

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairman John Vratil at 9:35 a.m. on March 20, 2003, in Room 123-S of the Capitol.

All members were present except: Senator Donovan

Committee staff present: Mike Heim, Kansas Legislative Research Department  
Lisa Montgomery, Office of the Revisor of Statutes  
Dee Woodson, Committee Secretary

Conferees appearing before the committee:

Eric Rucker, Chief Deputy Attorney General  
Matt All, Chief Council, Governor's Office  
Sandy Barnett, Kansas Coalition Against Sexual and Domestic Violence  
Kyle Smith, Kansas Bureau of Investigation  
Akim Reynolds, Shawnee County Sheriff's Department  
Denise Everhart, Acting Commissioner, Juvenile Justice Authority

Others attending: see attached list

**HB 2391 - Second or subsequent rape, hard 40; prostitution of a minor; endangering the child; aggravated battery on a law enforcement officer**

Chairman Vratil opened the hearing on **HB 2391**. Eric Rucker, Chief Deputy Attorney General, testified in support of **HB 2391**. He said that the bill addresses serious issues by strengthening penalties against sexual predators, protecting Kansas children from exposure to harmful materials, and increasing penalties against those who intentionally seek out and batter our brave law enforcement officers. He stated that Kansas law enforcement agencies have reported 3,210 rapes the last three reporting years, 1999-2001. He spoke on behalf of the Attorney General and said the Attorney General was in support of increasing the severity levels for repeat rape offenders and for aggravated battery offenses against law enforcement personnel. He also supported increasing the penalty for the promotion of prostitution of a minor and adding a violation for the intentional exposing of a child to the sale, distribution, or manufacture of methamphetamines. (Attachment 1)

Committee members discussed and questioned the bed space impact, funding for the increased costs of added beds in 2004, assaulting law enforcement officers not in uniform, and increasing the severity level of the endangering child provision.

Matt All, on behalf of the Governor, testified in support of **HB 2391** as the bill targets some of the worst, most heinous, most insidious crimes in our society and treats them with the seriousness and outrage they deserve. The five bullet point items in his written testimony explained what the bill would do if enacted as outlined by Mr. Rucker. Mr. All stated that there is no room in a free but secure society for repeat sexual offenders, for those who victimize or irresponsibly endanger children, or for those who seek out and inflict violence on law enforcement officers. (Attachment 2)

Sandy Barnett, representing the Kansas Coalition Against Sexual and Domestic Violence (KCSDV),

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testified in support of **HB 2391** as amended by the House. She addressed the House amendment on pages 3 and 4 of **HB 2391**. On the surface, the notion of knowingly allowing children to be present where there are methamphetamines seems to be a simple proposition, but when we insert serious levels of domestic violence into these scenarios, the issues become far more complex. Ms. Barnett explained that charging a mother in this situation will cause the children to be placed in SRS custody. A conviction will certainly result in the children being in long-term custody of SRS, or possibly put in custody of their manufacturing father if the charge against them does not result in conviction. She said that the House amendment is intended to help protect those for whom safety is not as easy as taking the children and leaving. (Attachment 3)

Kyle Smith, testified in support of **HB 2391** on behalf of the KBI and the Kansas Peace Officers Association. He identified four gaps in current law and outlined them in detail in his written testimony. The gaps were criminalizing aggravated battery of a law enforcement officer, promoting prostitution with a child, intentionally and knowingly exposing children to methamphetamine manufacturing, sales or chemical, and rapists who have a prior conviction for rape. He gave field examples for each of these issues. (Attachment 4)

Akeim Reynolds, Narcotics Investigator for the Shawnee County Sheriff's Department, spoke briefly in favor of **HB 2391**, and shared experiences of battery on law enforcement officers. He addressed the officers in plains clothes problem, and stated that the police need protection within the state's statutes. (no written testimony submitted)

After considerable discussion and questions, the Chair closed the hearing on **HB 2391**.

**HB 2314 - Kansas juvenile correctional complex**

Chairman Vratil opened the hearing on **HB 2314**. Denise Everhart, Acting Commissioner of the Juvenile Justice Authority, testified in support of **HB 2314**. She stated that the purpose of the bill is to establish the statutory structure for the new Kansas Juvenile Correctional Complex and subject the facility to the same statutes, rules and regulations as all other facilities operating under the authority of the Commissioner of Juvenile Justice. She explained that appropriations were made during the 2000 session to build the facility with occupancy planned for fiscal year 2004. (Attachment 5)

There being no other conferees, the Chair closed the hearing on **HB 2314**.

The meeting adjourned at 10:30 a.m. The next scheduled meeting is March 21, 2003.