

MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairman Ward Loyd at 1:30 p.m. on February 12, 2004 in Room 241-N of the Capitol.

All members were present except:

Representative Lana Gordon – excused  
Representative Eric Carter - absent

Committee staff present:

Jill Wolters, Revisor of Statutes Office  
Jerry Ann Donaldson, Legislative Research Department  
Becky Krahl, Legislative Research Department  
Connie Burns, Committee Secretary

Conferees appearing before the committee:

Victor Rivers, Actor  
Tim Madden, DOC  
John Badger, SRS  
Sidney Willens  
Representative Goering  
Representative Newton  
Paul Morrison, District Attorney  
Christine Kenney, Douglas County  
Mike Jennings, Sedgwick County  
Darrel Donahue, AARP  
Ron Schnider, KS Trial Lawyers  
Ton Laing, InterHab  
Steve Howe, Johnson County  
Bryon Pierce, Overland Park Police Department  
Lisa McCormick, Johnson County  
Rex Beasley, AG  
Patricia Biggs, KS Sentencing Commission  
Chris Tymeson, Wildlife and Parks

Others attending:

See Attached List.

**HB 2730 – Endangering a child when the child’s life is endangered or child is present in a meth lab or where meth is sold is a severity level 9, person felony.**

Chairman Loyd reopened the hearing on **HB 2730**.

Victor Rivers, actor appeared before the committee to talk in support of the bill and the advocacy movement and what the effect has done in his life.

Chairman Loyd closed the hearing on **HB 2730**.

Commissioner Everhart provided information that was requested for the committee on Kansas Juvenile Detention Facilities, their location and licensed capacity. (Attachment 1)

**HB 2636 – Allowing SRS and law enforcement agencies access to victim information.**

Chairman Loyd opened the hearing on **HB 2636**.

John Badger, Chief Counsel SRS, appeared before the committee in support of the bill. The bill would

amend current law to allow SRS to access certain information containing names and addresses of crime victims for purposes of satisfying the notification requirements of KSA 59-29a13. ([Attachment 2](#))

Tim Madden, Department of Corrections, appeared before the committee to present testimony provided by Secretary Werholtz in support of the bill. The bill facilitates the sharing of crime victim information by various law enforcement agencies and SRS thus enhancing notification to crime victims of various events. ([Attachment 3](#))

Chairman Loyd closed the hearing on **HB 2636**.

**HB 2690 – Upon conviction, allowing the victim to get the financial records of criminal offender.**

Chairman Loyd opened the hearing on **HB 2690**.

Representative Goering appeared before the committee in favor of the bill. The bill makes a minor change to existing law that will have significant benefits to victims of crime. Under current law the information is made available to the crime victim when the defendant has been ordered to pay restitution. ([Attachment 4](#))

Sidney Willens, attorney, spoke in favor of the bill, and Kansas allows a veil of secrecy over the financial resources of convicted felons and forces victims of crime into civil court to gain financial information. . By adding two words *upon conviction* to KSA 60-4035 would lift the veil of secrecy. ([Attachment 5](#))

Chairman Loyd closed the hearing on **HB 2690**.

**HB 2621 – Crime of harming, disabling or killing a game warden dog.**

Chairman Loyd opened the hearing on **HB 2621**.

Chris Tymeson, Chief Counsel Wildlife and Parks, appeared before the committee to encourage favorable passage of the bill. He stated this bill would amend current statutory protections for inflicting harm, disability or death to certain dogs to include game warden dogs. ([Attachment 6](#))

Chairman Loyd closed the hearing on **HB 2621**.

**HB 2693 – Mistreatment of a dependent adult; increasing penalties if value of financial gain is over \$500.**

Chairman Loyd opened the hearing on **HB 2693**.

