

MINUTES OF THE HOUSE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on February 7, 2002 in Room 313-S of the Capitol.

All members were present except:

Representative Karen DiVita- Johnson - Excused
Representative Kathe Lloyd - Excused
Representative Ward Loyd - Excused
Representative Dean Newton - Excused
Representative Rick Rehorn - Excused
Representative Candy Ruff - Excused
Representative Clark Shultz - Excused

Committee staff present:

Jerry Ann Donaldson, Department of Legislative Research
Jill Wolters, Department of Revisor of Statutes
Sherman Parks, Department of Revisor of Statutes
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Judge Jeffrey Tauber, Executive Director, Center for Problem Solving Courts, Alexandria, Virginia
Judge Janice Russell, 10th Judicial District, Johnson County
Kathy Olsen, Kansas Bar Association
Melissa Wangemann, Secretary of States Office

Judge Tauber provided a presentation on drug courts. He commented that the first drug courts were implemented in Miami, Florida in 1989 and Oakland, California in 1990. In 1994 there were only twelve drug courts, those of whom formed their own association called The National Association of Drug Court Professional. On August 2, 2000, a joint resolution was passed by the Conference of Chief Justices and State Court Administrators endorsing the drug court model.

Drug courts have become an important innovation in the criminal justice system by addressing the overcrowded prisons and costs of treatment. Research shows that retention and completion of treatment programs, such as drug courts, have a tremendous affect in reducing drug use and criminal behavior. Sanctions and incentives play an essential role, and are far more successful in retaining participants in treatment longer periods of time than traditional treatment. It was estimated that 60% of those who enter drug courts are still in treatment after one year. In contrast, half of those admitted to outpatient drug-free programs stayed less than three months.

He stated that Kansas has the ability to do drug courts statewide and suggested that most are community driven and are slow to start unless they are jump started.

Hearings on **HB 2673 - contributing to the misconduct of a minor**, were opened.

Judge Janice Russell, 10th Judicial District, Johnson County, explained that a problem has arisen with the interpretation of K.S.A. 21-3612 (a)(1) which may be understood as sexual activity, as long as one party is under the age of 18 a violation of this statute, K.S.A. 38-1502 and K.S.A. 38-1502 (c).

In order to clarify the statute she suggested striking in K.S.A. 38-1502 (c) "regardless of the age of the child" so that those acts that are intentionally defined as criminal by the legislature would serve as grounds for finding a child to be a child in need of care, and only charging a person with contributing to the misconduct of a child. (Attachment 1)

Hearings on **HB 2673** were closed.

Hearings on **HB 2487 - Technical amendments to the Uniform Commercial Code Article 9**, were opened.

CONTINUATION SHEET

MINUTES OF THE HOUSE JUDICIARY COMMITTEE at 3:30 p.m. on February 7, 2002 in Room 313-S of the Capitol.

Kathy Olsen, Kansas Bar Association, appeared before the committee in support of the bill which represents technical amendments to Article 9. The bill would provide guidance regarding the method of amending, continuing and terminating pre-effective-date financing statements. (Attachment 2) She requested an amendment that the bill be effective upon publication in the Kansas Register.

Melissa Wangemann, Secretary of States Office, appeared to request an amendment which would tie non-UCC liens that are filed to the same filing procedures used to file a UCC document. (Attachment 3)

Hearings on **HB 2487** were closed.

The committee meeting adjourned at 5:30 p.m. The next meeting was scheduled for February 11, 2002.