

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 February 7, 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:

Sarah Fertig, Executive Director, Kansas Sentencing Commission .

Others attending: See attached.

Chairperson Colloton called the meeting to order and she made a motion to withdraw one of the bill request made to the committee at an earlier date by the KBI. Representative Wolf seconded. Motion carried.

Chairperson Colloton recognized Representative Meier for a bill introduction. She moved a bill request regarding PTS relating to veterans. Representative Smith seconded. A discussion followed. Motion carried.

Chairperson Colloton opened the hearing on **HB 2038-Amending the procedure regarding jury trials for upward departure sentences**, and called on Sarah Fertig, Executive Director, Kansas Sentencing Commission to explain the bill and give her testimony as a proponent of the bill. She presented written copy, which can be found in its entirety in the offices of Legislative Administrative Services. (Attachment 1)

The only other testimony was the “written only” proponent testimony of Patrick Vogelsberg, representing the Kansas District & County Attorneys' Association, which can be found in its entirety in the offices of Legislative Administrative Services. (Attachment 2)

With no others to testify or speak to the bill, Chairperson Colloton closed the hearing on **HB 2038**.

Next, Chairperson Colloton called on Sarah Fertig, Executive Director, Kansas Sentencing Commission, to give a review of the Kansas Sentencing Commission along with the present bed space and projected future bed impacts.

A question and answer session followed and upon the conclusion, Chairperson Colloton opened the floor for consideration of **HB 2008-Creating a special sentencing rule for identity theft and identity fraud. Representative Kinzer moved to pass the bill out favorably. Chairperson Colloton seconded.**

A discussion followed and Representative Brookens moved an amendment with changes on the severity levels. Representative Moxley seconded. A discussion followed. Motion carried with “no” votes being recorded for Representative Kinzer, Representative Smith, and Representative Goodman.

Representative Pauls moved a motion to change back to the original language on Lines 23, and 24; bringing it from a level six to a level five. Representative Kinzer seconded. A discussion followed. Motion carried.

Representative Kinzer moved the bill out favorably as amended. Representative Brookens seconded. Motion carried.

Next, Chairperson Colloton moved the Committee's attention to **HB 2009-Defining the crime of home improvement fraud and providing penalties**, for consideration.

Representative Brookens moved the bill out favorably for passage. Representative McCray-Miller seconded. A discussion followed. Motion carried.

The meeting was adjourned at 3:05 pm next scheduled meeting to be February 8, 2011 at 1:30 pm in room 144-S.