

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The Chairman called the meeting to order at 9:35 A.M. on March 9, 2011, in Room 548-S of the Capitol.

All members were present, except Senators Donovan and Vratil, who were excused

Committee staff present:

Lauren Douglass, Kansas Legislative Research Department
Robert Allison-Gallimore, Kansas Legislative Research Department
Jason Thompson, Office of Revisor of Statutes
Tamera Lawrence, Office of Revisor of Statutes
Theresa Kiernan, Committee Assistant

Conferees appearing before the committee:

Steve Howe, District Attorney, Johnson County
Stephen Tatum, Judge 10th Judicial District
Steven J. Obermeier, Senior Deputy District Attorney, Johnson County
Alice Adams, Clerk of Geary County District Court
Jerry Younger, State Transportation Engineer, KDOT
Leslie Moore, Information Services Division Manager, KBI

Others attending:

See attached list.

The Chairman opened the hearings on **HB 2010 -- Offenses and conduct giving rise to forfeiture.**

Jason Thompson, Staff Revisor, reviewed the bill.

Steve Howe testified in support of **HB 2010 (Attachment 1)**. He stated the bill would add several crimes to the list of conduct and offenses giving rise to civil forfeiture pursuant to the Kansas Asset Seizure and Forfeiture Act. He added that if money or property (derived from the unlawful act) remains after restitution is made to the victims of the crime, the Forfeiture Act would authorize the money or property to be seized and used for the benefit of law enforcement agencies and county and district attorney's offices.

No testimony in opposition to **HB 2010** was offered.

The Chairman called the committee's attention to the fiscal note for **HB 2010**.

The Chairman closed the hearings on **HB 2010**.

The Chairman opened the hearings on **HB 2118 -- Amending the requirements of offender appearance bonds and supervision costs.**

Jason Thompson, Staff Revisor, reviewed the bill.

Stephen Tatum testified in support of **HB 2118 (Attachment 2)**. He stated the bill was introduced in response to a recent Kansas Court of Appeals decision, *Kansas v. Gardner*, in which the Court held that the total of all bond supervision costs could not exceed \$15 per week. Judge Tatum suggested a clarifying amendment in his testimony.

Steven J. Obermeier testified in support of **HB 2118 (Attachment 3)**. He stated the bill would require a probationer, as a condition of probation, to reimburse the county or the state for all of the costs associated with their bond supervision.

No testimony in opposition to **HB 2118** was offered.

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:35 A.M. on March 9, 2011, in Room 548-S of the Capitol.

The Chairman called the committee's attention to the fiscal note for **HB 2118**.

The Chairman closed the hearings on **HB 2118**.

The Chairman opened the hearings on **HB 2070 -- Requiring plaintiff or plaintiff's attorney to notify defendants of payment of appraisers' award within 15 days.**

Jason Thompson, Staff Revisor, reviewed the bill.

Alice Adams testified in support of **HB 2070** (Attachment 4). She stated that the district court clerk and the plaintiff's attorneys are sending out duplicate notice of the appraisers awards. There is no need for the duplication. She requested the committee to delete the amendment added by the House Committee of the Whole, which would prevent KDOT from appealing an appraiser's award.

Jerry Younger testified in opposition to the provision of **HB 2070** which would prevent KDOT from appealing an appraiser's award (Attachment 5). He stated that the provision would leave KDOT without the tools necessary to be a good steward of public funds with respect to the acquisition of rights-of-way. He noted the provision was retroactive to January 1, 2009. Since that time KDOT has appealed 19 cases from which the state saved \$1,288,200 all of which would have to be refunded.

Senator King requested that a revised fiscal note be prepared.

Senator Umbarger noted that the restriction applies only to condemnation appeals by KDOT.

The Chairman expressed concern with the precedent set by the bill and stated the bill would not be advanced to the full Senate unless the provision relating to KDOT is deleted.

The Chairman closed the hearings on **HB 2070**.

The Chairman opened the hearings on **HB 2329 -- Allowing the Kansas bureau of investigation to access expunged records under certain circumstances.**

Jason Thompson, Staff Revisor, reviewed the bill.

Leslie Moore testified in support of **HB 2329** (Attachment 6). She stated that the bill clarifies the duties of district and municipal courts to provide the KBI access to expunged arrests, dispositions and confinement information. The information would be provided at no charge to the KBI. She stated the portion of the bill relating to relief of disabilities for the purpose of firearm prohibitions is necessary to qualify for a grant from Bureau of Alcohol, Tobacco and Firearms. Ms. Moore distributed copies of proposed amendments to the bill (Attachment 7).

Senator Pilcher-Cook, in regard to the proposed amendment on page 1, in line 25, asked, "How would a court determine there is clear and convincing evidence that something is not going to happen?"

Ms. Moore responded, "The language was approved by the ATF."

Senator Bruce asked, "What is the name of the federal law cited in the balloon amendment at the top of page 1 of the balloon? Shouldn't the citation include a reference to the year enacted?"

Ms. Moore responded, "National Background Check Improvement Act of 2008."

No testimony in opposition to **HB 2329** was offered.

The Chairman called the committee's attention to the fiscal note for **HB 2329**.

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:35 A.M. on March 9, 2011, in Room 548-S of the Capitol.

The Chairman closed the hearings on **HB 2329**.

Meeting adjourned at 10:29 A.M. The next meeting is scheduled for March 10, 2011.