

MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairman Pat Colloton at 1:30 p.m. on January 31, 2011 in Room 144-S of the Capitol.

All members were present

Committee staff present:

Sean Ostrow, Office of the Revisor of Statutes  
Jason Thompson, Office of the Revisor of Statutes  
Lauren Douglass, Legislative Research  
Robert Allison-Gallimore, Legislative Research  
Jackie Lunn, Committee Assistant

Conferees appearing before the Committee:

State Representative Greg Smith  
Debra Billingsly, Kansas Board of Pharmacy

Others attending:

See attached.

Chairperson Colloton called the meeting to order and announced to the Committee that the play at the Women's Correctional facility in Topeka had been canceled due to the weather and would be rescheduled. She then opened the floor for introduction of bills and stated she had a bill to introduce. She explained the Kansas Sentencing Commission would like a bill to put drug quantities to the drug sentencing grid.

**Representative Brookens made a motion to introduce the bill as a committee bill. Representative Wolf seconded. Motion carried.**

Chairperson Colloton had another bill request. She explained it was a bill the DAs had asked for and it would be a burglary bill; when entering a home and committing certain crimes it would be a part of the incident.

**Representative Moxley made a motion to accept the request as a committee bill. Representative McCray-Miller seconded. Motion carried.**

Chairperson Colloton called on Dr. David Mouille, who also had a bill request. Dr. Mouille stated he was a licensed Psychologist residing in Shawnee, Kansas and he served on the Kansas Board of Forensic Examiners. He presented a list of the board members for the Committee. (Attachment 1) He requested a bill regarding competency to stand trial evaluations.

**Representative McCray-Miller made a motion to introduce the bill as a Committee bill. Representative Kelly seconded. Motion carried.**

Chairperson Colloton recognized State Representative Frownfelter for a bill introduction. He stated he would like to request a conceptual bill regarding wire transfers out of the state which would have a tax imposed between two and three percent and the money would go for the KBI Lab. The person paying the tax could be allowed to get it back on their income tax.

**Representative Wolf made a motion to accept the conceptual bill request. Representative Roth seconded. Motion carried.**

Chairperson Colloton recognized Dave Hutchings, KBI, for a bill introduction. Mr. Hutchings stated he was requesting two bills. The first bill request was for a bill regarding expungement of city ordinance violations. He presented a written draft copy of the bill. (Attachment 2)

**Representative Brookens made a motion to accept the bill introduction as a committee bill. Representative Pauls seconded. Motion carried.**

Mr. Hutchings continued with his second request for a bill introduction. He stated it was in regard to the manufacturing of controlled substances and making it an inherently dangerous felony. Mr. Hutchings presented written copy of his bill. (Attachment 3)

**Representative Wolf made a motion to accept the bill as a committee bill. Representative Pauls seconded. Motion carried.**

Chairperson Colloton recognized Representative McCray-Miller who had three bill requests. The first bill

request was regarding indigent defense challenges the public defenders have by clarifying statutes already intact.

**Representative Brookens made a motion to accept the bill as a conceptual bill. Representative Kelly seconded. Motion carried.**

Representative McCray-Miller continued with her second bill introduction allowing counties to charge a special sales tax with the proceeds going into children, youth, and juvenile programs.

**Representative McCray-Miller made a motion to accept as a conceptual bill. Representative Brookens seconded. Motion carried.**

It was noted that this bill would probably go to the tax committee.

Representative McCray-Miller made her last request for a bill regarding putting a mechanism in the state of Kansas that would be required for reentry of juveniles, cost analysis on performance programs.

**Representative McCray-Miller moved to accept as a conceptual bill. Representative Meier seconded. Motion carried.**

Chairperson Colloton called for any others wishing to request a bill. Being none, she opened the hearing on **HB 2032.**

### **HB 2032-County and district attorney monthly reporting of caseloads**

Chairperson called on Sean Ostrow, Office of the Revisor of Statutes, to explain the bill. Mr. Ostrow stated the bill would require district attorneys and county attorneys to produce a list each month of hearings.

Chairperson Colloton called Representative Greg Smith to give his testimony as a proponent of the bill. Representative Smith presented written copy of his testimony. (Attachment 4) He stated the bill would provide information to the citizens of each Kansas county in regard to the name of criminal cases filed, dismissed, prosecuted, entered into a plea bargain agreement, or entered into a diversion agreement by the district attorney. He feels this information is needed by the voters of each county to evaluate, at least in part, the effectiveness of their elected district or county attorney. He also stated that he felt this information would help business owners, citizens, prospective business owners, and entrepreneurs evaluate public safety issues for a county. In closing, he urged the Committee to recommend this bill be favorably passed out of committee.

A question and answer session followed.

Chairperson Colloton called the Committee's attention to the "written only" proponent testimony of Grier Weeks, National Association to Protect Children (Attachment 5) and the "written only" opponent testimony of Charles Branson, Kansas County and District Attorney Association. (Attachment 6)

Chairperson Colloton called for any others wishing to testify or speak on the bill, being none, she closed the hearing on **HB 2032.**

Chairperson Colloton called on Debra Billingsly, Board of Pharmacy, to give an up date on pseudoephedrine. Ms. Billingsly stated prior to 2005 you could get pseudoephedrine over the counter. In 2005 a bill was passed and you had to buy it from the pharmacist and sign for it. The liquids were left on the shelf because meth could not be made out of a liquid. There was the restriction of only being able to buy three boxes of pseudoephedrine tablets at a time in a seven day period. You had to show a photo identification and sign a book when purchased. The pharmacist had to keep it under lock and key. In 2007 the Federal act was passed and liquids and gels had to also be kept under lock and key and be signed for with a photo identification. In 2008 there was a task force formed to address the problem of the log books not working. They looked at several options one of which was electronic logging. There was a Pilot Program they tried in SE Kansas and could not get it off the ground and finally gave up. Presently they are working on something to get the software for electronic logging for free or a minimal charge.

Questions and answers followed.

Upon the conclusion of Ms. Billingsly's update, Chairperson Colloton opened the floor for consideration of **HB 2022.**

**HB 2022-Allowing venue to be transferred back to the jurisdiction where the crime occurred when a defendant is to be conditionally released.**

A discussion followed regarding the bill. Several of the Committee members have concerns with the bill. **Representative Pauls made a motion to table the bill. Representative Brookens seconded.**

A discussion followed.

**Chairperson Colloton called for a vote on the motion on the floor. Motion carried and the bill is tabled.**

Chairperson Colloton adjourned the meeting at 2:45 p.m. with the next meeting scheduled for February 1, 2011 at 1:30 p.m. in room 144 S.