

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:36 A.M. on February 11, 2008, in Room 123-S of the Capitol.

All members were present except,  
Derek Schmidt arrived, 9:36 A.M.  
David Haley arrived, 9:40 A.M.

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

Conferees appearing before the committee:  
Roger Werholtz, Secretary, Kansas Department of Corrections

Others attending:  
See attached list.

Bill Introductions

Dan Gibb, Office of the Attorney General requested introduction of a bill regarding increased penalties for assault of persons licensed or registered by the behavioral sciences regulatory board. Senator Goodwin moved, Senator Umbarger seconded to introduce the bill as a committee bill. Motion carried.

The Chairman opened the hearing on **SB 494–Retirement age for certain judges.**

Senator Bruce testified in support, as sponsor of the bill, indicating that under current law judges must retire at age 75 (Attachment 1). For publically elected judges, this could mean forced retirement during the course of their term. **SB 494** offers some relief to jurists with whom the public has voiced its trust by extending the mandatory retirement age to the end of term or upon reaching the age of 73.

Written testimony in support of **SB 494** was submitted by:  
The Kansas District Judges Association (Attachment 2)

There being no further conferees, the hearing on **SB 494** was closed.

The hearing on **SB 495–Restricting transfer of offenders to DOC with 10 or less days remaining on sentence** was opened.

Roger Werholtz appeared in support, indicating this bill would require prisoners with less than 11 days remaining on their term of imprisonment to remain incarcerated at the county jail (Attachment 3). This would save the cost of transporting to a state facility and the cost of processing and evaluating once there. The Department estimates this will affect approximately 128 prisoners per year.

There being no further conferees, the hearing on **SB 495** was closed.

Senator Vratil opened the hearing on **SB 496–District magistrate judges; vacancies; district conventions.**

Senator Bruce testified in support, as sponsor of the bill which address a discrepancy in the laws pertaining to the filling of vacancies for officials elected to the bench (Attachment 4). Senator Bruce advocates elected magistrate and district judges be required to use the same process to fill a vacancy as any other elected official.

Written testimony in opposition of **SB 496** was submitted by:  
The Kansas District Judges Association (Attachment 5)

There being no further conferees, the hearing on **SB 496** was closed.

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:36 A.M. on February 11, 2008, in Room 123-S of the Capitol.

The Chairman called for final action **SB 476–Arrest for violating condition of probation or conditions of release.** The Chairman reviewed the bill indicating there were no proposed amendments to the bill.

Senator Donovan moved, Senator Goodwin seconded, to recommend SB 476 favorably for passage. Motion carried.

The Chairman called for final action **SB 477–Offender registration, electronic solicitation.** Senator Vratil reviewed the bill. Senator Journey proposed the need for a prospective clause.

Senator Journey moved, Senator Lynn seconded, to amend SB 477 by adding on page 3, line 17, language to the effect, “committed on or after the effective date” and give the revisor license to draft appropriate language. Motion carried.

Senator Journey moved, Senator Donovan seconded, to recommend SB 477, as amended, favorably for passage. Motion carried.

The Chairman called for final action on **SB 479–Post release supervision for certain offenders convicted under K.S.A. 21-4628.** The Chairman reviewed the bill and distributed a proposed balloon amendment from the parole board reflecting change in language to included as many determinate and indeterminate offenders as possible (Attachment 6).

Senator Journey moved, Senator Betts seconded to amend SB 479 in the manner reflected in the balloon with the modification of replacing the word “any” with the word “all” and changing the word “crime” to plural “crimes”. Motion carried.

Senator Bruce pointed out adoption of this bill would be inherently retroactive but felt a need to make the clarification that it is the intent of the committee to apply the legislation retroactively.

Senator Bruce moved, Senator Schmidt seconded, to amend SB 479 on page 2, line 17, following Senator Journey’s previous amendment, giving the revisor license to draft language making the bill retroactive to the effective date of the bill.

Senator Journey moved, Senator Lynn seconded, to recommend SB 479 as amended, favorably for passage. Motion carried.

The meeting adjourned at 10:23 A.M. The next scheduled meeting is February 12, 2008.