

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson Senator Vratil at 9:34 a.m. on January 28, 2002 in Room 120-S of the Capitol.

All members were present except: Senator Schmidt (excused)

Committee staff present:

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

Conferees appearing before the committee:

Senator Haley  
Midge Grinstead, Lawrence Humane Society  
Amy Suarez, Regional Director of Midwest Regional Office of The Humane Society of the U.S.  
Officer Erik Thompson, President, Kansas Animal Control Association (KACA)  
Sandy Barnett, Executive Director, Kansas Coalition Against Sexual & Domestic Violence  
Koko Evans, Citizen  
Lisa Cusick, Helping Hands Humane Society  
John Freed, Lobbyist  
Alvin Sykes, President, Justice Campaign of America (JCA)  
Dr. Brian Levin, Professor, Criminal Justice, California State University, San Bernadino  
Dr. Chris Hamilton, Chair, Political Science Department, Washburn University  
Jesse Milan, State President, NAACP  
Melvin Jenkins, Director, U.S. Commission on Civil Rights  
Marcia Drake, Citizen

Others attending: see attached list

The minutes of January 23<sup>rd</sup> and 24<sup>th</sup> meetings were approved on a motion by Senator O'Connor, seconded by Senator Haley, Carried.

**SB 229–re: cruelty to animals**

Conferee Haley testified in support of **SB 229**, a bill which he stated, “creates a felony for extreme cruelty to animals.” (no attachment)

Conferee Ginstead testified in support of **SB 229**. She stated that she investigates approximately 800 cruelty cases every year with 20% of the cases going before the court. She cited groups she has worked with to determine a correlation between animal and human violators. She further stated that perpetrators are rarely apprehended and when they are, they rarely “do time.” Her suggestion to Committee members was that they treat this issue by legislating tougher laws but at the same time recognize that prevention rather than punishment will go further to alleviate the problem. She informed Committee that Lawrence and Douglas County have legislated tougher laws on cruelty to animals. (no attachment)

Conferee Suarez testified in support of **SB 229**. She stated her handout was submitted on behalf of Dr. Randall Lockwood and she urged Committee follow it along with her testimony. Following her brief discussion regarding the issue this bill addresses she emphasized the necessity of making cruelty to animals a felony as this provides the tools prosecutors need to help prevent violence. She further noted an increased citizen awareness of the problem and it’s effect on society. (attachment 1)

Conferee Thompson testified in support of **SB 229**. He presented a brief background on KACA and reiterated the purpose of the bill. He stated that since first time felony offenders fall under the presumptive probation grid box on the sentencing guidelines he proposed an amendment to the guidelines in the bill to include mandatory jail time for the cruelest of offenders. (attachment 2)

Conferee Barnett testified in support of **SB 229**. She stated that pet abuse “often goes hand in hand with domestic violence and child abuse” and briefly elaborated on this before she introduced the next conferee. (attachment 3)

Conferee Evans testified in support of **SB 229**. She stated she is a current resident of a Battered Women Task Force Shelter. She presented personal testimony regarding the abuse her animals have suffered at the hands of her allegedly abusive husband. (attachment 4)

Conferee Cusick testified in support of **SB 229**. She discussed the link between animal violence and other forms of family violence and stated that certain experts are “using animal cruelty data in assessing domestic

violence lethality.” She reviewed proposed amendments to the bill which would provide stronger sanctions and send a message to the community that cruelty to animals will not be tolerated. She stated that 33 other states have felony statutes in place and 19 states have mandatory counseling. ([attachment 5](#)) A copy of the proposed amendments to **HB 2362** (house version of **SB 229**) was submitted. ([attachment 6](#))

Conferee Freed testified in support of **SB 229** giving personal testimony of an animal abuse case and providing a handout of his web page. ([attachment 7](#)) Discussion followed.

**SB 230—regarding sentencing; hate crimes**

Conferee Haley testified in support of **SB 230** stating briefly that the bill “extends the penalty for hate crimes.”([no attachment](#))

Conferee Sykes testified in support of **SB 230** stating that JCA is currently involved in ongoing discussions with the sentencing commission and he would present testimony on the results of those meetings at a later date. ([no attachment](#))

Conferee Levin testified in support of **SB 230**. He presented a brief auto-biographical sketch, an analysis of several Supreme Court decisions that have addressed bias-motivated crimes, and an assessment of this bill. ([attachment 8](#)) He further provided a model hate crime statute. ([attachment 9](#))

Conferee Hamilton testified in support of **SB 230**. He discussed his investigation of hate crimes and supported increased sentencing and punishment. He stated he would add an aggravating factor to the bill if the perpetrator is a member of an organized hate group. ([no attachment](#))

Conferee Milan testified in support of **SB 230**. He briefly discussed the purpose of the bill and the need for it’s enactment. He emphasized the importance of strong enforcement provisions in the bill. ([attachment10](#))

Conferee Jenkins testified in support of **SB 230**. He reviewed the structure and function of the civil rights commission, discussed various advisory committee reports on the issues of “hate” or bias-motivated crimes, and stated that adequate legal tools as well as educational strategy are the necessary keys to eradicating this problem ([attachment 11](#))

Conferee Drake testified in support of **SB 230**. She provided personal testimony as a victim of hate crimes and asked Committee to consider the victims of these type of crimes. ([no attachment](#))

Written testimony supporting **SB 230** was submitted by the Kansas Coalition Against Sexual and Domestic Violence. ([attachment 12](#))

Following discussion, the Chair requested the Sentencing Commission provide Committee with a bed-impact study on **SB 230**.

The meeting adjourned at 10:30 a.m. The next meeting is January 29, 2002.