

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on February 14, 2008 in Room 313-S of the Capitol.

All members were present except:

Annie Kuether- excused
Marti Crow- excused
Jason Watkins - excused

Committee staff present:

Jerry Ann Donaldson, Kansas Legislative Research
Athena Andaya, Kansas Legislative Research
Jill Wolters, Office of Revisor of Statutes
Jason Thompson, Office of Revisor of Statutes
Cindy O'Neal, Committee Assistant

HB 2726 - polygraph examinations prohibited for certain alleged victims

Representative Whitham report HB 2726 favorably for passage. Representative Colloton seconded the motion.

Representative Patton made a substitute motion to strike "or method" in line 19. Representative Owens seconded the motion. The motion carried.

Representative Whitham made the motion to report HB 2726 favorably for passage, as amended. Representative Colloton seconded the motion. The motion carried.

HB 2727 - sexual assault, evidence

Representative Colloton made the motion to report HB 2727 favorably for passage. Representative Whitham seconded the motion.

Representative Garcia made the substitute motion to allow the Kansas Bureau of Investigation (KBI) to store the rape kits for 180 days and then destroy them. Representative Patton seconded the motion. Upon discussion, committee members felt that 180 days was too short amount of time and suggested five years. With permission of the seconded 180 days was changed to five years. The motion carried.

Representative Pauls requested a motion that the KBI may adopt as necessary rules & regulations on how the kit will be transferred from hospitals to the KBI. Representative Kinzer seconded the motion. The motion carried.

The committee discussed the proposed amendments by Kansas Coalition Against Sexual and Domestic Violence. While the intention is well intended they felt there could be many unintended consequences.

Representative Wolf made the motion to include an amendment that would instruct hospitals to not report a rape incident if the victim does not request it be done. Representative Goyle seconded the motion. Some committee members were opposed to any type of crime not being reported and felt that if hospitals are told they can't report unless it's asked for it would be possible that the victim could be put in further danger.

Others felt that victims might not come forward to do the rape kit if they know that it's going to be reported. They need to be able to make up their own mind as to if they want to report.

Chairman O'Neal asked the committee to think about a more workable amendment and be ready to discuss next week.

The committee adjourned at 4:30p.m. The next meeting was scheduled for February 18, 2008.