

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:34 A.M. on January 17, 2006, in Room 123-S of the Capitol.

All members were present.

Senator Haley arrived 10:13 a.m.

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:

Representative Patricia Kilpatrick
Kyle G. Smith, Deputy Director, Kansas Bureau of Investigation
Roger Werholtz, Secretary of the Department of Corrections
Eric K. Rucker, Chief of Staff, Sr. Deputy Attorney General

Others attending:

See attached list.

Bill Introductions

Josh Bender a student at the University of Kansas, requested the introduction an amendments to the residential landlord and tenant acts, K.S.A. 58-2548, 58-2550, and 58-2548 regarding inventory of premises, security deposit, and automatic renewal clauses. Senator Betts moved, Senator Bruce seconded that the bill be introduced as a committee bill. Motion carried.

Don Moler, League of Kansas Municipalities, requested the introduction of a bill regarding economic development. Senator Donovan moved, Senator Betts seconded that the bill be introduced as a committee bill. Motion carried.

Roger Werholtz, Secretary, Department of Corrections, requested the introduction of two bills regarding sentences for rape and repeat sex offenders. Senator Goodwin moved, Senator Umbarger seconded that the bill be introduced as a committee bill. Motion carried.

The hearing on **SB 334--Life imprisonment or hard 25 and lifetime parole with electronic monitoring for rape and aggravated sodomy if victim under 14 and offender over 18; lifetime postrelease supervision for sexually violent crimes** was opened.

Representative Patricia Kilpatrick spoke in support of the bill (Attachment 1) and was concerned that **SB 334** did not account for first, second, and subsequent convictions and criminal history for crimes that took place prior to July 1, 2006. She also encouraged the committee to include language which does not have an age restriction of the offender and to include the offenses:

- aggravated trafficking
- aggravated indecent liberties with a child
- promoting prostitution with a child
- sexual exploitation of a child

Kyle Smith spoke as a proponent stating that **SB 334** is a way to prevent additional horrific crimes against children (Attachment 2). This bill will protect Kansas children and all Kansans from criminals that pose an immediate and long-term threat.

Roger Werholtz, appeared as a proponent and requested several language changes to **SB 334** (Attachment 3) including:

- addition of incest to list of offenses
- change term persistent offender to aggravated habitual sex offender

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:34 A.M. on January 17, 2006, in Room 123-S of the Capitol.

- time restriction on prior crimes be deleted
- tailor factors for assessing aggravating circumstances pertaining to sex crimes
- electronic monitoring be dictated by the case manager of the offender

The Chairman requested that the requested changes be drafted into a balloon amendment to be ready for the committee to consider when it takes final action later in the week.

Eric Rucker spoke as a proponent of the bill (Attachment 4) and requested several amendments including:

- past criminal history of the offender
- expand the bill to include a wider range of sexual offenses
- strengthening the penalty for violation of the Kansas Offender Registration Act
- creation of a specific offense for individuals who knowingly aid an offender
- sentencing requirements
- permit convictions to be considered and weighted by juries in capital murder cases

Senator Vratil encouraged Mr. Rucker and other conferees to place any proposed amendments in balloon form, working with the Revisor, so the committee may consider them on Thursday when the bill is scheduled to be worked.

The following conferee requested that their written testimony in support of **SB 334** be distributed and placed in the committee minutes.

Sandy Barnett, Executive Director, Kansas Coalition Against Sexual and Domestic Violence (Attachment 5).

There being no others wishing to testify, the hearing on **SB 334** was closed.

The meeting was adjourned at 10:32 a.m. The next meeting is scheduled for January 18, 2006.