

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson John Barker at 3:30 pm on Wednesday, February 17, 2016, 112-N of the Capitol.

All members were present except:

Representative Mark Kahrs – Excused

Committee staff present:

Jason Thompson, Office of Revisor of Statutes

Jenna Seematter, Office of Revisor of Statutes

Lauren Douglass, Legislative Research Department

Connie Bahner, Kansas Legislative Committee Assistant

Conferees appearing before the Committee:

Lee Davidson, Office of the Attorney General

Shawn Miniham, Kansas County and District Attorneys Association

Jennifer Roth, Kansas Association of Criminal Defense Lawyers

Jean Phillips, Project for Innocence and Post Conviction Remedies

Richard Johnson, KU Medical Center Chief of Police

Others in attendance:

[See Attached List](#)

Chairperson Barker advised the Committee that he was closing the hearing on **HCR5013**.

Hearing on: HB2652 — Increasing the number of district court judge nominees sent to the governor by district judicial nominating commissions.

Chairperson Barker opened the hearing on **HB2652**. Jenna Seematter, Revisor, gave an overview of the bill.

Chairperson Barker advised the Committee that there is written testimony from Kathy Ostrowski, Kansans for Life ([Attachment 1](#)) .

Chairperson Barker was informed by Mike Powers and Dan Creitz that the District Judges Association is neutral on **HB2652**.

Chairperson Barker closed the hearing on **HB2652**.

Hearing on: HB2502 — Amending court procedures in motion to attack sentence regarding time limitations and findings of manifest injustice.

Chairperson Barker opened the hearing on **HB2502**. Jenna Seematter, Revisor, gave an overview of the

CONTINUATION SHEET

MINUTES of the Committee on Judiciary at 3:30 pm on Wednesday, February 17, 2016 in Room 112-N of the Capitol.

bill to the Committee.

Chairperson Barker recognized Lee Davidson, Office of the Attorney General, as a proponent of **HB2502** ([Attachment 2](#)) ([Attachment 2A](#)). Questions were asked by Representative John Carmichael.

Shawn Minihan, Kansas County and District Attorneys Association, was recognized by Chairperson Barker as a proponent on the bill ([Attachment 3](#)).

Jennifer Roth, Kansas Association of Criminal Defense Lawyers, testified as an opponent to **HB2502** ([Attachment 4](#)) ([Attachment 4A](#)). Representative Steve Becker had questions for Ms. Roth.

Jean Phillips, Project for Innocence and Post Conviction Remedies, testified as an opponent to **HB2502** ([Attachment 5](#)). Questions were asked by Representatives John Rubin and Jim Ward.

Chairperson Barker directed the Committee's attention to the written opponent testimony of Tricia Bushnell, Midwest Innocence Project ([Attachment 6](#)).

Chairperson Barker closed the hearing on **HB2502**.

Hearing on: HB2696 — Amending jurisdiction of university of Kansas medical center police officers.

Chairperson Barker opened the hearing on **HB2696**. Jenna Seematter, Revisor, gave an overview of the bill.

Chairperson Barker left the room. Vice-Chairperson Macheers asked if there were any questions of the Revisor. Questions were asked by Representative John Rubin.

Richard Johnson, Chief of Police of the Kansas University Medical Center, was recognized by Vice-Chairperson Macheers as a proponent of **HB2696** ([Attachment 7](#)). Questions were asked by Representatives John Rubin, John Whitmer, and John Carmichael.

Vice-Chairperson Macheers noted that there is written proponent testimony from Ed Klumpp on behalf of the Kansas Association of Chiefs of Police, the Kansas Sheriffs Association, and the Kansas Peace Officers Association ([Attachment 8](#)).

Vice-Chairperson Macheers closed the hearing on **HB2696**.

Chairperson Barker returned to the room. He advised the Committee that he intends to work some bills tomorrow. An email will be sent out listing the bills he intends to work.

Possible action on bills previously heard

HB2080 - An act concerning crimes, punishment and criminal procedure; relating to blackmail,

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES of the Committee on Judiciary at 3:30 pm on Wednesday, February 17, 2016 in Room 112-N of the Capitol.

breach of privacy.

Chairperson Barker asked the Committee to open their folders on **HB2080** and to advise the Chairperson of their pleasure.

*Representative Jim Ward moved that the Committee recommend **HB2080** favorably for passage. seconded by Representative Annie Kuether.*

*Representative John Whitmer moved to table **HB2080**, seconded by Representative Randy Powell. A vote was taken, and the Chair was in doubt. There were ten votes in favor of tabling the bill and eleven no votes. **HB2080** was not tabled.*

*Representative Jim Ward moved to amend **HB2080**, seconded by Representative Annie Kuether.*

Representative Jim Ward explained that his proposed amendment ([Attachment 9](#)) has three components to it. First of all, it changes the years from 2014 to 2015. The other amendments relate to the First Amendment and the impact on telecommunications. Discussion ensued between Representatives Leslie Osterman and John Rubin and Jason Thompson, Revisor.

*Representative Ward closed on the amendment. A vote was taken, and the **amendment to HB2080** was adopted.*

*Representative Jim Ward moved that **HB2080**, as amended, be recommended favorably for passage. seconded by Representative Annie Kuether.*

Representative Craig McPherson expressed his strong opposition to **HB2080**.

Further discussion was held between Representatives John Rubin and Jim Ward, and Jason Thompson, Revisor.

*Representative Ward closed on his motion. A vote was taken, and the Chairperson stated that the **nos** had it. Division was called by Representative John Carmichael. There were ten votes in favor of recommending **HB2080**, as amended, favorably for passage and eleven **nos**. **HB2080**, as amended, failed to pass.*

There being no further business, the meeting was adjourned at 4:50 p.m.