

Approved: February 14, 2000
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on February 2, 2000 in Room 313-S of the Capitol.

All members were present except:

Representative Tony Powell - Excused

Committee staff present:

Jerry Ann Donaldson, Legislative Research Department

Jill Wolters, Office of Revisor of Statutes

Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Derek Schmidt, Office of The Governor

Paul Davis, Kansas Bar Association

Representative Doug Johnston

Captain Mark Goodloe, Kansas Highway Patrol

Representative Carlos Mayans

Don Burger, National Association of Human Rights Workers

Representative David Haley

Sandy Jacquot, League of Kansas Municipalities

Derek Schmidt, Office of the Governor, requested a bill introduction revising Kansas' Anti-trust law. (Attachment 1)

Representative Carmody made the motion to have the request introduced as a committee bill. Representative Lloyd seconded the motion. The motion carried.

Paul Davis, Kansas Bar Association, requested a bill modifying the service of process provisions. (Attachment 2)

Representative Carmody made the motion to have the request introduced as a committee bill. Representative Gregory seconded the motion. The motion carried.

Hearing on **HB 2683 – Collection of information on traffic stops**, was opened.

Representative Doug Johnston appeared in support of the bill. He commented that the purpose of the bill was to collect data, which would determine whether Kansas's law enforcement officers are stopping people based on race. It is expected that law enforcement officers are honest and fair when they stop someone, but Kansas has a responsibility to make sure that citizens are not stopped because of their race. (Attachment 3)

Captain Mark Goodloe, Kansas Highway Patrol, informed the committee that all Highway Patrol Officers go through a Criminal Interdiction Program which instructs officers on the latest trends of contraband smuggling and techniques available to stop the business. The course also provides material that promotes the use of racial profiling to supplant probable cause. The Kansas Highway Patrol does not believe that the department has a problem with racial profiling but would welcome the opportunity to do the study, if the program was adequately funded. (Attachment 4)

Representative Carlos Mayans told a story of how he felt when he was on the receiving end of an officer harassing him after a traffic accident because of his race.

Don Burger, National Association of Human Rights Workers, believes that all adult African-Americans have encountered a racial act at one time in their lives. In minority communities throughout the country, it is believed that traffic stops are made based on the race of the drivers, not that an infraction has been made. An officer can always observe a driver long enough to identify some minor infractions as a reason to stop him, but far too many of these stops occur to minorities. (Attachment 5)

Sandy Jacquot, League of Kansas Municipalities, opposes the mandatory racial profiling due to the cost it would impose on cities. Many cities would have to hire patrol officers, staff and buy modern computers. She suggested that the committee look at making the program a voluntary one. (Attachment 6)

CONTINUATION SHEET

Representative David Haley provided the committee with a copy of an article from the Kansas City Star (Attachment 7) which reported the pro's & con's of enacting a racial profiling law. Rep. Haley suggested that if it happens in Kansas then the Legislature has the responsibility to find out to what degree. If the report shows that it's a problem then the next step would be to introduce a bill to stop it.

The hearing on **HB 2683** remained opened to receive further information from Don Burger.

The committee adjourned at 5:30 p.m. The next meeting was scheduled for February 3, 2000.