

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson Michael O'Neal at 3:30 p.m. On February 20, 2001 in Room 313-S of the Capitol.

All members were present except:

Representative Karen DiVita - Excused

Committee staff present:

Jerry Ann Donaldson, Legislative Research Department

Jill Wolters, Revisor of Statutes Office

Cindy O'Neal, Committee Secretary

HB 2078 - if a minor shoplifts, the parents are liable for a civil penalty up to \$500

The subcommittee recommended a balloon. (Attachment 1)

Representative Loyd made the motion to adopt the balloon. Representative Long seconded the motion. The motion carried.

Representative Loyd made the motion to report **HB 2078** favorably for passage as amended. Representative Long seconded the motion. With permission of the second Representative Loyd withdrew his motion.

He made the motion to amend in the following language on page 2, line 27, "a claim or judgement under the provisions of this section shall not constitute an obligation or liability against any insurer or third-party payor." Representative DeCastro seconded the motion. The motion carried.

Representative Loyd made the motion to report **HB 2078** favorably for passage as amended. Representative DeCastro seconded the motion. The motion carried 9-6. Representatives Rehorn & Crow asked to be recorded as voting no.

HB 2079 - theft of property from three businesses as part of the same criminal transaction is a severity level 9, nonperson felony

The subcommittee recommended a balloon. (Attachment 2)

Representative Loyd made the motion to adopt the balloon. Representative Long seconded the motion. The motion carried.

Representative Loyd made the motion to report **HB 2079** favorably for passage. Representative Patterson seconded the motion. The motion carried.

HB 2080 - unlawful use of possession of a sale receipt or universal product code label

The subcommittee recommended the committee adopt the balloon and recommended that **HB 2080** be a substitute bill.

Representative Loyd made the motion to adopt the balloon. Representative Long seconded the motion. The motion carried.

Representative Loyd made the motion to report **Substitute HB 2080** favorably for passage. Representative Long seconded the motion. The motion carried.

HB 2296 - mandatory sentencing & fines for forgery

The subcommittee recommended a balloon (Attachment 3)

Representative Loyd made the motion to adopt the balloon. Representative Pauls seconded the motion. The motion carried.

Representative Williams made the motion to have no mandatory confinement but keep the fines. Representative Loyd seconded the motion. The motion carried.

Representative Loyd made the motion to redraft pg 5 (i) to clarify that unless criminal history provides otherwise this section shall apply. Representative Williams seconded the motion. The motion carried.

Representative Long made the motion to report **HB 2296** favorably for passage as amended. Representative Lloyd seconded the motion. The motion carried.

HB 2329 - allowing criminal justice agencies access to division of vehicle records

Representative Loyd made the motion to report **HB 2329** favorably for passage. Representative Williams seconded the motion.

Representative Loyd made the substitute motion to reference the criminal justice agency definition as found in K.S.A. 22-4701(c). Representative Williams seconded the motion. The motion carried.

Representative Crow made the motion to add “criminal proceedings” to the bill. Representative Ruff seconded the motion. The motion carried.

Representative Loyd made the motion to report **HB 2329** favorably for passage as amended. Representative Williams seconded the motion. The motion carried.

HB 2230 - suspension or revocation of driving privileges

Representative Newton made the motion to report **HB 2230** favorably for passage. Representative Williams seconded the motion.

Representative Newton made the substitute motion to increase DUI fines for:

1st offense \$500 - \$1,000

2nd offense \$1,000 - \$1,500

3rd offense \$1,500 - \$2,500

4th offense \$2,500

Representative Williams seconded the motion. Committee members believed that the most important issue in this bill is the interlock and that if it was combined with an significant increase in fees it would put the bill in jeopardy. The motion failed.

Representative Williams made the motion to increase the fees for reinstatement of a drivers license to:

1st reinstatement \$200

2nd reinstatement \$400

3rd reinstatement \$600

4th reinstatement \$800

Representative DeCastro seconded the motion. With the permission of the seconded the motion was amended to have the reinstatement fees apply only to DUI's. The motion failed 7-8.

Representative DeCastro made the motion to create a class B misdemeanor criminal penalty for refusing to submit to a breath, blood alcohol, or urine test if it has been requested by a law enforcement officer. Representative Lloyd seconded the motion. The motion carried.

Representative Patterson made the motion to include a provision granting law enforcement officers probable cause to request a blood alcohol test to be performed in any cases where a motor vehicle was operated in such a manner to cause serious injury or death. The motion carried.

Representative Loyd made the motion to amend in the provisions of **HB 2135 - increasing evaluation fees for DUI's from \$125 to \$150**. Representative Ruff seconded the motion. The motion carried.

Representative Klein made the motion to allow undocumented workers who have obtained an internal revenue

service individual taxpayer identification number the ability to get a drivers license. Representative Shriver seconded the motion. The motion failed 6-8.

Representative Loyd made the motion to report **HB 2230** favorably for passage as amended. Representative DeCastro seconded the motion. The motion carried.

HB 2212 - branch banks shall designate an officer as the custodian of records to identify records for evidentiary purposes

Representative Pauls made the motion to report **HB 2212** favorably for passage. Representative Lloyd seconded the motion.

Representative Pauls made the substitute motion to amend in the language of K.S.A. 9-813 which states “any office, agency, or other place of business, at which deposits are received, checks paid or money lent.” Representative Lloyd seconded the motion. The motion carried.

Representative Pauls made the motion to report **HB 2212** favorably for passage, as amended. Representative Lloyd seconded the motion. The motion carried.

HB 2135 - increasing evaluation fee for DUI’s from \$125 to \$150

Representative Klein made the motion to delete the provisions of **HB 2135** and amend in language that would allow undocumented workers who have obtained an internal revenue service individual taxpayer identification number the ability to get a drivers license and report the bill favorably. Representative Swenson seconded the motion. The motion carried.

The committee meeting adjourned at 6:00 p.m. The next meeting is scheduled for February 28, 2001.