

Approved: April 30, 2012

(Date)

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

The meeting was called to order by Chairperson Pat Colloton at 1:30 PM on Thursday, February 16, 2012 in 144-S of the Capitol.

All members were present except:

Committee staff present:

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

Conferees appearing before the Committee:

State Representative Gary Hayzlett
Todd Rathner, Knife Rights, Inc.
Nathan Eberline, Kansas Association of Counties
Ed Klumpp, Kansas Association of Chiefs of Police, Kansas Sheriffs Association, Kansas
Peace Officers Association
Britt Nichols, Kansas Juvenile Justice Authority

Others in attendance:

See attached list.

Chairperson Colloton introduced State Representative Louis Ruiz to ask for the introduction of a House Resolution. He stated the resolution was on immigration with emphasis on the federal government dealing with immigration.

Representative Meier made a motion to introduce the resolution. Representative Kelly seconded. Motion carried.

Chairperson Colloton opened the hearing on **HB 2584–Knives; restriction on regulations; weapons crimes amended** and introduced Todd Rathner, Knife Rights, Inc., to give his testimony as a proponent of the bill. Mr. Rathner provided written copies of his testimony for the committee and staff, (Attachment 1). He stated this bill repeals the ban on switchblade knives and it establishes knife law preemption. He went on to say Kansas currently has a

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prohibition on the possession of switchblade knives. Switchblade knives are technically no more dangerous than any other knife. Generally a switchblade or “automatic” knife simply allows the user to deploy the knife with one hand. For the rancher, farmer, hunter or fisherman this not just a convenience but I can also be a lifesaver. He went on to say because knives are so prevalent in Kansas and possession is so common, knife laws around the state should be consistent and for this reason, all states should have knife preemption laws to assure that citizens are protected from onerous local laws, which infringe on their rights.

A discussion followed.

Chairperson Colloton called the committee’s attention to the “written only” proponent testimony of Patricia Stoneking, President, Kansas State Rifle Association, ([Attachment 2](#)) and introduced Nathan Eberline, Kansas Association of Counties, to give his testimony as an opponent of the bill. Mr. Eberline provided written copies of his testimony for the committee and staff, ([Attachment 3](#)). He stated **HB 2584** will eliminate the capacity for municipalities to regulate knives, such as switch blades, daggers, and razors. The Kansas Association of Counties opposes this bill and its policy implications. The issue, as it relates to counties, has little to do with the public-safety concerns regarding knives. Though an argument may be made on that front, the real issue is the capacity for communities to determine what regulations make the most sense for that specific locale. Though “Home Rule Authority” can become a catch phrase when locals oppose legislation, it is a principle that has great value in Kansas. Our cities and counties and the citizens within, have a legacy of setting the policies that meet the needs of the community. Regulating knives has historically been the domain of local government, and this legislation interferes with communities and their capacity to self-assess those needs. This bill cuts against this principle, and it cuts against the important idea of home-rule authority. In closing, he stated the Kansas Association of Counties opposes **HB 2584**, and we urge this committee to leave the current system in place by voting against the bill. It is important for our cities and counties to continue addressing public safety at the local level, while assessing the unique needs of the community.

A discussion followed.

Chairperson Colloton introduced Ed Klumpp, Kansas Association of Chiefs of Police, Kansas Sheriffs Association, and Kansas Peace Officers Association, to give his testimony as an opponent of the bill. Mr. Klumpp provided written copies of his testimony for the committee and staff, ([Attachment 4](#)). Mr. Klumpp stated The Kansas Association of Chiefs of Police, the

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Kansas Sheriffs Association, and the Kansas Peace Officers Association oppose **HB2584**. Two years ago they worked with other committees on the knife issue which amended the statutes to allow the knives that can be “flicked” open with a movement of the thumb. What **HB2584** seeks to do is to legalize switchblade knives that are spring loaded, in some cases thrusting the blade propelled by a strong spring from the end of the knife. We see no good that comes from legalizing these knives that are widely accepted as being illegal. Switchblade knives remain unlawful under federal law. He went on to say that the second point that causes them even greater concern is the provision which prohibits local governments from enacting any restrictions on knives. They strongly believe the needs of various cities and counties across the state vary greatly. The “big four” counties and the cities in those counties face a much different violent crime problem than those cities and counties in rural areas of the state. We believe it is essential for local governing bodies to determine how to address those varying local public safety needs. A cookie cutter approach to prohibiting such local control is ill advised. This bill is a huge step back in weapons laws that have been applicable in Kansas for many years. In closing, he stated they strongly urged the committee to not recommend this bill favorably for passage.

