

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Emert at 10:12 a.m. on March 2, 2000 in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Gordon Self, Revisor
Mike Heim, Research
Jerry Donaldson, Research
Mary Blair, Secretary

Conferees appearing before the committee:

Erich Rucker, Dickinson County Attorney
Chris Biggs, Kansas County District Attorney's Association
Joe Lee, Lyon County Attorney
Nick Tomasic, Wyandotte County Attorney

Others attending: see attached list

The minutes of the February 29th meeting were approved on a motion by Senator Goodwin, seconded by Senator Oleen. Carried.

SB 579—concerning crimes, criminal procedure and punishment; relating to arson

Conferee Rucker, testifying in support of **SB 579**, discussed criminal offense penalties for arson according to the Kansas Sentencing Guidelines which currently provides no distinction between general building or property loss and dwelling and dwelling contents. He stated that **SB 579** does away with "class distinction" by making an appropriate distinction between dwelling and commercial loss. (attachment 1) Following discussion Senator Pugh moved to pass the bill out favorably, Senator Donovan seconded. Carried. At the request of Committee, the Sentencing Commission agreed to provide an impact statement.

SB 620—concerning juvenile offenders; relating to conditional release, violations

Conferee Biggs, speaking on behalf of the Sumner County Attorney who could not be present, testified in support of **SB 620**, a bill that requires that during a juvenile's conditional release violation hearing, relevant written statements made under oath would be admitted and considered by the court along with other evidence. He discussed the circumstances which necessitated amending current law and also recommended, at the suggestion of Attorney Ed Collister, Kansas Bar Association Board of Governor's Member, changing the language on line 24 of the bill to read "may" instead of "shall." (attachments 2 and 3) Following discussion Senator Oleen moved to adopt the language change amendment, Senator Petty seconded. Carried. Senator Oleen moved to pass the bill out favorably as amended, Senator Vratil seconded. Carried.

SB 627—concerning alcohol; relating to possession by minors

Conferee Lee testified in support of **SB 627**, a bill which he stated would amend the law to make preliminary breath tests (PBT) admissible in criminal court. He elaborated on why he felt the amendment was necessary. (attachment 4) (see also attachment 3) There was a lengthy discussion on this issue including the reliability, or lack thereof, of the instrument used to do a PBT. No action was taken on this bill.

SB 628—concerning crimes, criminal procedure and punishment; relating to possession of a firearm by a felon

Conferee Tomasic presented a brief history of the current law prohibiting the possession of firearms by certain convicted felons and discussed several problems encountered in the application of this law. He discussed the technical amendments offered in **SB 628** which he stated would simplify and clarify current law regarding this issue so that there can be no misinterpretation. (attachment 5) A balloon amendment was also discussed. (attachment 6)

No action was taken on the bill.

Written testimony was submitted by Gary L. Foiles, Cowley County Attorney in support of **SB 627**. (attachment 7)

The meeting adjourned at 11:01 a.m. The next scheduled meeting is March 6, 2000.