

MINUTES OF THE HOUSE JUDICIARY COMMITTEE.

The meeting was called to order by Vice-Chairperson Ward Loyd at 3:30 p.m. on February 13, 2002 in Room 313-S of the Capitol.

All members were present except:

Representative Karen DiVita-Johnson - Excused
Representative Andrew Howell - Excused
Representative Judy Morrison - 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:

David Zabel, Assistant Douglas County Attorney
Kevin Graham, Assistant Attorney General, Criminal Division
Eric Rucker, Dickinson County Attorney
Representative Bob Bethell
Jerry Hereden, Williams Companies
Jack Graves, Duke Energy Corporation

Vice-Chairperson Loyd announced Representative Long would replace Representative Newton on the subcommittee on **HB 2469**.

Hearings on **HB 2735 - Aggravated battery includes unintentionally causing bodily harm while driving under the influence**, were opened.

David Zabel, Assistant Douglas County Attorney, informed the members that the proposed bill would mirror the current involuntary manslaughter statute. By doing so it would be consistent with the Legislatures stance on strengthen DUI statutes. (Attachment 1) The change is necessary due to the Kansas Court of Appeals ruling in *State of Kansas v. Huser* (Attachment 2), which states that the offense of reckless driving is a distinct offense and is established by different evidence than the crime of driving while under the influence of intoxicating liquor. He proposed making the sentence be a severity level 5 so not to impact prison beds.

Kevin Graham, Assistant Attorney General, Criminal Division, reminded the committee that the FATAL Task Force recommended the proposed change. (Attachment 3)

Hearings on **HB 2735** were closed.

Hearings on **HB 2753 - Burglary & Ag Burglary include entering a structure with intent to commit a person misdemeanor**, were opened.

Eric Rucker, Dickinson County Attorney, stated that the proposed bill would not allow a distinction between entering structures with the intent to commit sexual battery, criminal restraint, or simple battery. If a person enters a structure with the intent to commit one or more of these acts it would burglary or ag burglary. (Attachment 4)

Hearings on **HB 2753** were closed.

Hearings on **HB 2752 - crimes of tampering with pipelines and theft of products from pipelines**, were opened.

Representative Bob Bethell appeared before the committee as the sponsor of the bill which would created the crime of tampering with pipelines, a level 3, nonperson felony. He requested an amendment which would strike "natural gas gathering lines". (Attachment 5)

Jerry Hereden, Williams Companies, commented that tampering with the lines is dangerous and could be

CONTINUATION SHEET

MINUTES OF THE HOUSE JUDICIARY COMMITTEE at 3:30 p.m. on February 13, 2002 in Room 313-S of the Capitol.

considered to be a homeland security issue. However, most pipeline tampering is to get the anhydrous ammonia to make methamphetamines. Currently, there are no statutes to prosecute under for those who tap into such lines. (Attachment 6)

Jack Graves, Duke Energy Corporation, requested that the committee strike “natural gas gathering lines”.

Propane Marketers Association of Kansas did not appear before the committee. See (Attachment 7) for their support of the proposed bill.

Hearings on **HB 2752** were closed.

The committee meeting adjourned at 5:00 p.m. The next meeting was scheduled for February 14, 2002.