A short discussion followed.

Chairperson Colloton called for any others wishing to testify or speak to the bill. There were none, so she closed the hearing on **HB 2584** and opened the hearing on **HB 2737-Allowing for consecutive commitment to a juvenile correctional facility under certain circumstances**. She called the committee’s attention to the “written only” proponent testimony of the Honorable Judge Jeff Jack, Eleventh Judicial District, Parson, Kansas, ([Attachment 5](#)) and introduced Britt Nichols, Juvenile Justice Authority, who is a neutral party on the bill to give his testimony.

Mr. Nichols provided written copies of his testimony for the committee and staff, ([Attachment 6](#)). He stated that the bill as submitted would apply to a very narrow population. The average juvenile correctional facility population, which has been fairly stable over recent years, totals around 360 youth distributed amongst the two locations, Topeka and Larnerd. The juvenile offenders who reside in JFC’s represent approximately 20 % of the approximately 1,500 youth on average committed to the custody of JJA on any day. He went on to say that while, *on the one hand*, logic suggests that to the extent that current law does not already provide a specific court with a wide-range of post-adjudication discretionary control and pathways (if the indeterminate hold nature of custody should prove insufficient, judicial discretion extends up to and including waiver to adult status) to manage and re-direct the behavior and activities of a specific youth before that court that providing the additional option of ordering that the subsequent adjudication be served consecutive to the release of the initial adjudication may provide the court with an additional

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element of control over such youth (and, to the extent that youthful minds stop to consider the effects of their wrongful actions, presumably a deterrent to additional bad behavior while such youth resides in the state's JCFs), that same logic, on the other hand, also demands a recognition that imposing consecutive sentences will have the likely impact of increasing JCF populations and average length of stay ("LOS"). As population and LOS increase, costs also increase.

A discussion followed.

Chairperson Colloton called for any others wishing to testify or speak to the bill. There were none, so she closed the hearing on **HB 2737** and moved the committee's attention to **HB 2534**—**Amending requirements and penalties for failure to report death or disappearance of a child and interference with law enforcement**, for consideration.

Representative Moxley made a motion to move the bill out favorably for passage. Representative Smith seconded.

The chair called on Sean Ostrow, Office of the Revisor of Statutes, to explain the balloon amendment on the bill and asked the difference between the language in this bill and **HB 2440**—**Creating the crime of failure to report the disappearance of a child**, he stated Section 1 is the same in both bills.

A lengthy discussion followed with the Chair stating they would work more on the bill tomorrow.

Chairperson Colloton moved the committee's attention to **HB 2506**—**Issuance of motorized bicycle licenses to habitual violators** and opened the floor for consideration. The chair called on Sean Ostrow, Office of the Revisor of Statutes, to explain the Klumpp balloon amendment on the bill. Mr. Ostrow provided written copies of his testimony for the committee and staff, (Attachment 7).

Representative Wolf made a motion to move the bill out favorably as amended. Representative Goodman seconded.

A discussion followed.

Representative Wolf made a motion to remove the DUI exclusion to operate a moped. Representative McCray-Miller seconded.

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A discussion followed with *the chair calling for a vote on the motion on the floor to amend the DUI exclusion out. Motion failed.*

Representative Wolf made a motion to allow DUI if it is a 1st time occurrence and not have another violation within a year. Representative Moxley seconded. Motion carried.

The chair announced that the committee would work more on this bill tomorrow and adjourned the meeting at 3:15 PM with the next meeting scheduled for February 17, 2012 upon adjournment of the House in room 144 S.

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