

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on February 19, 2008 in Room 313-S of the Capitol.

All members were present except:
Annie Kuether- excused

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

HB 2727 - sexual assault, evidence

Chairman announced that the committee was back on Representative Wolf's motion regarding hospitals not being required to report rapes to law enforcement.

Again, committee members expressed concern that the circumstance that brought the victim to the hospital is that they have been raped and are seeking treatment. The amendment is overly broad. The amendment needs to be narrowed to situations where the victim is going solely for the purpose of having a rape kit examination and does not have any actual injuries.

The committee agreed that the call to law enforcement shouldn't be made the minute the victim walks into the door.

Other members stated that women are reluctant to come in to have rape kits because of the fear the crime will be reported to law enforcement. While the state has an interest in placing criminals in prison there is the physical and emotional issues women deal with when they are raped. There is the fear that there will be prosecution and will be required to testify. With the proposed amendment there will be better prosecutions by letting women choose when to notify law enforcement.

The motion carried.

Representative Wolf proposed an amendment that would exempt hospitals from criminal liability as a result from not notifying a law enforcement agency. (Attachment #1) Representative Colloton seconded the motion. The motion carried.

Revisor requested a technical amendment which would strike the word "hospital" and replace with " medical care facility". With consent of the committee the technical changes will be made.

Representative Goyle made the motion to have rape kits not be performed on a minor 16 or older unless by minors consent. The motion was seconded. The motion failed 6-9.

Representative Goyle made the motion to clarify that the fee for the rape kit cannot be charged to the victim or the victims insurance company. Representative Colloton seconded the motion. The motion carried.

Representative Goyle made the motion to delete the amendment adopted on 2-14-08 to have the KBI store the rape kits for five years and go back to 180 days. He was notified by KBI that keeping the kits that long would require the purchase of additional refrigerators. Representative Roth seconded the motion. It was pointed out that going to all this trouble of getting victims in to have the rape kits done and then not store them till at least the statute of limitations ran. If it goes back to 180 days it creates a statute of limitations for a select group of victims and therefore would defeat the purpose of the amendment that was passes on 2-14. With permission of the second, Representative Goyle withdrew his motion.

Representative Colloton motion to report **HB 2727** favorably for passage, as amended. Representative Wolf

CONTINUATION SHEET

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seconded the motion. The motion carried.

HB 2644 - revises sections of the guardianship and conservator act concerning the procedure for appointing a guardian or conservator

Representative Colloton made the motion to report HB 2644 favorably for passage. Representative Owens seconded the motion.

Representative Pauls made the substitute motion to insert into the bill "proposed conservatee" in seven places the bill. This amendment was proposed by the Disability Rights Center of Kansas at the 1-20-08 committee meeting. Representative Kinzer seconded the motion. The motion carried.

Representative Owens made the motion to report HB 2644 favorably for passage, as amended. Representative Crow seconded the motion. The motion carried.

HB 2707 - theft, intent to deprive, leased or rented motor vehicles

Representative Watkins made the motion to report HB 2707 favorably for passage. Representative Whitham seconded the motion.

Representative Watkins made a substitute motion to make the first & second conviction a misdemeanor with jail time and third or subsequent convictions would receive presumed imprisonment. Representative Patton seconded the motion. The motion carried.

Representative Owens made the motion to expand the scope of the penalties to cover dealership demonstrators and loaner vehicles. Representative Whitham seconded the motion. The motion carried.

Representative Watkins made the motion to report HB 2707 favorably for passage, as amended. Representative Goyle seconded the motion. The motion carried.

HB 2816 - driver's license suspension; possession of illegal drugs or weapons in school

Representative Watkins made the motion to report HB 2816 favorably for passage. Representative Wolf seconded the motion.

Representative Watkins made a substitute motion on page 3, line 20 that notice should be given as soon as practicality but not to exceed 10 days excluding holidays and weekends. Representative Wolf seconded the motion. The motion carried.

Representative Watkins made the motion to report HB 2816 favorably for passage, as amended. Representative Wolf seconded the motion. The motion carried.

The committee meeting adjourned at 5:15 p.m. The next committee meeting is scheduled for February 20, 2008.