

Approved: April 30, 2012

(Date)

**MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE
COMMITTEE**

The meeting was called to order by Vice-Chair Lance Kinzer at 1:30 PM on Monday, February 13, 2012 in 144-S of the Capitol.

All members were present except:

Pat Colloton

Committee staff present:

Jackie Lunn, Committee Assistant

Lauren Douglass, Legislative Research

Robert Gallimore-Allison, Legislative Research

Sean Ostrow, Office of the Revisor of Statutes

Jason Thompson, Office of the Revisor of Statutes

Conferees appearing before the Committee:

Tom Krebs, Kansas Association of School Boards

State Representative Lana Gordon

Victor Riggin, Private Citizen, Topeka

Others in attendance:

See attached list.

Vice Chair Kinzer announced to the committee they would not be working any bills today and opened the hearing on **HB 2567–Expanding crime of aggravated endangering a child** and called on Sean Ostrow, Office of the Revisor of Statutes, to explain the bill. Mr. Ostrow stated the bill would define the crime of aggravated endangering a child, the term “child” would also mean an unborn child. The crime of aggravated endangering a child would be amended to include causing or permitting a child to be in an environment where any person knows or reasonably should know any person injected, ingested, inhaled, or otherwise introduced any methamphetamine or methamphetamine analog into the human body or where any person is in possession of any methamphetamine.

Vice Chair Kinzer introduced State Representative Lana Gordon and she stated that Mr. Riggin a Topeka Police Officer assigned to the Narcotics Unit had contacted her wanting to know what she could do to help him regarding endangerment of a child. She introduced Mr. Riggin for him to give his testimony as a proponent of the bill.

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CONTINUATION SHEET

Minutes of the HOUSE CORRECTIONS AND JUVENILE JUSTICE Committee at 1:30 PM on Monday, February 13, in 144-S of the Capitol.

Mr. Riggin provided written copies of his testimony to the committee and staff, (Attachment 1). He told his story of a pregnant woman knowingly used methamphetamine during the last weeks of her pregnancy and therefore, her baby was born addicted to methamphetamine. When he approached the district attorney's office and the attorney general's office he found out that the mother could not be charged with endangerment of a child because the way the law is written it is not a crime since the act was before the child was born. In closing, he stated he is seeking a provision to the existing law to make this a crime.

A discussion followed.

Upon the conclusion of the discussion, the chair called for any others to speak or testify on the bill. There were none, so he closed the hearing on **HB 2567** and opened the hearing on **HB 2559**—Amendments to the Kansas school safety and security act.

Vice-Chair Kinzer introduced State Representative Greg Smith to give his testimony as a proponent of the bill. Representative Smith provided written copies of his testimony for the committee and staff, (Attachment 2). He explained that **HB 2559** would amend current law regarding public school safety to require each local board of education to include unlawful possession or use of alcohol, drugs and controlled substances in its school safety policy. In addition, the bill would have a requirement for a timely report to be made to the parents of all students enrolled at the school and to all school employees of any incidents considered to be a threat to other students and employees that are reported to the appropriate state or local law enforcement agency so as to protect the other students and employees and to aid in the prevention of similar incidents. At the beginning of each school year, each board of education would make available to pupils and their parents, to school employees, and, upon request, to others, district policies and reports concerning school safety and security, including a report compiling the information reported to the State Board of Education for the immediately preceding three years. The bill would require each school to make, keep and maintain a daily log, written in a form that can be easily understood, recording all incidents reported. The log would be maintained by a school safety or security officer, or if there is no school safety or security officer, then by the principal of such school, or the principal's designee. The log would include the nature, date, time and general location of each incident, as well as the disposition of the complaint, if known. Except where disclosure of such information would be prohibited by law or such disclosure would jeopardize the confidentiality of the victim, all entries would be open to public inspection within two business days of the initial report being made. If new information becomes available, the new information would be recorded in the log not later than two business days after becoming available. He went on to say that the research he has conducted leads him to believe that there is a serious lack of transparency when it comes to the safety of our children and teachers.

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Vice-Chair Kinzer introduced Tom Krebs, Governmental Relations Specialist for the Kansas Association of School Boards, to give his testimony as an opponent of the bill. Mr. Krebs provided written copies of his testimony for the committee and staff, (Attachment 3). He stated their members have adopted a position opposing new unfunded mandates without either new funding or relief from other requirements. This bill provides neither. The one exception to our opposition is the additional language in Section 1 (b) (1), which broadens the definitions of acts that must be reported to an appropriate state or local law enforcement agency. The fact the bill suggests a school or safety officer shall be responsible for the logs reflects poor understanding of how schools in our state are staffed: less than 16 percent of our districts have a School Resource Officer (SRO) or a security officer. So for 84 percent of the districts, this record keeping becomes an administrative responsibility. It should also be noted about a third of our buildings have less than 200 students. A building like that may not even have a full-time principal, and it's certainly a possibility the part-time principal may be part time because he or she also serves as the district superintendent, the food service director and maybe that day as a bus driver. In closing he stated The best solution for keeping our children safe at school is to adequately fund them in a way adults can serve as visible, caring and accessible people, which is the real key to reducing anti-social behavior.

A short discussion followed.

Vice-Chair Kinzer called for any others wishing to speak or testify to the bill. There were none, so he closed the hearing on **HB 2559**.

Vice-Chair Kinzer adjourned the meeting at 2:25 PM with the next meeting scheduled for February 14, 2012 at 1:30 PM in room 144 S.

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