

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:32 A.M. on February 13, 2006, in Room 123-S of the Capitol.

All members were present except:

Donald Betts- excused
David Haley- excused
Kay O'Connor arrived,- excused
Greta Goodwin arrived, 9:34 a.m.
Terry Bruce arrived, 9:35 a.m.
Dwayne Umbarger arrived 9:40 a.m.
Derek Schmidt arrived 9:44 a.m.

Committee staff present:

Helen Pedigo, Office of Revisor of Statutes
Karen Clowers, Committee Secretary

Conferees appearing before the committee:

Kevin A. Graham, Assistant Attorney General, Director of Legislative Affairs
Roger Werholtz, Secretary, Kansas Department of Corrections
Larry N. Zimmerman, Kansas Credit Attorney's Association
Don Jarrett, Chief Counsel, Johnson County
Tim Mulcahy, Director, Justice Information of Management System
Linda Carter, Director of Administration, Johnson County
Scott Gyllenborg, President Elect, Johnson County Bar Association
Katie McClafin, Staff Attorney, SAFEHOME
Richard F. Hayse, President, Kansas Bar Association
Doug Annett, Executive Director, Kansas Press Association, Inc.
Darrell Eckland, President, Shawnee County Landlord Association
Ed Janiskina, Associated Landlords of Kansas
Kathy Porter, Kansas Judicial Branch
Bill Burns, Court Administrator, 29th Judicial District
John K. Steelman, Court Administrator, 4th Judicial District
Hon. Richard Ballinger, Chief Judge, 18th Judicial District

Others attending:

See attached list.

The hearing on **SB 506--Persons required to register pursuant to the Kansas offender registration act; annual driver's license or identification card; residency restrictions; juvenile offenders required to register; sexually violent predators** was opened.

Kevin Graham appeared in support of the bill and reviewed changes to current law (Attachment 1). He suggested a change in Section 2, page 1, line 36 to add the word "pre-school" just before the word "kindergarten" and make the same change in Section 10, page 17, line 40 indicating that many elementary schools operate pre-schools.

Roger Werholtz spoke in support of **SB 506** detailing the impact the bill would have on the Department of Corrections and requested the residency restrictions for offenders under their jurisdiction be deleted (Attachment 2). He presented information from the Iowa County Attorneys Association which recommended repeal of residential restrictions. The Association believes that the 2,000 foot residency restriction does not provide the protection originally intended and that the cost of enforcing the requirement and unintended effects on families of offenders warrant replacing the restriction with more effective protective measures.

There being no further conferees, the hearing on **SB 506** was closed.

The hearing opened on **SB 353--Authorizing electronic access to publicly available district court records.** Larry Zimmerman spoke in support and requested clarification that District Court records are the property of the District Court, including electronic records and it may make them available publicly (Attachment 3).

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:32 A.M. on February 13, 2006, in Room 123-S of the Capitol.

Don Jarrett appeared in favor of **SB 353** stating it is a beneficial service to the public, enhances efficiency and saves money (Attachment 4). Mr. Jarrett has concern regarding user-fees as a means of support for electronic access indicating the possibility that users will return to phone calls and personal visits increasing costs

Tim Mulcahy spoke in support of **SB 353** briefing the committee on the system now used by Johnson County (Attachment 5). He also recommended that access remain free of charge by funding the statewide system through alternative sources.

Linda Carter spoke in favor of the bill indicating the present system ensures every citizen has access to the public records of the local criminal court system (Attachment 6). Ms. Carter stated ending free public access will likely increase telephone queries requiring additional staff and/or delayed response time.

Scott Gyllenborg appeared in support stating the continued free access to public district court records best serves the public and court system by providing access to court records while freeing up court personnel to attend to their primary responsibilities (Attachment 7).

Katie McClafin spoke in support indicating free and open access is crucial to clients involved in court cases as a victim/witnesses, or as a party in civil protection from abuse or divorce (Attachment 8).

Richard Hayse spoke in favor stating the Kansas Bar Association believes it is in the public interest for the citizens of this state to be able to inform themselves about the workings of the courts and the progress of specific cases in which they have a legitimate interest (Attachment 9).

Doug Anestt appeared in favor of **SB 353** stating the Kansas Press Associations' belief that counties and district courts should maintain control of their own judicial documents and that access to electronic records be free of charge (Attachment 10).

Darrell Eckland testified in support indicating open free access is extremely important to landlords for screening of applicants resulting in safer neighborhoods and communities (Attachment 11).

Ed Jasinkina spoke in support stating agreement with previous testimony of Mr. Eckland (No written testimony). In today's world landlords need district court information and open access in to information.

Kathy Porter spoke in opposition indicating **SB 353** would hinder the Supreme Court's coordinated effort to enhance statewide equity, uniformity, efficiency, and effectiveness in the Judicial Branch and jeopardize free public access to court information (Attachment 12). A user fee plan is required to fund such a project.

Bill Burns appeared in opposition to **SB 353** stating the move to statewide internet access is a logical one and the Information Network of Kansas (INK) is the logical entity to provide that access (Attachment 13). Revenue from the proposed INK internet access would be used to implement these projects.

John Steelman spoke in opposition advocating the Supreme Court's proposal to provide electronic access to statewide district court records through the Information Network of Kansas INK (Attachment 14).

Judge Richard Ballinger spoke in opposition indicating 103 counties currently use the FullCourt system for electronic access to court records (Attachment 15). This system provides public access in each courthouse.

Written testimony in support of **SB 353** was submitted by:

Frank P. Denning, Sheriff, Johnson County (Attachment 16)

Vic Miller, Chairman, Shawnee County Commission (Attachment 17)

Paul J. Morrison, District Attorney, Johnson County (Attachment 18)

Karen A. Hiller, Executive Director, Housing & Credit Counseling, Inc. (Attachment 19)

There being no further conferees, the hearing on **SB 353** was closed.

The meeting was adjourned at 10:33 a.m. The next scheduled meeting is February 14, 2006.