

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:37 A.M. on February 15, 2006, in Room 123-S of the Capitol.

All members were present except:

Kay O'Connor- excused
David Haley arrived, 9:43 a.m.

Committee staff present:

Mike Heim, Kansas Legislative Research Department
Helen Pedigo, Office of Revisor of Statutes
Karen Clowers, Committee Secretary

Conferees appearing before the committee:

James G. Keller, Deputy General Counsel, Kansas Department of Revenue
Lt. John Eichkorn, Kansas Highway Patrol
Senator Barbara Allen
Barry Bryant, Victims Program Planner, Governmental Crime Commission, North Carolina
Adam Tatum, Account Executive, Appriss, Inc.
Vic Miller, Shawnee County Commissioner
Sister Mary Lex, Coordinator, Crime Victim Assistance Program, Wyandotte County
Lisa F. Hecht, YWCA Battered Women Task Force
Sandy Barnett, Executive Director, Kansas Coalition Against Sexual and Domestic Violence
Kenneth G. McGovern, Sheriff, Douglas County
Roger Werholtz, Secretary, Kansas Department of Corrections

Others attending:

See attached list.

The hearing on **SB 479--Preliminary screening tests; grounds; notice** was opened.

Jim Keller spoke as a proponent, indicating **HB 2385** enacted by the legislature in 2005 created an unintended problem affecting the use of preliminary breath tests by law enforcement (Attachment 1). The bill added language to K.S.A. 8-1001(a) referencing preliminary breath test for which consent is implied by the act of operating, or attempting to operate a vehicle in this state. As a non-evidentiary test, it is in direct conflict with the preliminary breath statute in K.S.A. 8-1012. This bill will eliminate the problem and allow law enforcement officers to use the preliminary breath test in combating drunk driving.

Lt. John Eichkorn appeared in support stating that enactment of this bill will assist law enforcement officers in their efforts to remove alcohol impaired drivers from our streets and highways (Attachment 2).

There being no further conferees, the hearing on **SB 479** was closed.

The hearing opened on **SB 487--Establishing a statewide automated victim notification system (SAVIN)**.

Senator Barbara Allen spoke in support indicating in light of available Federal funding and the many states that have already implemented a SAVIN system it would be worthwhile to learn more about the system (Attachment 3).

Barry Bryant appeared as a proponent and provided an overview of the system in place in North Carolina (Attachment 4). Mr. Bryant also indicated areas of concern some unrelated to the vendor and some directly related to the vendor. These included:

- Funding costs,
- Ongoing maintenance,
- Interface problems,
- System downtime, and
- Reluctance by some to use the automated system

CONTINUATION SHEET

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North Carolina's overall experience with implementing and providing statewide automated notification to crime victims has been a positive experience, and while not perfect, the goal is to provide victims a sense of security and allow them to be probatively involved if they so chose.

Adam Tatum spoke as a proponent providing information on the history, development and use of SAVIN and VINE (Victim Information and Notification Everyday) systems in other states (Attachment 5).

Vic Miller appeared in opposition relating Shawnee County's experience and dissatisfaction with the VINE (Attachment 6). He indicated that the system did not perform as promised and provided a letter from Robert Hecht, Shawnee District Attorney regarding his opinion to VINE.

Sister Mary Lex spoke against **SB 487** stating Wyandotte County has implemented its own process for victim services and the system works well (Attachment 7). The population of Wyandotte County is fairly mobile, addresses and phone numbers continually change, and it is unreasonable to suggest victims will keep the State informed of these changes.

Lisa Hecht spoke in opposition relating past experiences with VINE (Attachment 8). Ms. Hecht indicted that it was not an effective system and she believes there are better, more efficient and more cost effective ways of appropriately notifying victims through local jurisdictions.

Sandy Barnett appeared in opposition for several reasons (Attachment 9). These included:

- Victims want local advocates,
- Victims advocates provide more personalized service,
- Several counties already have a system in place,
- Victims in danger need more than notification,
- Rural communities do not have the capacity to enter data in a timely manner,
- Grant funds are already obligated and should not be diverted to an electronic system.

Ms. Barnett also stated that she had attended a presentation on VINE by Mr. Adam Tatum and noted that the system has matured into an impressive tool, especially for tracking protection from abuse and stalking orders. Currently, Kansas does not have a system in place for victims to access this information and it would be an asset to victims.

Ken McGovern spoke in opposition stating it would take additional staff to continually update the status of inmates (Attachment 10). This proposal would place undue burden, both manpower and financial on local law enforcement officials.

Roger Werholtz appeared as a neutral party concerned about the scope of information to be provided by various units of government and the cost involved (Attachment 11). Secretary Werholtz indicated that federal grant funding is limited to startup costs and the first two years of operation, requires a 50/50 match on the part of the state and the application deadline was the previous August. He is concerned about costs to sustain data entry, system maintenance, and upgrades in the ensuing years. The Secretary believes that presently, information regarding offenders in its custody is effectively and efficiently disseminated to the public and victims at a substantially lower cost.

Written testimony in opposition of **SB 487** was submitted by:

- Frank Henderson, Jr., Kansas Organization for Victim Assistance, (Attachment 12)
- John P. Wheeler and Elizabeth A. York, Finney County Attorneys (Attachment 13)
- Robert Hecht, Shawnee County District Attorney, (Attachment 14)
- Judy Mohler, General Counsel, Kansas Association of Counties, (Attachment 15)

Written testimony in a neutral position **SB 487** was submitted by:

- Sandy Jacquot, League of Kansas Municipalities (Attachment 16)
- Sandi Raines, State Chairman, Kansas MADD (Attachment 17)

There being no further conferees, the hearing on **SB 487** was closed.

The meeting was adjourned at 10:30 a.m. The next scheduled meeting is February 16, 2006.