

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 15, 2005 in Room 241-N of the Capitol.

All members were present except:
Kevin Yoder- excused

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

Conferees appearing before the committee:
Kyle Smith, KBI
Lt. John Eichkorn, KS Highway Patrol
Toby Taylor, KS Ignition Interlock Association
Marcy Ralston, Driver Control Bureau
John P. Wheeler, Jr., Finney County Attorney
Mark Gleeson, OJA
Tim Madden, KDOC
Sheriff Vernon Chinn, Pratt County
Kevin Graham, Office of the Attorney General
Dr. Lorne Phillips, Center for Health and Environmental Statistics

Others attending:
See attached list.

HB 2304 – Criminal act to ingest or inject certain controlled substances

Chairman Loyd opened the hearing on **HB 2304**.

Representative Kathe Decker appeared before the committee in support of the bill. (Attachment 1) The 2004 Special Judiciary committee held hearings over the summer and the suggestion was to take current law and amend the statute to give a broader definition of possession.

Kyle Smith, KBI, appeared in support of the bill. (Attachment 2) It is self-evident that if it is illegal to possess a controlled substance that it should also be illegal to use a controlled substance. The committee was also made aware that the equipment used by the KBI cannot detect those level, and until replaced will not be able to properly analyze those cases because of the levels showing ingestion are so small.

Lt. John Eichkorn, Kansas Highway Patrol, testified in support of the bill. (Attachment 3) The bill proposes to make a change to KSA 65-4160 by adding ingest or inject to the list of unlawful acts. The following amendment was offered:

(e) any test of blood or urine, requested by a law enforcement officer pursuant to the provisions of KSA 8-1001 and amendments thereto, shall further be admissible at a trial arising from a violations of this section.

Chairman Loyd closed the hearing on **HB 2304**.

HB 2313 – Driving under the influence and use of interlock devices.

Chairman Loyd opened the hearing on **HB 2313**.

Toby Taylor, Kansas Ignition Interlock Association spoke in favor of the bill. (Attachment 4) The bill increases compliance with the requirement to limit operation to vehicles equipped with an ignition interlock device for certain DUI offenders.

Marcy Ralston, Drivers Control Bureau, Division of Motor Vehicles, appeared neutral on the bill. (Attachment 5) The proposed amendment to KSA 8-1015(b) does not adversely impact procedural administrations, but suggested rewording the amendment to read: “upon receipt by the division of proof of installation of the device”, instead of the existing language which give the appearance that the installation is to be done by the division.

Chairman Loyd closed the hearing on **HB 2313**.

HB 2386 – Unlawful sexual relations includes court services officers and community correctional officers

Chairman Loyd opened the hearing on **HB 2386**.

John P. Wheeler, Jr., Finney County Attorney, appeared in support of the bill. (Attachment 6) The bill is to correct what is thought to be an oversight in KSA 21-3520, Unlawful Sexual Relations by adding Section 1 (9) and (10) to include court service officers and community corrections officers.

Mark Gleeson, Office of Judicial Administration, supports the bill. (Attachment 7) The bill conveys to those responsible for creating and maintaining a high degree of integrity and confidence among those who supervise offenders.

Tim Madden, Chief Legal Counsel, KDOC, spoke in favor of the bill. (Attachment 8) The department supports this bill and would offer a balloon to include contract employees providing direct supervision and control over an offender on behalf of court services or community corrections.

Chairman Loyd closed the hearing on **HB 2386**.

HB 2180 – Inherently dangerous felonies

Chairman Loyd opened the hearing on **HB 2180**.

Sheriff Vernon Chinn, Pratt County, appeared as a proponent on the bill. (Attachment 9) The bill addresses criminals who are committing felonies, fleeing the scene of a crime or trying to avoid capture of a warrant, without any thought of the officer’s life that is pursuing or the life of anyone else.

Kevin Graham, Office of the Attorney General, offered testimony in support of the bill. (Attachment 10) Amends the crime of Involuntary Manslaughter and adds acts of “fleeing or attempting to elude a police officer” to the list of acts which may support the charge of Involuntary Manslaughter if a death occurs.

Kyle Smith, Kansas Peace Officers Association, appeared as a proponent of the bill. (Attachment 11) The bill recognizes one of the most dangerous situations to both citizens and officers, that is persons attempting to flee and elude apprehension.

Mike Jennings, submitted written testimony in support of the bill. (Attachment 12)

The bed impact is three to twenty-three additional prison beds in 2006 and nine to thirty-five additional prison beds in 2015.

Chairman Loyd closed the hearing on **HB 2380**.

HB 2179 – Penalties relating to vital records

Chairman Loyd opened the hearing on **HB 2179**.

Dr. Lorne Phillips, Center for Health and Environmental Statistics, appeared as a proponent of the bill.

(Attachment 13) A balloon was presented to the committee that would amend the language of the bill into **HB 2087**. (Attachment 14) The current statute KSA 65-2434 addresses only the willful making or alteration of certificates and attaches a penalty of a class B misdemeanor, these measures are not sufficient to deter vital record fraud.

Chairman Loyd closed the hearing on **HB 2179**.

The meeting was adjourned at 2:55 pm. The next meeting is February 16, 2005.