Representative Newton appeared as a proponent on the bill. The bill is an attempt to broaden the protections of dependent adults, including the elderly and those with physical and mental illness disabilities. ([Attachment 7](#)) The balloon amendment would change lines 10, 13 and 16 on page 2 from financial gain to resources, recommended after discussion with the Attorney General's office. ([Attachment 8](#))

Paul Morrison, District Attorney Tenth Judicial District, appeared to offer full support of the bill. In the past these cases were charged and tried as violations of the Theft statute, the theory being that the victims were deceived and or taken unfair advantage of. In the recent case *State v. Maxon*, the Kansas Court of Appeals held that violations of this nature are not thefts, but merely violations of the dependent adult statute, a misdemeanor. This has created a major loophole in the law that allows paltry penalties for what can be massive thefts. ([Attachment 9](#))

Christine Kenney, Douglas County District Attorney, spoke in favor of the bill, that protection should take many forms, including severe penalties for anyone who takes unfair advantage of their vulnerability. This group has increasingly become an easy target for criminals. By enacting the statute the legislature recognizes the harm to our dependant adults is greater, thus making it a person, rather than non-person crime. ([Attachment 10](#))

Mike Jennings, Sedgwick County, submitted written testimony in support of the bill. ([Attachment 11](#))  
Nola Foulston, District Attorney Eighteenth Judicial District, submitted written testimony in support of the bill. ([Attachment 12](#))

Darrell Donahue, Congressional District Coordinator for AARP Kansas, appeared in support of the bill. Elder abuse can be physical, financial or psychological and may take place in a home or an institutional setting. Elder abuse can also be systemic, when guardianship procedures intended to protect the infirm, ill or incompetent are used to deprive vulnerable older people of their rights or resources. We ask you to expand protections and enhanced penalties in order to further protect vulnerable adults from abuse, neglect and exploitation. ([Attachment 13](#))

Ron Schneider, Kansas Trial Lawyers Association, supports the bill. Existing law does not adequately punish the crimes, nor does it distinguish levels of financial loss, leaving law enforcement with inadequate tools to fight these serious crimes, which mostly occur against the elderly. ([Attachment 14](#))

Tom Laing, InterHab, appeared as a proponent of the bill and urged the committee to consider additional language. ([Attachment 15](#))

Steve Howe, Assistant Prosecuting Attorney Johnson County, spoke in favor of the bill. The criminal conduct destroys the victim's life savings and leaves them dependant on government assistance. These defendants use various forms of deceit and intimidation to destroy the victims lives. This bill would allow for just punishment for the most egregious crimes against the most vulnerable in our society. ([Attachment 16](#))

Byron Pierce, Detective Overland Park Police Department, urged the committee to strongly support the passage of the bill because it will have a positive impact on the most vulnerable members of our community. ([Attachment 17](#))

Lisa McCormick, Investigator Johnson County District Attorney's Office, in favor of the bill. She stated that there has been a frightening increase in the number of elderly consumers who are victims of financial exploitation. This bill will deter these types of financial crimes and protect our most vulnerable population. ([Attachment 18](#))

Rex Beasley, Deputy Attorney General, to convey the interest of the Attorney General to protect the interest of vulnerable adults in the State of Kansas and support the bill and the balloon. The proposed changes make the penalties for committing financial abuse of a dependent adult consistent with the penalties for committing theft. ([Attachment 19](#)) The case Kansas v. Maxon was provided for the committee. ([Attachment 20](#))

Deanne Bacco, Executive Director Kansas Advocates for Better Care, submitted written testimony in support of the bill. ([Attachment 21](#)) Linda Wright, Chairperson of Elder Abuse Committee of COMVAC submitted written testimony in favor of the bill. ([Attachment 22](#))

Patricia Biggs, Executive Director Kansas Sentencing Commission, providing the Bed Impact of the bill.

Chairman Loyd closed the hearing on **HB 2693**.

**HB 2319 – Unlawfully hosting minors consuming alcoholic liquor or cereal malt beverages**  
**SB 197 – Alcoholic beverages; furnishing to and consumption by persons under age 21**

Representative Yoder provided the Committee the **Subcommittee Report on HB 2319** and **SB 197** was provided. The subcommittee unanimously voted to amend **HB 2319** in **SB 197**. ([Attachment 23](#))

**Representative Kassebaum moved to accept the subcommittee report. Representative O'Malley seconded the motion.**

**Chairman Loyd continued the motion to the meeting on February 13, 2004.**

The meeting was adjourned at 3:23 PM. The next meeting is February 13, 2004.