

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson Michael O'Neal at 3:30 p.m. On February 5, 2001 in Room 313-S of the Capitol.

All members were present except:

Representative Kathe Lloyd - Excused

Committee staff present:

Jerry Ann Donaldson, Legislative Research Department

Jill Wolters, Revisor of Statutes Office

Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Judge Marla Luckert, Kansas Judicial Council, Chair Criminal Law Sub-committee

Shane Rolf, Shane's Bailbonds

Gerald Goodell, Kansas Judicial Council

John Peterson, appeared on behalf of Rebecca Wempe, Security Benefit Group

Representative Tom Burroughs

Dr. David Klein, Dean Math & Science & Technology, Kansas City Community College

Nick Tomasic, Wyandotte County District Attorney

Representative Ward Loyd

Hearings on **HB 2083 - arrest of persons released on appearance bonds**, were opened.

Judge Marla Luckert, Kansas Judicial Council, Chair Criminal Law Subcommittee, explained that the proposed bill would give judges discretion as to whether to commit an accused to custody, and would require that the judges discharge the surety. ([Attachment 1](#))

Kansas Bar Association provided written testimony in favor of the proposed bill. ([Attachment 2](#))

Shane Rolf, Shane's Bailbonds, doesn't believe that there are any bondsmen that abuse their authority by collecting premiums and then surrendering their clients back into custody. If the committee is inclined to pass the proposed bill he requested that they define "good cause". ([Attachment 3](#))

Hearings on **HB 2083** were closed.

Hearings on **HB 2082 - a provision incertain documents for a nonprobate transfer is nontestamentary**, were opened.

Gerald Goodell, Kansas Judicial Council, commented that the proposed bill sets out six types of instruments that, if found valid, would not nullify a will. ([Attachment 4](#))

John Peterson, Security Benefit Group, stated that this legislation is important to ensure that benefits are valid and to do so without litigation. ([Attachment 5](#))

Hearings on **HB 2082** were closed.

Hearings on **HB 2194 - admissibility of forensic reports**, were opened.

Representative Tom Burroughs appeared as the sponsor of the proposed bill. He explained that Bethany Medical Center is not providing forensic examinations and that all of their equipment has been moved to Kansas City Community College Forensic Laboratory. This bill would simply add them to the statute so they would be qualified as a Forensic Laboratory to provide evidence in a preliminary examination. ([Attachment 6](#))

Nick Tomasic, Wyandotte County District Attorney, commented that the proposed bill would simply add to the list of those Forensic Laboratories that are certified to provide evidence in trials. (Attachment 7)

Dr. David Klein, Dean Math & Science & Technology, Kansas City Community College, informed the committee that they currently have a PHD Chemists ready to do the work in the forensic lab.

Hearings on **HB 2194** were closed.

Hearings on **HB 2207 - abatement of common nuisances; adding felonies committed by gang members to list of unlawful activities**, were opened.

Representative Ward Loyd appeared as the sponsor of the bill. He stated that this was the same bill as introduced and passed out of the 2000 Judiciary Committee. The purpose of the bill is “gang abatement” through the use of civil injunction. This would make the injunctions easier to use, more efficient and less costly than criminal prosecutions. (Attachment 8)

Hearings on **HB 2207** were closed.

Representative Shriver made the motion to approve the committee minutes from January 10, 16, 17, 22, & 23. Representative Dillmore seconded the motion. The motion carried.

The committee meeting adjourned at 5:30 p.m. The next meeting is scheduled for February 6, 2001.