

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on February 12, 2008 in Room 313-S of the Capitol.

All members were present except:

Annie Kuether- excused  
Marti Crow- excused

Committee staff present:

Jerry Ann Donaldson, Kansas Legislative Research  
Athena Andaya, Kansas Legislative Research  
Jill Wolters, Office of Revisor of Statutes  
Jason Thompson, Office of Revisor of Statutes  
Cindy O'Neal, Committee Assistant

Conferees appearing before the committee:

Representative Joe Patton  
Curtis Jacobs, Citizen  
Michael Burlison, Citizen  
Ed Klumpp, Kansas Association of Chiefs of Police  
Mark Gleeson, Office of Judicial Administration  
Kevin Murray, Kansas Association of Court Services Officer

The hearings on **HB 2732 - sentencing, mitigating factors, departure limitations on crime of extreme sexual violence & HB 2731 - sentencing, departure presentence report**, were opened.

Representative Joe Patton gave the committee a power point presentation. **HB 2731** establishes a comprehensive presentence report to assist judges in making a more informed decision when granting departures. **HB 2732** limits departures when a serious crime is committed and for those who have a serious criminal history. Its intent is to eliminate probation for extreme sexual violent types of crimes. (Attachment #1)

The fiscal note on **HB 2732** suggests that there would be an eight bed impact by 2009 and 121 by the end of 2018.

Curtis Jacobs, Citizen, appeared as a proponent of the bill. He provided the committee with statistics on rape. (Attachment #2)

Michael Burlison, Citizen, relayed the story of his daughter, who was 14, being stalked and preyed upon by a 38-year-old pedophile. The individual received a sentence of three year probation. He applauded Representative Patton for proposing the two bills today and for getting tougher on those who commit sexual type crimes. (Attachment #3)

Ed Klumpp, Kansas Association of Chiefs of Police, appeared before the committee in support of both of the proposed bills. The Association believes that the proposed changes in statute are reasonable and would protect citizens from bad judicial decisions. (Attachments #4 & 5)

Mark Gleeson, Office of Judicial Administration (OJA), appeared before the committee to point out that if **HB 2731** was signed into law it would require a tremendous amount of extra work for court services officers to complete the departure presentence report and that they would need an additional 28 full time employees and funding to handle the extra workload. OJA estimated that they would need to have an additional \$1,256,640 in funding. This additional funding need was based on 80% of the total number of felony cases filed in 2007. (Attachment #6) The committee asked for another fiscal note that would take into account only departure sentences from 2007.

Kevin Murray, Kansas Association of Court Services Officer, explained that **HB 2731** would require an

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additional four to six hours of work for each CSO. The courts are currently working on implementation of the LSI-R which also increases the workload significantly. (Attachment #7)

Written testimony from the Kansas Sentencing Commission requested an amendment to strike “support” in Section 4, line 20 and replace with “report”. (Attachment #8)

Written testimony was also provided by the Kansas Association of Criminal Defense Lawyers. (Attachment #9)

The hearings on **HB 2731 & HB 2732** were closed.

The committee meeting adjourned at 4:45 p.m. The next meeting was scheduled for February 13, 2008.