

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on March 19, 2007 in Room 313-S of the Capitol.

All members were present except:
Jim Ward- excused

Committee staff present:
Jerry Ann Donaldson, Kansas Legislative Research
Athena Andaya, Kansas Legislative Research
Jill Wolters, Office of Revisor of Statutes
Duston Slinkard, Office of Revisor of Statutes
Cindy O'Neal, Committee Assistant

Conferees appearing before the committee:
Senator Roger Reitz
Randall Allen, Kansas Association of Counties
Commissioner Michael Kearns, Riley County Commissioner
Paul Morrison, Attorney General
Kyle Smith, Kansas Bureau of Investigation
Ed Klumpp, Kansas Association of Chiefs of Police
Lt. Barry Von Fange, Wichita Police Department
Helen Pedigo, Kansas Sentencing Commission

The hearing on **SB 184 - paying costs related to sexually violent predators**, was opened.

Senator Roger Reitz appeared as the sponsor of the proposed bill which would require the Department of Corrections to pay counties for all costs incurred when determining whether a person is a sexually violent predator. ([Attachment 1](#))

Randall Allen, Kansas Association of Counties, explained that these costs are an unfunded mandate by the state and can't be budgeted for because counties do not know when such a case will be filed. ([Attachment 2](#))

Commissioner Michael Kearns, Riley County Commissioner, commented that these types of proceedings are very expensive. Riley County recently had one that cost \$29,498.26. ([Attachment 3](#))

Paul Morrison, Attorney General, informed the committee that there was an updated fiscal note which projected these costs to be approximately \$1.2 million and requested appropriations for this process. He expressed concern that the Office of Attorney General might have a potential conflict because they are the ones who currently determine who is a sexual predator and with the passage of the bill would be required to fund that person's defense. ([Attachment 4](#))

The hearing on **SB 184** was closed.

The hearing on **SB 166 - clarifying amendments to hard 40 sentence for sex crimes and sex exploitation of a child**, was opened.

Paul Morrison, Attorney General, stated that the bill would clean up an oversight in Jessica's law from the 2006 Legislative Session. It would clarify that sexual exploitation of a child is a severity level 5 person felony unless that child is under the age of 14 and the offender is 18 years of age or older. This would be an off-grid personal felony. The bill also expands the list of sex offenses that were in effect at the time prior to the effective date of Jessica's law. ([Attachment 5](#))

Written testimony in support of the bill was provided by the Kansas Department of Corrections. ([Attachment 6](#))

The hearing on **SB 166** was closed.

CONTINUATION SHEET

MINUTES OF THE House Judiciary Committee at 3:30 P.M. on March 19, 2007 in Room 313-S of the Capitol.

The hearing on **SB 97 - third or subsequent convictions for burglary sentence**, was opened.

Kyle Smith, Kansas Bureau of Investigation, appeared as a proponent to the bill which addresses low level felony criminals having a revolving door. They know that they will be sentenced to 24 months of probation and never serve any time in prison.

Ed Klumpp, Kansas Association of Chiefs of Police, explained that the proposed bill would create a special application in sentencing that would made the sentence for third or subsequent conviction of burglary a presumptive prison sentence. The sentence could not be considered a departure sentence and would not be subject to an appeal. (Attachment 7)

Lt. Barry Von Fange, Wichita Police Department, gave several examples of habitual burglars who usually hit businesses to support their drug habit. (Attachment 8)

Helen Pedigo, Kansas Sentencing Commission, requested technical amendments:

- Section 1 - during the 2006 Session, K.S.A. 21-3415 was amended to increase the penalty from a nondrug severity level 6 person felony to a severity level 4 person felony. The special rule pertaining to this crime at severity level 6 is no longer needed.
- Page 4, line 8, strike duplicate language and add language indicating the aggravated battery against a law enforcement officer must be committed prior to July 1, 2006.
- Page 5, line 43 and page 6, line 1, strike the word "either". No special rule is needed as burglary with two prior aggravated burglaries would put the offender at a level 7-B, which is presumptive prison. (Attachment 9)

Written testimony in support of the bill was provided by the Kansas County & District Attorneys Association, Kansas City Kansas Police Department, and Kansas Sheriffs' Association. (Attachments 10 - 12)

The hearing on **SB 97** was closed.

SB 14 - offender registration

The Justice Center provided the committee with a brochure showing policy options to increase public safety and manage the growth of Kansas' prison population. (Attachment 13)

Representative Colloton made the motion to strike the language in SB 14 and replace it with HB 2141 & HB 2142. Representative Kuether seconded the motion. Representative Watkins & Kinzer voiced their concerns with HB 2142 because it substantially decreases ones sentence. The motion carried. Representative Watkins requested he be recorded as voting no.

Representative Colloton made the motion to adopt the balloon which increases good time credits up to 20% for crimes committed after January 2008, and subtracts good time credits from the prison sentence only. Representative Wolf seconded the motion. The motion carried. (Attachment 14)

Representative Colloton made the motion to strike the language that suggest the Kansas Secretary of Corrections will fund services available to counties. (Attachment 15) Representative Wolf seconded the motion. The motion carried.

Representative Colloton made the motion to report Substitute SB 14 favorably for passage. Representative Wolf seconded the motion. The motion carried. Representative Watkins requested he be recorded as voting no.

SB 308 - uniform commercial code, article 7, revisions

Representative Colloton made the motion to report SB 308 favorably for passage, and because of it's non-controversial nature, be placed on the consent calendar. Representative Owens seconded the motion. The motion carried.

CONTINUATION SHEET

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SB 183 - uniform commercial code, article 1, general provision

Representative Kuether made the motion to report SB 183 favorably for passage, and because of its non-controversial nature, be placed on the consent calendar. Representative Whitham seconded the motion. The motion carried.

SB 88 - restoration of spouse's name after divorce is final

Representative Pauls made the motion to strike on page 8, line 23 the word "before". Representative Colloton seconded the motion. The motion carried.

Representative Yoder provided the committee with a balloon which would allow an individual to designate a new legal name by simply signing their current name and then sign what their official name would be on their marriage certificate. (Attachment 16) He made the motion to adopt the balloon. Representative Owens seconded the motion. The motion carried.

Representative Colloton made the motion to report SB 88 favorably for passage, as amended. Representative Davis seconded the motion. The motion carried.

SB 18 - uniform child abduction prevention act

Representative Davis made the motion to report SB 18 favorably for passage. Representative Garcia seconded the motion. The motion carried.

The committee meeting adjourned at 5:15 p.m. The next meeting was scheduled for March 20, 2007.