

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:31 A.M. on January 18, 2006, in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Mike Heim, Kansas Legislative Research Department  
Jill Wolters, Office of Revisor of Statutes  
Helen Pedigo, Office of Revisor of Statutes  
Karen Clowers, Committee Secretary

Conferees appearing before the committee:

Kerrie Bacon, Kansas Commission of Disability Concerns  
Shannon Jones, Executive Director, Statewide Independent Living Council  
Rick Levy, Kansas Judicial Council  
Hon. Thomas H. Graber, Judge of the District Court, 30<sup>th</sup> Judicial District

Others attending:

See attached list.

Introduction of bills

Sandy Barnett, Executive Director, Kansas Coalition Against Sexual and Domestic Violence, requested the introduction of two bills regarding the safety of victims of sexual crimes. The first bill would improve the privacy of victims by prohibiting the public release of identifying information of the victim. The other bill would prohibit the use of a polygraph on victims. Senator Bruce moved, Senator Betts seconded, to introduce both bills as committee bills. Motion carried.

Lt. John A. Eickhorn, Kansas Highway Patrol, requested the introduction of a bill regarding preliminary breath tests. Senator O'Connor moved, Senator Bruce seconded, to introduce the bill as a committee bill. Motion carried.

Senator Vratil introduced three bills. The first would require the court to inform non-citizens that their plea of guilty or *nolo contendere* could effect their immigration status. The second bill concerns eminent domain and appeals from an eminent domain award. The third bill involves animal cruelty. It was moved by Senator Bruce, seconded by Senator Betts, to introduce all three bills. Motion carried.

The hearing on **HB 2352 Revised Kansas code for care of children** was opened.

Kerrie Bacon appeared as a proponent of the bill stating her concern that parents with disabilities are having their children removed from their custody for reasons that may relate to the disability (Attachment 1). The commission believes that people with disabilities should not be singled out or be more likely to have their children removed from their custody. If there are issues, resources within the community and region should be explored to help keep children in their own home. The wording in this bill clarifies that:

- Kansas does not support discrimination against parents with disabilities, and
- accommodations such as adaptive equipment and support services are appropriate and acceptable to help keep children in their own home

Shannon Jones spoke in support of the bill and requested it be amended to include a prohibition of disability discrimination based solely on a parent's disability (Attachment 2). Kansas laws, as currently written, reflect bias against parents with disabilities by their referral to having a disability as a factor in a parent's ability to raise their children. The Council merely wants to ensure there is no unintentional adverse impact on parents with disabilities and their families.

Rick Levy gave a brief background of the bill and provided the committee with extensive written comments (Attachment 3). The goal of the Judicial Council was to make the bill as effective as possible for protecting children and to make the code as "user friendly" as possible. This resulted in three types of changes:

## CONTINUATION SHEET

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- technical, which are intended to clarify the bill
- organizational changes
- substantive and pro
  
- cedural changes

The more significant and procedural changes were identified as:

- Adoption and Safe Families Act Compliance
- Notice and Service of Process
- Parties, Interested Parties, and Attendance at Hearings
- Dispositional Hearings and Termination of Parental Rights
- Permanency Planning
- Permanent Custodian

Mr. Levy also provided a balloon amendment indicating the recommended changes. Senator Goodwin expressed her appreciation for the four year effort it required to revise the juvenile code.

Judge Thomas Graber spoke in opposition to the bill and requested several changes to language to clarify procedures within the bill and make it workable for the court to operate (Attachment 4). Judge Graber had not presented his proposed amendments to either the House Committee or to the Judicial Council Advisory Committee. Senator Vratil suggested he confer with Professor Levy or others on the Judicial Council Advisory Committee and possibly work out some of the concerns he has presented.

Ron W. Paschal did not appear before the committee but requested his written testimony in support of the bill be distributed and placed in the committee minutes (Attachment 5).

The Hon. Timothy H. Henderson did not appear before the committee but requested his neutral written testimony be distributed and placed in the committee minutes (Attachment 6).

There being no further conferees to come before the committee, the Chairman closed the public hearing on **HB 2352**.

The meeting was adjourned at 10:34 a.m. The next committee meeting is scheduled for January 19, 2006.