

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Thomas C. (Tim) Owens at 9:40 a.m. on January 29, 2009, in Room 545-N of the Capitol.

All members were present except:

Senator Derek Schmidt- excused
Senator Jean Schodorf- excused

Committee staff present:

Jason Thompson, Office of the Revisor of Statutes
Doug Taylor, Office of the Revisor of Statutes
Athena Andaya, Kansas Legislative Research Department
Karen Clowers, Committee Assistant

Conferees appearing before the Committee:

J. Russell Jennings, Commissioner, Juvenile Justice Authority
Randy Hearrell, Kansas Judicial Council, overview
Judge Jean F. Shepherd, Kansas Judicial Council

Others attending:

See attached list.

Bill Introductions

Senator Owens introduced three committee bills concerning adoption , civil procedure regarding worthless checks and interest rates on judgments. Senator Umbarger moved, Senator Lynn seconded to introduce the bills. Motion carried.

Senator Haley introduced a bill establishing a Silver Alert Plan. Senator Haley moved, Senator Lynn seconded, to introduce the bill. Motion carried.

Patrick Broxterman, Office of the Attorney General requested the introduction of two bills concerning the enforcement of tobacco. The first bill concerns an update of the Kansas Tobacco Act, the second bill concerns an update of the escrow portion of the act. The bills were introduced without objection.

The Chairman continued the hearing on **SB 15 - Court ordered custody to commissioner of juvenile justice.**

Russ Jennings appeared as a proponent indicating **SB 15** amends four statutes in the Kansas Code for Care of Children regarding juvenile offenders and out of home placement of juveniles in the custody of the Secretary of Social and Rehabilitation Services. Mr. Jennings reviewed the changes in detail stating the portion of the bill regarding the 18 month cap (page 5, line 17) may not be a prudent policy change at this time and needs further in depth review suggesting the subject be referred to an interim study. Given the Kansas Supreme Court's recent emphasis on the due process rights of juveniles, a limit on custody is warranted. The proposed limit on JJA custody allows ample time to address the risk and needs of a youth whose offense does not warrant commitment to a juvenile correctional facility. Enactment of **SB 15** may reduce the amount of money the agency spends on out of home placements. (Attachment 1)

There being no further conferees, the hearing on **SB 15** was closed.

The Chairman opened the hearing on **SB 88 - Children; permanency and priority of orders.**

Judge Jean Shepherd testified in support stating the bill would revise and clarify the Kansas Code for Care of Children and the Kansas Juvenile Justice Code regarding permanency for children by specifying that orders regarding the best interests of a child made under the revised codes would take precedence over orders made under other acts. Judge Shepherd reviewed the proposed legislation including an amendment addressing language regarding modification of child support to meet federal compliance with Title IV-D requirements. (Attachment 2)

CONTINUATION SHEET

Minutes of the Senate Judiciary Committee at 9:40 a.m. on January 29, 2009, in Room 545-N of the Capitol.

Following questions from the committee the Chairman indicated the hearing on **SB 88** will be continued at a later date.

Senator Bruce moved, Senator Schodorf seconded, to approve the Committee minutes of January 15 and January 16. Motion carried.

The next meeting is scheduled for February 2, 2009.

The meeting was adjourned at 10:30 a.m.