
Mary Blair, Secretary

Conferees appearing before the committee:

Janet Allegrucci, SRS
Bill Kennedy, Riley County District Attorney
Randy Hearrell, Kansas Judicial Council
Carol Foreman, Kansas Judicial Council

Others attending: see attached list

Sub for SB 633--CINC; defining child in need of protection and youth in need of community services; creating the family services and community intervention fund

Conferee Allegrucci discussed a modified substitute for **SB 633** that does not bifurcate the CINC code and one which includes the necessary statute changes for compliance with the Adoption and Safe Families Act of 1997 (ASFA). She discussed those changes and emphasized certain things the bill does not do. (attachment 1) Lengthy discussion followed.

Conferee Kennedy expressed "extreme" concern regarding the current use of **SB 633** and the proposed amendments to the bill, discussing in detail, the latter. He further discussed what he has observed to be "due process issues" in the current statute and offered suggestions for statutory changes which would provide for a short term voluntary respite program for "out-of-control" adolescents which would keep them from coming into SRS custody. (attachment 2) Lengthy discussion followed. The Chair expressed his concern as well as the Committee's concern regarding this bill and other SRS issues but agreed the bill needed to be passed out of Committee and be looked at in more depth at a later time. Senator Goodwin moved to pass the bill out favorably as amended, Senator Vratil seconded. Carried.

HB 2082--Crimes, criminal procedure, punishments, time limitations for prosecution

Conferee Hearrell explained that **HB 2082** was "not going anywhere" and so it was the Kansas Judicial Council's recommendation to "gut" the bill and use it to address an administrative procedure problem. He introduced Conferee Foreman who discussed the events which initiated the need for modifying the language of K.S.A. 75-37, 121(d). She stated that the proposed change would more clearly reflect the intent of the statute. (attachment 3) Following brief discussion, Senator Bond moved to amend **HB 2082** as submitted with the language presented for Committee, including a punctuation change suggested in the balloon amendment, and pass the bill out favorably as amended, effective upon publication in the register, Senator Goodwin seconded. Carried

SB 632--Authority of supreme court

SB 341--D.U.I.; criminal and administrative procedures and penalties

Senator Oleen reviewed her Subcommittee's work on **SB 632**, a bill which would make municipal courts and judges subject to general administrative authority of the Kansas Supreme Court. She stated that the Subcommittee recommends this topic be the subject of an interim committee study. She further reviewed the Subcommittee's work on **SB 341** and discussed several items of concern. (attachment 4) Following discussion, Senator Oleen moved to delete the provision containing a \$50 subpoena fee to be charged for each law enforcement officer at an administrative hearing would be capped at \$100 and to pass the bill out favorably as amended, Senator Bond seconded. Carried.

The meeting adjourned at 11:35 a.m. No further meetings are scheduled at present.