

Approved: 5-2-2005 Date

MINUTES OF THE HOUSE CORRECTIONS & JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairman Ward Loyd at 3:00 P.M. on March 21, 2005 in Room 241-N of the Capitol.

All members were present except:

Kathe Decker- excused
Mike Peterson- absent
Stephanie Sharp- excused

Committee staff present:

Jill Wolters, Revisor of Statutes Office
Diana Lee, Revisor of Statutes Office
Jerry Ann Donaldson, Kansas Legislative Research
Connie Burns, Committee Secretary

Conferees appearing before the committee:

Senator Journey
Kevin Graham, Attorneys General Office
Senator Betts
Danielle Dempsey-Swopes, KS African American Affairs Commission
Col. William Seck, KS Highway Patrol
Kyle Smith, KBI
Sheriff Randy Rogers, KS Sheriffs Association
Mike Watson, KS Association of Chief's of Police

Others attending:

See attached list.

SB 71- Creating the crime of automated teller machine robbery and aggravated automated teller machine robbery

Chairman Loyd opened the hearing on **SB 71**.

Senator Journey, appeared before the committee in support of the bill. (Attachment 1) This bill would facilitate the documentation of this violent crime trend, the bill supplements KSA 21-3426 and 21-3427 with two new classes of robbery. The bill increases the criminal penalties imposed for the crimes of robbery and aggravated robbery at an automatic teller machine, from a Level 5 Person Felony (PF) to a Level 4 PF and from a Level 3 PF to a Level 2 PF, respectively.

Kevin Graham, Attorney Generals Office, appeared in support of the bill and offered a balloon. (Attachment 2) This bill would create two new felony offenses under Kansas law that would apply only in situations where an offender (i.e. "robber") makes the use of an automated teller machine an essential component of the robbery crime. The proposed balloon amendment would insert the language of SB 179 into SB 71. The language of SB 179 has been designed to help protect children from sexual predators. The bill language would enhance penalties for sex offenders who actively prey on children and allows for charges to be filed against sex offenders for every image of child pornography they possess.

Chairman Loyd closed the hearing on **SB 71**.

SB 72- Worthless checks, more than once in a seven-day period, increased penalty.

Chairman Loyd opened the hearing on **SB 72**.

Senator Journey, appeared before the committee in support of the bill. (Attachment 3) This bill mirrors the increase of the threshold for felony giving a worthless check from \$500 to \$1,000 as was done with felony theft in 2004. This level of felony is a presumptive probation disposition in the sentencing

guidelines, will reduce the number of potential defendants to be incarcerated due to probation violations. This should largely offset any potential KDOC beds needed for the new cases charged as felonies due to aggregation.

Chairman Loyd closed the hearing on **SB 72**.

Sub for SB 77- Racial profiling; requirements of law enforcement agencies; civil cause of action

Chairman Loyd opened the hearing on **Sub for SB 77**.

Senator Betts, appeared in support of the bill. (Attachment 4) Included in the attachment were letters of support from Jihad Muqtasid, Rev. Andrew McHenry, Kevin Myles, and Ralondo Henry Carr. An amendment is being drafted that was a cooperative effort with law enforcement agencies across the state.

Colonel William Seck, Kansas Highway Patrol, (Attachment 5) stated the Patrol fully supports the concept of eliminating bias-based policing but has concerns with the language found in the bill and working with representatives of the Kansas Hispanic/Latino American Affairs Commission, the Kansas African American Affairs commission, the Kansas Attorney General's Office, the KBI, the Kansas Law Enforcement Training Center, the Kansas Sheriff's Association, the Kansas Peace Officers' Association, the Kansas Association of Chief's of Police, the Kansas Trooper's Association and many other law enforcement officials and Senator Betts, have fashioned substitute language for sub SB 77. The substitute language for the bill (drafted by the working group and amended by Senate Committees) addressed the need for no tolerance policies. To require all law enforcement agencies in the state to adopt a detailed, written policy to preempt racial profiling, on going training for officers, and a 15-members Governor's Task Force would be put into motion to look at practices that would hold officers accountable and conscientious of their actions. The patrol does oppose the language found in Section 6 and urged the committee to work with stakeholders to ensure language previously agreed to is passed out of committee.

Kyle Smith, spoke in favor of the bill as agreed and amended. (Attachment 6) Section 6 creates a couple of redundancies in the law, the bill inserts responsibility of the attorney general's offices as the state agency that reviews and imposes punishment for officers who break the law. The Kansas Commission on Peace Officers standards and Training (KSCPOST) is the board set up by statute to handle the discipline and certification of law enforcement officers, and on page 2 line 20 officers should be changed to *agencies*.

Mike Watson, Director Legislative Committee, Kansas Association of Chief's of Police, provided testimony in support of a compromise that support certain provision. (Attachment 7) The committee was provided with substitute language and the provisions that the Association is opposed to.

Danielle Dempsey-Swopes, Kansas African American Affairs Commission, spoke in favor of the bill. (Attachment 8) The bill will mandate annual training for law enforcement officers and allow for the creation of a task force to determine a state process for collection of data on routine investigatory activities.

Written testimony in support of the bill was provided by: Senator Haley, (Attachment 9) Kevin Graham, Attorney General's Office, (Attachment 10) Shirley Wishom and Mona Brown, Women in Action, (Attachment 11) Sandy Jacquot, General Counsel League of Kansas Municipalities, (Attachment 12) William Richards, Topeka NAACP Lobbyist, (Attachment 13) Dick Kurtenbach, Executive Director of the American Civil Liberties Union of Kansas and Western Missouri, (Attachment 14) Elias Garcia, Executive Director of the Kansas Hispanic & Latino American Affairs Commission, (Attachment 15) Walt Chappell, Citizens for Equal Law Enforcement, (Attachment 16) in opposition or wanting the amended form written testimony was received from Randy Rogers, President Kansas Sheriff's Association, (Attachment 17) and Michael Heffron, Emporia Chief of Police. (Attachment 18)

Chairman Loyd closed the hearing on **Sub for SB 77**.

The meeting was adjourned at 3:30 pm. The next committee meeting is March 22, 2005.