

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 3, 2005 in Room 241-N of the Capitol.

All members were present.

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:

Representative Melody Miller  
Kyle Smith, KBI  
Rep. Huff  
Captain John Meier, Lenexa Police Department  
Chris Tymeson, Dept. Of Wildlife & Parks  
John Badger, Chief Legal Counsel SRS  
Chuck Simmons, KDOC

Others attending:

See attached list.

Representative Melody Miller, appeared before the committee to request a bill introduction for racial disproportionality in the juvenile justice system.

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

Kyle Smith, KBI, appeared before the committee to request a bill introduction providing that when the cause of death of an inmate is determined by an autopsy to be natural, no investigation by the KBI is required. (Attachment 1)

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

Representative Kelsey, appeared before the committee to request a bill introduction that Kansas offender registration applies only to offenders 16 years and older.

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

Representative Decker, appeared before the committee to request a bill introduction concerning a controlled substance; relating to ingesting or injecting certain controlled substances.

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

Representative Owens, appeared before the committee to request a bill introduction relating to juvenile offender classification relating to decaying sentences.

Representative Owens made a motion that this request should be introduced as a committee bill.

Representative Crow seconded the motion. The motion carried.

**HB 2122 – Increasing from \$500 to \$1,000 the misdemeanor felony distinction in crimes involving a type of theft or loss of value.**

**Chairman Loyd opened the hearing on HB 2122.**

Representative Huff appeared in favor of the bill. (Attachment 2) The legislature passed **HB 2271** in 2004 that increased the threshold distinction between misdemeanor and felony theft from \$500 to \$1,000 and was made to the crime of theft of services. To maintain uniformity, all similar crimes with similar threshold distinctions between misdemeanor and felony prosecution should be raised to \$1,000.

Christopher Tymeson, Chief Legal Counsel, Kansas Department of Wildlife and Parks, (Attachment 3) spoke in favor of the bill and proposed increasing the felony level threshold adjusting the commercial values of wildlife.

Captain John Meier, Lenexa Police Department, appeared in favor of the bill. (Attachment 4) The bill would establish the same dollar threshold for various crimes, and would benefit law enforcement officers by establishing the same criteria for various crimes involving theft or deception.

Scott Miller, City of Overland Park submitted written testimony in support of the bill. (Attachment 5)

Paul Morrison, District Attorney Johnson County, provided written testimony in support of the bill. (Attachment 6)

**Chairman Loyd closed the hearing on HB 2122.**

**HB 2128 – Expansion of SRS access to criminal history records.**

**Chairman Loyd opened the hearing on HB 2128.**

John Badger, Chief Counsel, Social and Rehabilitation Services (SRS), appeared in support of the bill. (Attachment 7) The bill would allow SRS to have increased access to state and national criminal history information in order to help insure the safety of children and vulnerable adults being cared for or served by the agency.

**Chairman Loyd closed the hearing on HB 2128.**

**HB 2130 – Confidential mental health records; exchange of information between treatment facilities.**

**Chairman Loyd opened the hearing on HB 2130.**

John Badger, Chief Counsel, Social and Rehabilitation Services (SRS), appeared in support of the bill. (Attachment 8) The bill would allow SRS sharing of forensic mental health records. This will support both more efficient management of the person's treatment related issues and more effective treatment outcomes for the patient.

Dr. John Randolph, Executive Director, Community Mental Health Centers of Kansas, provided information on the bill. (Attachment 9) An expected benefit would be enhanced mental health treatment of juveniles and adults in correctional settings. On the downside would be loss of privacy rights for persons in such settings.

**Chairman Loyd closed the hearing on HB 2130.**

**HB 2147 – Psychiatric reports of defendants and inmates, disclosure of.**

**Chairman Loyd opened the hearing on HB 2147.**

Chuck Simmons, KDOC, appeared before the committee in support of the bill. (Attachment 10) The bill amends KSA 75-5266 to condition the discretionary release of an inmate's or defendant's psychological evaluation report to the inmate's or defendant's friends to be upon authorization by the inmate or defendant, or their family. The Department recommends a technical amendment to the bill that references KSA 75-5266 regarding correctional facilities conducting psychological evaluations be generic, rather than to a specific correctional facility.

Representative Kinzer, appeared in support of the bill and to answer the question on originality of the bill. The bill originated in the Interim Committee on Local Government.

**Chairman Loyd closed the hearing on HB 2147.**

The Chairman appointed Representative Horst, Representative Owens, and Representative Faust-Goudeau to the subcommittee for **HB 2038**.

The meeting was adjourned at 3:05 pm. The next meeting is February 7, 2005.