

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 23, 2004 in Room 241-N of the Capitol.

All members were present.

Committee staff present:

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

Conferees appearing before the committee:

Denise Everhart, Commissioner
Kathy Porter, Office of Judicial Administration
Ron Paschal, Chief Attorney Sedgwick County

Others attending:

See Attached List.

Chairman Loyd opened the hearing on **HB 2862**.

HB 2862 - Various amendments to the juvenile justice code and criminal code concerning juveniles.

Commissioner Denise Everhart appeared before the committee in support of **HB 2862**. (Attachment 1)
With a few exceptions the bill proposes amendments to existing law, that serves to clarify and codify what is currently practiced, or serve to allow her the ability to fulfill statutory role as the Commissioner of the Juvenile Justice Authority.

Kathy Porter, Office of Judicial Administration appeared as a opponent with an amendment on the bill
She requested an amendment to Section 7 of the bill in keeping practices consistent with current law helps with both training of the clerks and will help to ensure that the proper practices are followed.
(Attachment 2)

Ron Paschal, Chief Attorney Sedgwick County, appeared as neutral but with amendments on the bill.
(Attachment 3)

Chairman Loyd closed the hearing on HB 2862.

HB 2790 - Criminal Justice Coordinating Council, membership and duties.

Representative Crow made motion to pass **HB 2790** favorably. Representative Kassebaum seconded the motion.

Representative Goering presented the committee with a balloon with language change on page 1, 2 and 3. (Attachment 4)

Representative Goering made a motion to amend **HB 2790**. Representative Carter seconded the motion.

Representative Ward moved to divide the amendment into four questions. Representative Crow seconded the motion. The motion carried.

Representative Goering moved the first part on the balloon striking section e (1) and moving to Section (b) on who makes up the council. The motion did not carry.

Representative Goering moved the second question on the balloon which would add the Attorney General as an office which can request studies line 2 on page 2. The motion carried.

Representative Goering moved the third question on the balloon inserting the Attorney General as an office which can receive reports. The motion carried.

Representative Carter moved the fourth question on the balloon which would make the change effective upon publication in the register. The motion carried.

Representative Pauls made a motion to amend by readopting the balloon and adding two members of local and county government and strike language in line 33 - 40. Representative Dillmore seconded the motion. The motion did not carry.

Representative Goering made a substitute motion to pass **HB 2790** as amended. Representative Kassebaum seconded the motion. The motion carried.

HB 2869 - Preliminary examinations, admissibility of field tests for controlled substances.

A balloon was passed out by staff. (Attachment 5).

Representative Ward motion to adopt balloon to **HB 2869**. Representative Carter seconded the motion. The motion carried.

Representative Pauls motion to insert into **HB 2869** the balloon taken from **HB 2375** passed last year.(Attachment 6) Representative Goering seconded the motion. The motion carried.

Representative Goering motion to pass favorable **HB 2869** as amended. Representative Carter seconded the motion. The motion carried.

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.

A balloon was offered which would make a new crime of endangering a child in lines 14 through 17. (Attachment 7) The bed impact is two beds in 2005 and 35 in 2014.

Representative Ward made a motion to adopt the amendment in the form presented by the revisor. Representative Dillmore seconded the motion. The motion carried.

Representative Carter moved to divide into two parts. Representative Ward seconded the motion. The motion carried.

Representative Ward moved on the first part of the balloon amendment aggravated endangerment. The motion carried.

Representative Ward moved on the second part of the balloon amendment. The motion did not carry.

Representative Ward moved the second part of the balloon be revised to read sub-section A(3) a loaded and unsecured firearm is present and readily accessible by an unattended child under the age of 14 who has not been issued a certificate of completion of an approved hunter education course. Representative Kassebaum seconded the motion. The motion carried.

Representative Dillmore motion to pass **HB 2730** as amended. Representative Owens seconded the motion. The motion carried.

HB 2742 - Child in need of care records, confidentiality

The balloon was provided by SRS and JJA. (Attachment 8)

Representative Kassebaum made a motion to adopt the balloon. Representative Dillmore seconded the motion. The motion carried to adopt the balloon.

Representative Dillmore motion to pass **HB 2742** as amended. Representative Owens seconded the motion. The motion carried.

HB 2777 - Manufacturing a controlled substance does not include compounding

The subcommittee report was reported as a substitute bill draft (Attachment 9)

Representative Owens made a motion to adopt the subcommittee report and to pass favorable **Substitute HB 2777**. Representative Kassebaum seconded the motion. The motion carried.

The Sentencing Commission bed impact is zero on substitute **HB 2777** because the Legislative intent was a Severity Level 1. In the event it is determined not to be retroactive as the committees intent was, the bed reduction is 113 in year 2004 and 835 in year 2014.

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

The balloon by Representative Newton was presented, which intends to clarify by inserting “aggregate amount of the value of the resources page 2 lines 10, 13, and 16 and add a new section 6 - mistreatment of a dependent adult as defined in subsection (a) (2). (Attachment 10)

Representative Yoder made a motion to adopt the balloon. Representative Ward seconded the motion. The motion carried to adopt the balloon.

Representative Yoder made a motion to pass favorable **HB 2693** as amended. Representative Horst seconded the motion. The motion carried.

HB 2759 –Creating a grant program to target communities in the state with high criminal activity

Representative Dillmore made a motion to pass favorable **HB 2759**. Representative Swenson seconded the motion. The motion carried.

The meeting was adjourned at 3:04 PM. The next scheduled meeting is on February 24, 2004.

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