

Approved: 5-2-2005  
Date

## MINUTES OF THE HOUSE CORRECTIONS & JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairman Ward Loyd at 1:30 P.M. on March 16, 2005 in Room 241-N of the Capitol.

All members were present except:

Kathe Decker- excused  
Mike Peterson- absent  
Jim Ward- excused  
Kevin Yoder- excused

Committee staff present:

Jill Wolters, Revisor of Statutes Office  
Diana Lee, Revisor of Statutes Office  
Jerry Ann Donaldson, Kansas Legislative Research  
Connie Burns, Committee Secretary

Conferees appearing before the committee:

Kevin Graham, Attorney Generals' Office  
Sandy Barnett, KS Coalition Against Sexual & Domestic Violence  
Senator Emler  
Representative Goico  
Kyle Smith, KBI

Others attending:

See attached list.

### **SB 82- Previous sexual conduct of complaining witness in sex offense prosecutions not admissible in any court proceeding**

Chairman Loyd opened the hearing on **SB 82**.

Kevin Graham, Attorney Generals' Office, appeared before the committee in support of the bill. (Attachment 1) This bill is intended to strengthen the provisions of the "rape shield statute" found in KSA 21-3525, amends subsection (b) to prohibit evidence of the complaining witness (i.e. "victims") previous sexual conduct with any person including the defendant from being admitted in evidence or referred to in "any proceeding before the court". Another change is the addition of a new subsection (e) which would impose a new misdemeanor offense for an intentional and knowing violation of the provisions of the statute.

Sandy Barnett, Kansas Coalition Against Sexual & Domestic Violence, provided testimony in support of the bill. (Attachment 2) The bill closes the gap by simply eliminating the words "in the presence of the jury" (line 38) and inserting in its place "in any proceeding before the court".

Chairman Loyd closed the hearing on **SB 82**.

### **SB 25 – Terrorism and illegal use of weapons of mass destruction, penalties, procedures**

Chairman Loyd opened the hearing on **SB 25**.

Senator Emler, appeared as a proponent of the bill. (Attachment 3) As past chairman of the Joint Committee on Kansas Security, the committee received testimony that there is no state crime that succinctly covers terrorism, there are multiple crimes that cover pieces of a terrorist act, but not one that can be charged for the act. The committee felt rather than having to litigate several charges, that to be able to charge and prove one crime made more sense.

Representative Goico, appeared in support of the bill and offered an amendment. (Attachment 4) The bill is needed in order to provide authority to State law enforcement to investigate possible terrorist activities and the amendment stipulates that civil disobedience, peaceful picketing, boycotts and other nonviolent actions will not be considered terrorism.

Kyle Smith, KBI, spoke in support of the bill. (Attachment 5) This legislation offers concrete and specific changes that bring our criminal code up-to-date to deal with the real threat of terrorism, and creates three new crimes:

- Sec. 1 New Crime of Terrorism
- Sec. 2 Creates new Crime of Illegal use of Weapons of Mass Destruction (WMD)
- Sec. 3 Creates new crime of money laundering for furthering violations of Terrorism or WMD

Sections 1 – 3 fills the gap in the Kansas criminal code which would allow the KBI to hold a suspect and Sections 4 – 9 merely amend existing investigative statutes to incorporate the new crimes.

Chairman Loyd closed the hearing on **SB 25**

**SB 89 – Payment of certain medical expenses of prisoners injured by a state officer or employee**

Chairman Loyd opened and continued the hearing on **SB 89** to March 17, 2005.

The Chairman went over the schedule for upcoming meetings and discussion and appointing a subcommittee on the definition of terrorism and mass destruction on **SB 25**.

The subcommittee would include all attorneys' on the committee:

Rep. Jan Pauls – Chair

Rep Paul Davis

Rep Tim Owens

Rep Ward Loyd

Rep Marti Crow

Rep Mike Peterson

Rep Jim Ward

Rep Kevin Yoder

The meeting was adjourned. The next scheduled meeting is March 17, 2005.