

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Senator Vratil at 9:30 a.m. on January 15, 2002 in Room 120-S of the Capitol.

All members were present except: Senator Schmidt (excused)

Committee staff present:

Gordon Self, Revisor  
Mike Heim, Research  
Jerry Donaldson, Research  
Mary Blair, Secretary

Conferees appearing before the committee:

Susan Bechard, Kansas County and District Attorneys Association (KCDA)  
Barbara Toombs, Kansas Sentencing Commission (KSC)  
Pat Scalia, Board of Indigents Defense Service (BIDS)

Others attending: see attached list

The minutes of the January 14, 2002 meeting were amended to correct a typing error and approved as amended on a motion by Senator O'Connor, seconded by Senator Donovan, Carried.

Conferee Bechard requested introduction of two bills. The first bill would target the chronic burglar by escalating burglaries with prior convictions into a felony with presumptive imprisonment. The second bill would strike certain language in current legislation regarding probation revocation. (attachment 1) Following discussion on the first bill request, Senator Goodwin moved to introduce the bill, Senator Donovan seconded, Carried. Following discussion on the second bill request, Senator Gilstrap moved to introduce the bill, Senator O'Connor seconded. Carried.

Conferee Toombs requested introduction of two bills. The first bill she discussed would change procedures for upward departure sentences. She stated it "addresses the corrective action necessary to address the constitutionality issue raised in United States Supreme Court decision and subsequently in a Kansas Supreme Court decision." The second bill she discussed would, on July 1, 2003, create the Department of Field Services which would consolidate court services, community corrections and parole/postrelease under one independent state agency. She reviewed the implementation, function, and responsibilities of the new agency. (attachment 2) Following discussion on the first bill request, Senator Adkins moved to introduce the bill, Senator O'Connor seconded. Carried. Following discussion on the second bill request, Senator Umberger moved to introduce the bill, Senator Goodwin seconded. Carried.

Conferee Scalia requested introduction of three bills. The first bill she discussed would repeal KSA 22-4520 thereby accomplishing BIDS's mission to provide competent legal defense in an economical manner. The second bill would amend current legislation to bring additional funds into the state general fund by increasing the request for public defender application fee. The third bill would reduce paperwork by amending current legislation to allow for electronic deposit of funds by the District Court Clerks to the State Treasurer. (attachment 3) Following discussion on all the bill requests, Senator Goodwin moved to introduce the first bill, Senator Oleen seconded. Carried. Senator Oleen moved to introduce the second bill, Senator Donovan seconded. Carried. Senator Donovan moved to introduce the third bill, Senator O'Connor seconded. Carried. Following further discussion the Chair requested the Conferee provide the Committee with the following: the formula which BIDS uses to determine reimbursement for attorney's fees; the amount which should have been reimbursed; and the amount which has actually been reimbursed.

The meeting adjourned at 10:27 a.m. The next scheduled meeting is January 16, 2002.