

Approved: April 28, 2000
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on March 13, 2000 in Room 313-S of the Capitol.

All members were present except:

Representative Andrew Howell - Excused
Representative Phill Kline - Excused
Representative Rick Rehorn - Excused

Committee staff present:

Jerry Ann Donaldson, Legislative Research Department
Jill Wolters, Office of Revisor of Statutes
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Barbara Tombs, Executive Director, Kansas Sentencing Commission
Representative Shari Weber
Charles Simmons, Secretary, Department of Corrections
Chris Mechler, Shawnee County Court Services Officer
Kathy Porter, Office of Judicial Administration
Kyle Smith, Kansas Bureau of Investigations
Adjutant General Greg Gardner, Kansas National Guard

Hearings on **SB 488 - sentencing in multiple conviction cases**, were opened.

Representative Shari Weber appeared before the committee as a proponent of the bill. She explained that it would clarify the law with regard if the primary crime of conviction in multiple crime conviction case was reversed, the appellate court would be required to remand the case to district court for re-sentencing. The bill would also target a population for community corrections to ease prison overcrowding. It would also increase the length of time an offender can be confined in a county jail from 30 to 120 days as a condition of probation. ([Attachment 1](#))

Barbara Tombs, Executive Director, Kansas Sentencing Commission, believes the bill should be passed to ensure that the proper sentence is imposed when a single conviction in a multiple conviction case is overturned on appeal. ([Attachment 2](#))

Hearings on **SB 488** were closed.

Hearings on **SB 423 - KBI laboratory analysis fees**, were opened.

Kyle Smith, Kansas Bureau of Investigations, appeared as a proponent of the bill. He stated that it would require that a \$150 analysis fee be assessed against a defendant to cover all DUI cases involving a conviction or diversion. ([Attachment 3](#))

Hearings on **SB 423** were closed.

Hearings on **SB 526 - use of forfeited property by the Kansas National Guard**, were opened.

Adjutant General Greg Gardner, Kansas National Guard, explained to the committee that they currently have a fund which includes monies seized in drug raids. However, the statute does not allow the expenditures of the funds. The proposed bill would allow the Adjutant General to issue vouchers to be paid through the fund. ([Attachment 4](#)). The expenditures would be to buy equipment, buy & train drug detection dogs, and help with law enforcement training.

Hearings on **SB 526** were closed.

Hearings on **SB 490 - placement of offenders in community correctional programs**, were opened.

Barbara Tombs, Executive Director, Kansas Sentencing Commission, believes that anyone who receives a

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boarder box would benefit from community corrections. For those who are concerned, an amendment would allow judges to override the placement of those who are violent offenders and place them in prison. The bill would enable community corrections to develop a program for a specific designated offender population, saving prison bed for those who are the most violent and chronic offenders. ([Attachment 5](#))

Charles Simmons, Secretary, Department of Corrections, informed the committee that he recommended a target population be set for community corrections. The suggested targeted populations consist of those offenders who do not require confinement by the Department of Corrections but would need more intensive supervision than provided by standard probation. ([Attachment 6](#))

Chris Mechler, Shawnee County Court Services Officer, appeared before the committee with concerns on the bill. She believes that the criteria in the proposed bill is limiting and would result in an increase in offenders assigned to Court Services. By using grid boxes to define placement in Community Corrections the plea bargain would focus on where the offender will fall on the grid, not their risk or need. ([Attachment 7](#))

Kathy Porter, Office of Judicial Administration, was concerned that while the Department of Corrections has a risk assessment tool it would need to be validated for the specific assessment of those who would be assigned to community corrections. ([Attachment 8](#))

Hearings on **SB 488** were closed.