

Approved: 11-23-05 Date

MINUTES OF THE HOUSE CORRECTIONS & JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairman Ward Loyd at 1:30 P.M. on February 1, 2005 in Room 241-N of the Capitol.

All members were present except:

Kathe Decker- excused
Mike Peterson- excused

Committee staff present:

Jill Wolters, Revisor of Statutes Office
Diana Lee, Revisor of Statutes Office
Jerry Ann Donaldson, Kansas Legislative Research
Becky Krahl, Kansas Legislative Research
Reagan Cussimano, Kansas Legislative Research
Connie Burns, Committee Secretary

Conferees appearing before the committee:

Randall Hodgkinson
Tom Drees, Kansas County & District Attorneys Association
Mark Welch
Elizabeth Gillespie
Commissioner Denise Everhart, JJA
David Price
Representative Peggy Mast
Michael Williams, Emporia Police Department

Others attending:

See attached list.

Randall Hodgkinson, appeared before the committee to request a bill introduction that would add to the definition of "legal holiday" found in KSA 60-206. (Attachment 1)

Representative Owens made a motion that this request should be introduced as a committee bill. Representative Godeau seconded the motion. The motion carried.

Tom Drees, Ellis County Attorney, appeared before the committee to request bill introductions: (Attachment 2)

1. KSA 21-4625, clarification of aggravating circumstances.
2. KSA 60-472, clarify procedures for admission of photographs.
3. KSA 45-221, certain records not required to be open, separation of open and closed information
4. KSA 22-3211, language to clarify the unavailability of a witness.

Representative Owens made a motion that these requests should be introduced as a committee bills. Representative Crow seconded the motion. The motion carried.

Chairman Loyd asked for a committee bill be introduced that KSA 21-3520 include community corrections officers and court service officers.

Representative Loyd made a motion that this request should be introduced as a committee bill. Representative Owens seconded the motion. The motion carried.

HB 2062 – Creating the office of district attorney in judicial districts that vote for approval.

Chairman Loyd opened the hearing on HB 2062.

Representative Jim Ward appeared before the committee in support of the bill. (Attachment 3) The bill allows multi county Judicial Districts to convert from the County Attorney system to the District Attorney method of prosecution upon a successful vote of the people within the Judicial District and provides for the electorate of a Judicial District to determine which system best represents them as a method of criminal prosecution.

Tom Dress, Ellis County Attorney, appeared before the committee neutral on the bill, suggesting it does not appropriately address the needs of a statewide District Attorney system in Kansas. (Attachment 4) Mr. Dress requested the bill be referred for an interim study and/or Judicial Council study to gather the necessary information.

Chairman Loyd closed the hearing on HB 2062.

HB 2081 – Requiring county jail officers to complete basic course of training.

Chairman Loyd opened the hearing on HB 2081.

Mark Welch, appeared before the committee in favor of the bill. (Attachment 5) Kansas had at one time jail standards and then did away with them, part of the jail standards addressed jail officer training. This bill addresses the need for properly trained staff and sets minimum standards of training for jail officers working in Kansas Jails. Language was offered to grandfather in those jail employees hired prior to the effective date of this act.

Elizabeth Gillespie, provided information as neutral. (Attachment 6) The Kansas Jail Association officially supports the intent of the bill but has questions regarding its implementation for smaller jails. For the successful implementation of local detention training standards as established in this bill, the State should provide the resources necessary for the smaller jails to comply.

Randy Rogers, Kansas Sheriff's Association, appeared before the committee in opposition of the bill. (Attachment 7) The Association is not necessarily opposed to standards being set for corrections officer, however the bill would not create uniform standards across the state. This bill puts the responsibility back on the Sheriff's without providing any funding or support.

Chairman Loyd closed the hearing on HB 2081.

HB 2034 – Judicial Review and Civil Enforcement of Agency Actions.

Chairman Loyd opened the hearing on HB 2034.

Jerry Ann Donaldson, Legislative Research, provided the committee a briefing on the Kansas Administrative Procedure Act. (Attachment 8) Administrative procedure guiding agencies is generally simpler and less formal than judicial procedure, and allows individuals to resolve their disputes in a less cumbersome and less expensive way than by a trial in court. Administrative actions are adjudicatory in nature.

In 1997, the office of Administrative Hearings (OHA) within the Department of Administration was established for the purpose of conducting administrative hearings for the Department of Social and Rehabilitation Services. The 1997 Interim Special Committee on Judiciary, recommended after a study of the centralized office concept, that the administrative hearings officers of all state agencies covered by KAPA be transferred to OAH in the Department of Administration.

Legislative Post Audit (March 2001) entitled "Centralized Administrative Hearings: Reviewing the Advantages and Disadvantages" was conducted. As a result of the Post Audit, action was taken by the OAH. SB 141 was enacted in 2004 which extended the responsibility for conducting administrative hearings for nearly all state agencies over a five year phase in schedule beginning July 1, 2005 and concluding July 1, 2009. On that date the OAH will be abolished and a separate free standing agency the Office of Administrative Hearings will be established.

Denise Everhart, Commissioner, Juvenile Justice Authority, testified in favor of the bill. ([Attachment 9](#)) The bill proposes to modify KSA 77-603 to exempt the Juvenile Justice Authority (JJA) from the act for judicial review and civil enforcement of agency actions (KJEA), KSA 77-601 et seq., but only as to those actions concerning the management, discipline or release of persons in the custody of the commissioner.

David Price, appeared as a proponent on the bill and stated that a separate committee is needed on Judicial Review and civil enforcement agency actions. ([Attachment 10](#)). The judicial system and civil enforcement agency actions are needed to repair the damage created by a broken system.

Chairman Loyd closed the hearing on [HB 2034](#).

[HB 2087 – Identify theft, defrauding for any benefit, not just economic.](#)

Chairman Loyd opened the hearing on [HB 2087](#).

Representative Peggy Mast appeared as a proponent on the bill. Identity theft is becoming a growing problem in the nation. ([Attachment 11](#)) Amended language was offered. ([Attachment 12](#))

Kyle Smith, on behalf of the Kansas Peace Officers Association, provided written testimony in support of the bill. ([Attachment 13](#))

Kevin Graham, Assistant Attorney General provided written testimony in support of the bill. ([Attachment 14](#))

Michael Williams, Deputy Chief of Police, Emporia, appeared before the committee in support of the bill. ([Attachment 15](#)) Requested to change the definition to be amended to read “any” benefit. This change would enable law enforcement to have adequate means to deal with persons possessing false identification.

Chairman Loyd closed the hearing on [HB 2087](#).

Information was provided by Juvenile Justice Authority in response to a request from the committee regarding juvenile offenders and methamphetamine. ([Attachment 16](#))

The meeting was adjourned. The next meeting is February 2, 2005.