

Approved: 10-09-05 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 14, 2005 in Room 241-N of the Capitol.

All members were present except:
Kathe Decker- excused

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

Conferees appearing before the committee:
Kyle Smith, KBI
Commissioner Denise Everhart
Jared Maag, Deputy Attorney General

Others attending:
See attached list.

HB 2314 – Timing of offender registration

Chairman Loyd opened the hearing on **HB 2314**.

Kyle Smith, KBI, testified in support of the bill. (Attachment 1) The bill makes two changes to the existing act covering the registration of persons convicted of certain crimes. Language taken from Nebraska's approach, defines the 10 years to start from the offenders last release from custody. The second correction is almost technical, utilizing the same approach as for adults, exempting from registration the time juveniles are confined, and not from the time of adjudication. The intent of the bill is to eliminate present questions of whether the 10 years registration requirement continues to run during a registrants incarceration for any subsequent crime.

Chairman Loyd closed the hearing on **HB 2314**.

HB 2327 – Authority for Juvenile Justice Authority to test offenders for infectious diseases.

Chairman Loyd opened the hearing on **HB 2327**.

Commissioner Denise Everhart, JJA, appeared in support of the bill. (Attachment 2) This bill provides the Commissioner of JJA with the statutory authority to obtain a court order to have an offender's blood tested for infectious diseases when staff at a juvenile correctional facility has been exposed to that offender's body fluids.

Chairman Loyd closed the hearing on **HB 2327**.

HB 2151 – Search warrants issued in violation of health, safety, building or animal cruelty laws/resolutions/ordinances

Chairman Loyd opened the hearing on **HB 2151**.

Ed Jaskinia, The Associated Landlords of Kansas (TALK), spoke in favor of the bill. (Attachment 3) The conferee stated that no uniform rules currently exist for a municipality to acquire an Administrative Search Warrant, this bill would set the minimum standards, allowing cities to use this tool in a fair and consistent way.

Sandy Jacquot, League of Kansas Municipalities, testified in support of the bill. (Attachment 4) The bill would grant authority to district courts to issue search warrants in cases where there is probable cause to believe that a state, county or city law relating to health, safety, building or animal cruelty has been violated. Typically referred to as administrative search warrants to provide access to a yard or dwelling to obtain evidence of a violation.

Chairman Loyd closed the hearing on **HB 2151**.

HB 2261 – Search incident to lawful arrest included evidence of any crime

Chairman Loyd closed the hearing on **HB 2261**.

Jared Maag, Deputy Attorney General, spoke in favor of the bill. (Attachment 5) This bill would reverse the present language of KSA 22-2501. Codifying this area of search and seizure law only breeds conflict with prevailing case law. The conferee recommends that if any legislative action be taken, KSA 22-2501 be repealed.

Kyle Smith, KBI, testified in support of the bill. (Attachment 6) This bill deals with what is commonly called “search incident to an arrest” and would urge the committee to simply repeal KSA 22-2501 and avoid having inappropriate suppression of evidence, criminals wrongfully going free and let law enforcement be guided by the constitutional restraints set down by the United State’s supreme court.

Mike Jennings, Kansas County & District Attorneys Association, submitted written testimony in support of the bill. (Attachment 7)

Randall Hodgkinson, provided written testimony in opposition of the bill. (Attachment 8) Concerns with the bill in two areas are biased application of a search and improper use of judicial process.

Chairman Loyd closed the hearing on **HB 2261**.

The Chairman appointed Representative Horst as chairperson of the subcommittee on **HB 2038**.

Representative Pauls made the motion to move **HB 2206** out favorably and be placed on the consent calendar. Representative Huntington seconded the motion. The motion carried.

Representative Davis made the motion to move **HB 2314** out favorably. Representative Pauls seconded the motion.

Representative Pauls moved to amend to add a semicolon and the number (2) in line 26. Representative Sharp seconded the motion. The motion carried.

Representative Pauls made the motion to move **HB 2314** out favorably as amended. Representative Horst seconded the motion. The motion carried.

Representative Davis made the motion to move **HB 2327** out favorably. Representative Peterson seconded the motion. The motion carried.

The meeting was adjourned at 2:50 pm. The next meeting is February 15, 2005.