

Approved: February 14, 2000

Date

## MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on January 31, 2000 in Room 313-S of the Capitol.

All members were present except:

Representative Andrew Howell - Excused

Representative Peggy Long - Excused

Committee staff present:

Jerry Ann Donaldson, Legislative Research Department

Mike Heim, Legislative Research Department

Jill Wolters, Office of Revisor of Statutes

Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Chris Biggs, Geary County Attorney

Representative Becky Hutchins

Richard Meadows, President of Shawna Meadows Memorial Foundation, Inc.

Chief Ron Jackson, Newton Chief of Police

The committee entertained a bill request that would allow The Court of Appeals to have discretionary jurisdiction over their cases.

Representative Carmody made the motion to have the request introduced as a committee bill. Representative Gregory seconded the motion. The motion carried.

Representative Carmody requested a bill allowing Behavioral Sciences Regulatory Board to revoke a license if during a pending investigation the licensee voluntarily surrenders the license.

Representative Carmody made the motion to have the request introduced as a committee bill. Representative Gregory seconded the motion. The motion carried.

Hearing on **HB 2684 - One year time limitation on writs of habeas corpus**, was opened.

Chris Biggs, Geary County Attorney, requested the proposed bill. The bill proposes a one year time limitation following the conclusion of a direct appeal of an inmates conviction. Missouri, Mississippi & Iowa have time limitations set. Present law allows an inmate to challenge his conviction at anytime. Most of the challenges are for technical reasons. He proposed an amendment which would include in subsection (f) (a) " or the United States Supreme Court" and include (b) The limitation herein shall be extended only to prevent a manifest injustice. (Attachment 1)

Paul Morrison, District Attorney, Tenth Judicial District, did not appear before the committee but requested that his written testimony be included in the minutes. (Attachment 2)

Hearing on **HB 2684** was closed.

Hearing on **HB 2699 - DUI equipment fee for law enforcement agencies**, was opened.

Representative Becky Hutchins appeared as the sponsor of the bill. She explained that there would be an additional \$100 fine for any person found guilty of driving while under the influence of drugs or alcohol. The money would then be used to purchase law enforcement equipment which would assist in the prevention of alcohol & drug related crimes. (Attachment 3)

Richard Meadows, President of Shawna Meadows Memorial Foundation, Inc., started The Ogle County Project when his daughter & mother-in-law were killed by a drunk driver. The Project imposes a \$100 fine for those convicted of drunk driving and uses the fee to purchase modern law enforcement technology, such as, Lidar Lasers,

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camera control units, and front & rear radar. While this type of program may not reduce the rate of DUI's and other crimes it helps law enforcement agencies prosecute and get convictions. (Attachment 4)

Chief Ron Jackson, Newton Chief of Police, informed the committee that DUI is the most serious driving offense in Kansas. The cameras that would be bought with the funds would provide solid evidence of the physical condition the driver was in at the time of the stop. (Attachment 5)

Written testimony was provided by Mothers Against Drunk Drivers (Attachment 6) and Jackson County Sheriff's Office (Attachment 7).

Hearing on **HB 2699** was closed.

Committee minutes from January 12, 18, 19, 20, 24, & 25 were distributed.

The committee meeting adjourned at 4:45 p.m. The next meeting was scheduled for February 1, 2000.