

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Vice Chairman Terry Bruce at 9:34 A.M. on March 18, 2008, in Room 123-S of the Capitol.

All members were present except:

John Vratil- excused
Donald Betts- excused
David Haley arrived, 9:45 A.M.

Committee staff present:

Bruce Kinzie, Office of Revisor of Statutes
Athena Andaya, Kansas Legislative Research Department
Karen Clowers, Committee Assistant

Conferees appearing before the committee:

Representative Joe Patton
Jennifer Roth, Kansas Association of Criminal Defense Lawyers
Callie Denton Hartle, Kansas Association for Justice

Others attending:

See attached list.

The Vice Chairman opened the hearing on **HB 2732–Sentencing, mitigating factors, departure limitations on crime of extreme sexual violence.**

Representative Joe Patton testified in support, stating his concern on departures from term limit guidelines by judges (Attachment 1). **HB 2732** would limit departures for the most serious crimes, and for those with the most serious criminal histories.

Jennifer Roth spoke in opposition, voicing several concerns regarding the bill (Attachment 2). Kansas has 15 years of case law representing the sentencing guidelines and the guidelines are respected as an example by many other states. Ms. Roth indicated there is no justification for the proposed changes and there is no statistical data to support the bill. The bill will conflict with existing law, may increase jury trials, and may cause a constitutional challenge.

Written testimony on **HB 2732** was submitted by:

Ed Klumpp, Support, KS Assn. of Chiefs of Police; KS Peace Officers' Assn. (Attachment 3 & 4)
Peter Ninemire, Opposition, Families Against Mandatory Sentences (Attachment 5)

There being no further conferees, the hearing on **HB 2732** was closed.

The Vice Chairman opened the hearing on **HB 2825–Closing court proceedings and sealing court records; good cause finding on the record required.**

Callie Denton Hartle appeared in support. The bill reasonably balances the transparency and public access with the need to close proceedings or seal records when the need is demonstrated (Attachment 6).

Written neutral testimony on **HB 2825** was submitted by:

Anne Kindling, Kansas Association of Defense Counsel (Attachment 7).

The Vice Chairman called for final action on **HB 2643–Resolving a conflict between two statutes concerning service of process for garnishment on insurance companies.** Senator Bruce reviewed the bill and a proposed balloon amendment (Attachment 8).

Senator Journey moved, Senator Lynn seconded, to adopt the proposed balloon amendment. Motion carried.

Senator Goodwin moved, Senator Journey seconded, to recommend **HB 2643** as amended, favorably for passage. Motion carried.

The meeting adjourned at 10:24 A.M. The next scheduled meeting is March 19, 2008.