

## MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Senator Vratil at 9:37 a.m. on February 21, 2002 in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Gordon Self, Revisor  
Mike Heim, Research  
Mary Blair, Secretary

Conferees appearing before the committee:

Paul Morrison, Johnson County DA and Kansas Sentencing Commission, Vice-Chair  
Ed Collister, Kansas Bar Association (KBA)  
Robert Guy, Director, Division of Community Corrections, North Carolina  
Charles Simmons, Secretary, DOC  
Dina Hales, Shawnee County Community Corrections  
Judge Ernie Johnson, 29<sup>th</sup> Judicial District, Wyandotte County  
Diana Collins, President, Kansas Association of Court Services  
Mike Taylor, City of Wichita  
John Todd, Citizen, Wichita  
William Davitt, Citizen, Wichita

Others attending: see attached list

The minutes of the February 21<sup>th</sup>, 2002 meeting were approved on a motion by Senator Donovan, seconded by Senator Goodwin. Carried.

**SB 521—departure sentencing**

Conferee Morrison testified in support of **SB 521**, a bill which he stated would require that the finding of aggravating circumstances which allow for an upward durational departure be made by the trial jury after a finding of proved beyond a reasonable doubt. He discussed why this mechanism for mitigating or aggravating departures is necessary and how it will function.(attachment 1)

Conferee Collister testified in opposition to **SB 521**. He stated that he did not oppose the entire bill but rather the concept of a “bifurcated jury trial” which he felt was complicated, costly, time consuming, and an extra burden on the courts. He elaborated on this and discussed an alternative which would allow for wider ranges in the Sentencing Guidelines grid boxes.(attachment 2)

Written testimony supporting **SB 521** was submitted by Jared Maag, Office of the Attorney General.(attachment 3)

**SB 454—consolidation of field services; prescribing certain duties on the Kansas Sentencing Commission**

Conferee Morrison testified in support of **SB 454**, a bill which would create an agency which would be responsible for the supervision, treatment and reentry process for adult felony offenders. He presented a brief historical review of events leading up to this proposed legislation and discussed why a Department of Field Services was necessary and how it would function.(attachment 4) He referenced a History of Field Services Consolidation and an Interim Study Report on this subject attached to his written testimony.(attachment 5)

Conferee Guy testified in support of **SB 454**. He presented an overview of North Carolina’s consolidation of field services and testified to its effectiveness. He discussed several key points of an independent state agency covering such topics as: the economics of consolidation; public safety; role definitions; and centralized data system.(attachment 6)

Conferee Simmons testified in support of the concept of consolidation in **SB 454** but stated that the bill needs a “side-by-side” detailed analysis of options available. He proposed amendments to the bill which provide for this analysis.(attachment 7)

Conferee Hales testified in opposition to **SB 454**. She presented information to justify her opposition and

offered alternative measures.([attachment 8](#))

Conferee Johnson testified in opposition to the mandated date in **SB 454**. He presented a brief history of the consolidation of field services and recommended removal of provisions (a) and (b) of the bill.([attachment 9](#))

Conferee Collins testified in opposition to **SB 454**. She discussed several concerns about certain provisions in the bill as they relate to Court Services Officers.([attachment 10](#))

Written testimony in opposition to **SB 454** was submitted by: Chief Judge Patrick McAnany, Johnson County District Court;(attachment 11) Ron Stegall, Chief Executive Probation Officer, Douglas Co.;(attachment 12) Edward Collister, KBA;(attachment 13) Stuart Little, KCCA;(attachment 14) District Magistrate Judge James Vano, Johnson Co.;(attachment 15) Mark Masterson, Director, Sedgwick Co. DOC;(attachment 16) and Judy Moler, Kansas Association of Counties.(attachment 17)

**SB 522—municipal courts; re: collection of fines and court costs**

Conferee Taylor testified in support of **SB 522**, a bill which requires delinquent defendants to pay the cost of the collection fee in addition to the fine owed. He discussed why the bill is necessary and how it's provisions will be implemented.([attachment 18](#))

Written testimony supporting **SB 522** was submitted by Sandy Jacquot, League of Kansas Municipalities ([attachment 19](#)) and Don Denney, Unified Government of Wyandotte Co.([attachment 20](#))

Conferee Todd testified in opposition to **SB 522**. He opposed further authority being given to municipal courts citing examples of apparent abuse of power by certain courts. He offered a solution to the separation of powers in the passage of a bill which was introduced in 2001 requiring the election of Municipal Court judges.([attachment 21](#))

Conferee Davitt testified in opposition to **SB 522**. He cited examples of abuse of power in certain courts in Kansas and made reference to the Kansas Municipal Manual which states that fines shall not be a source of city revenue.([attachment 22](#))

The meeting adjourned at 10:32 a.m. The next scheduled meeting is February 22, 2002.