

MINUTES OF THE HOUSE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on January 23, 2002 in Room 313-S of the Capitol.

All members were present except:
Representative Candy Ruff - Excused

Committee staff present:
Jerry Ann Donaldson, Department of Legislative Research
Jill Wolters, Department of Revisor of Statutes Office
Sherman Parks, Department of Revisor of Statutes Office
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:
Susan Bechard, Kansas County & District Attorneys Association
Jeff Bottenberg, Kansas Peace Officers Association
Representative Garry Boston
Byron Motter, Harvey County Sheriff
Mike Pepoon, Sedgwick County
Bud Handshy, Wilson County Sheriff
Judy Moler, Kansas Association of Counties
Representative Kathe Lloyd
Marlee Carpenter, Kansas Retail Council
Representative Michael O'Neal

Susan Bechard, Kansas County & District Attorneys Association, appeared before the committee with two bill requests. The first would include a subsection for DUI-related aggravated battery in K.S.A. 21-3414, to address the decision in *State V Huser* 265 Kan 228. The second would amend K.S.A. 21-3715 as follows "with intent to commit a felony, theft, or any person crime therein."

Representative Patterson made the motion to have the two requests introduced as committee bills. Representative Loyd seconded the motion. The motion carried.

Mike Pepoon, Sedgwick County, appeared before the committee requesting two bills which would repeal K.S.A. 20-613a, and 20-713. The second amends K.S.A. 28-176 to allow the Sedgwick County Regional forensic science center to charge a \$150 fee for forensic science/laboratory services.

Representative Crow made the motion to have the requests introduced as committee bills. Representative DeCastro seconded the motion. The motion carried.

Jeff Bottenberg, Kansas Peace Officers Association, requested a committee bill which would remove the sunset provision on the district court fee and raise the municipal court docket fee to \$4.00.

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

A request was received from the Sedgwick County Judges regarding the code of limited actions.

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

Representative Loyd had a request from the Child Support Guideline Advisory Committee to repeal the opt-out provisions of paying child support thru the payment center. He made the motion to have the request introduced as a committee bill. Representative Owens seconded the motion. The motion carried.

Hearing on **HB 2630 - county general fund reimbursement for medical expenses of indigent prisoner,**

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were opened.

Representative Garry Boston appeared as the sponsor of the proposed bill. Current law requires a prisoner to pay for medical care and treatment they received while they are in custody unless they do not have the means to do so. He explained that there is no provision for a controlling authority to seek reimbursement from an individual for the costs of medical services provided. The proposed bill would allow the county to seek repayment from the individual when they are employed. ([Attachment 1](#))

Jill Wolters, Revisor of Statutes, commented that an error occurred when the bill was drafted. It needs to reference K.S.A. 19-1910. ([Attachment 2](#))

Byron Motter, Harvey County Sheriff, appeared before the committee as a proponent of the bill. He believes that it is beneficial to the county to be able to be reimbursed for those medical costs once the individual has financial means. He provided the committee with a spreadsheet of the costs of medical expenses in Harvey County Detention Center since 1998. ([Attachment 3](#))

Mike Pepoon, Sedgwick County, also supported the proposed bill because it will help counties pay for the medical expenses that have skyrocketed over the past few years. He provided a summary of medical and dental costs incurred by the Sedgwick County Adult Detention Facility from 1996 to 2000. These expenses have almost doubled in that time frame to \$2.5 million. ([Attachment 4](#))

Bud Handshy, Wilson County Sheriff, contacted the National Sheriffs Association, who also view this as a major problem for counties. They did not have any information where detention centers could get insurance to help cover these expenses. He commented that Missouri has a law that allows for the reimbursement of such costs. ([Attachment 5](#))

Chairman O'Neal suggested that they contact the Prison Health Services, who handles Kansas' prisons and Johnson County Detention Center, to see if they would be interested in contracting with the counties.

Judy Moler, Kansas Association of Counties, explained that for many small counties these are large bills for them to absorb. ([Attachment 6](#))

Written testimony in support of the proposed bill was provided from William Blundell, Labette County Sheriff and Mahlon Tuttle, Kansas Legislative Policy Group. ([Attachments 7 & 8](#))

Hearing on **HB 2630** were closed.

Hearing on **HB 2611 - criminal worthless checks, merchants receive a service charge of \$30, notice letters sent by first class mail**, were opened.

Representative Kathe Lloyd appeared on behalf of Douglas Martin, Clay County Attorneys, who requested the criminal statute K.S.A. 21-3707 regarding worthless check cases be amended to allow merchants to charge \$30 for their time and expenses, and allow merchants to send their "seven day letter" by regular mail instead of certified. ([Attachment 9](#))

Committee discussion followed on the provision of sending the letter by regular mail and who would the burden of proof fall upon. It was determined that the burden of proof would fall to the person who was to have received the letter.

Marlee Carpenter, Kansas Retail Council, supported the mirroring of the civil changes made last year. ([Attachment 10](#))

Frances Kastner, Kansas Food Dealers Association did not appear before the committee but requested her written testimony, in support of the bill, be included in the committee minutes. ([Attachment 11](#))

Hearing on **HB 2611** were closed.

Hearing **HB 2610 - the court may order restitution from a previous conviction to be paid as part of probation for current convictions**, were opened.

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Representative Michael O'Neal commented that Supreme Court ruled in *State v Hymer* judges cannot order payment of restitution that was previously ordered in a prior case but not paid, in a current case. The proposed bill would authorize a sentencing judge to order payment of restitution from a defendant's prior conviction.

Hearings on **HB 2610** were closed.

The committee meeting was adjourned. The next meeting is scheduled for January 24, 2002.