

MINUTES OF THE HOUSE JUDICIARY COMMITTEE.

The meeting was called to order by Vice Chairperson Ward Loyd at 3:30 p.m. on January 17, 2001 in Room 313-S of the Capitol.

All members were present except:

Representative Andrew Howell - Excused

Representative Mike O'Neal - Excused

Committee staff present:

Jerry Ann Donaldson, Department of Legislative Research

Jennifer Strait, Intern for the Department of Legislative Research

Jill Wolters, Department of Revisor of Statutes Office

Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Blaise Plummer, Wichita Bar Association

Dan Hermes, Kansas Alcohol & Drug Services Providers Association

Kathy Porter, Office of Judicial Administration

Barbara Tombs, Executive Director, Kansas Sentencing Commission

Blaise Plummer, Wichita Bar Association, appeared before the committee with a bill request which would raise the jury compensation fee to \$25 per day for the first five days and to \$40 per day for any days in excess of the five day period (Attachment 1)

Representative Pauls made the motion to have the request introduced as a committee bill. Representative Lloyd seconded the motion. The motion carried.

Dan Hermes, Kansas Alcohol & Drug Services Providers Association, requested a bill introduction which would increase the DUI evaluation fee from \$125 to \$150 (Attachment 2)

Representative DeCastro made the motion to have the request introduced as a committee bill. Representative Lloyd seconded the motion. The motion carried.

Kathy Porter, Office of Judicial Administration, appeared before the committee with three bill requests (Attachment 3):

- , Straightens out the conflict that when an arrest record is expunged it is not an open record, but the petition for expungement itself is an open record.
- , Clarification of promoting a Chapter 61 action case to the equivalent of a Chapter 60 judgement for the purpose of securing a lien.
- , Allowing the appointment of the Clerk of the District Court & Chief Clerk to be appointed by the Chief Judge.

Representative Williams made the motion to have the requests introduced as committee bills. Representative Long seconded the motion. The motion carried.

Barbara Tombs, Executive Director, Kansas Sentencing Commission, gave an overview of the Kansas Sentencing Commission and Sentencing Guidelines (Attachment 4). The Sentencing Commission was created to develop sentencing guidelines based on fairness and equity.

The goals of the Sentencing Commissions are:

- , Promote public safety by incarcerating violent offenders
- , Reduce sentence disparity due to racial, geographical or other bias
- , Establish sentences proportional to the seriousness of the crime committed

- , Establish an understandable set of presumptive sentences that promote “truth in sentencing”
- , Provide state & local correctional authorities with information for population management options
- , Provide policy makers information that enhances decisions regarding resource allocations

The Membership of the Commission consist of 17 members and a staff of 11 employees. The makeup include four appointments by the Chief Justice of the Kansas Supreme Court; four legislative appointments by leadership; five appointments by the Governor and four statutorily defined members.

The Commission provided training for the Guidelines that were enacted into law in 1993. Since that time they have continued to provide training by giving updates to judges, court services and other criminal justice professionals. Have created a statewide sentencing database in which every convicted offender of a felony offense is entered into the database and do prison population projections to see what impact legislation might have on bedspaces. These projections are for a period of ten years.

Some members of the committee had questions about the impact of **SB 323**, from the 2000 Legislative Session, on prisoners. The Vice Chair requested that Ms. Tombs compile a dateline chart showing how **SB 323** effected the alleged offender in Wichita who committed five murders.

Ms. Tombs proceeded to explain how the Sentencing Guidelines work.

The committee meeting adjourned at 5:15. The Committee has been invited to tour the Kansas Bureau of Investigation on January 18. The next meeting of the Committee is scheduled for January 22, 2001.