

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:34 A.M. on January 31, 2007, in Room 123-S of the Capitol.

All members were present except:

Greta Goodwin arrived, 9:40 A.M.

David Haley arrived, 9:42 A.M.

Terry Bruce arrived, 9:45 A.M.

Committee staff present:

Athena Anadaya, Kansas Legislative Research Department

Bruce Kinzie, Office of Revisor of Statutes

Nobuko Folmsbee, Office of Revisor of Statutes

Karen Clowers, Committee Assistant

Conferees appearing before the committee:

Roger Werholtz, Secretary, Department of Corrections

Claudia Alexander

Helen Pedigo, Executive Director, Kansas Sentencing Commission

Others attending:

See attached list.

Bill Introductions

Senator Peggy Palmer introduced a bill regarding the crime of incest and associated penalties. Senator Schmidt moved, Senator Lynn seconded, to introduce the bill. Motion carried.

Jim Clark, Kansas Bar Association, requested the introduction of a bill concerning the collection of certain specimens as specified in K.S.A. 21-2511. Senator Donovan moved, Senator Umbarger seconded, to introduce the bill as a committee bill. Motion carried.

Dan Morin, Kansas Medical Society, requested the introduction of a bill to ban concealed weapons from hospitals and doctors' offices. Senator Allen moved, Senator Betts seconded, to introduce the bill as a committee bill. Motion carried.

Brad Smoot, Kansas Civil Law Forum, requested the introduction of a bill concerning recovery of damages in anti-trust cases. Senator Allen moved, Senator Betts seconded, to introduce the bill. Motion carried.

The hearing on **SB 87--Kansas offender registration act; prohibition from adopting or enforcing the residency restrictions** was opened.

Roger Werholtz appeared in support, relating findings of the Sex Offender Policy Board. The Board was created by the 2006 Legislature and directed to study the issue of residential restrictions for sex offenders. Secretary Werholtz reported the Board found no positive correlation between residency restrictions and preventing re-offending behavior. The research presented to the Board indicated that residential restriction zones were detrimental to the treatment and supervision of sex offenders and to law enforcement efforts (Attachment 1).

There being no further conferees, the hearing on **SB 87** was closed.

The hearing on **SB 88--Restoration of spouse's name after divorce is final** was opened.

Senator Barbara Allen testified in support, providing background on current law concerning reinstatement of a former name following a final divorce decree (Attachment 2). Enactment of this bill would provide a simple, economical way to achieve restoration of a former name. Senator Allen provided a balloon amendment to assure the court's jurisdiction of a case after divorce proceedings are closed (Attachment 3).

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Claudia Alexander appeared in favor, relating her personal experience in attempting to restore her former name in an affordable manner (Attachment 4).

There being no further conferees, the hearing on **SB 88** was closed.

The hearing on **SB 97--Third or subsequent conviction for burglary, sentence** was opened.

Helen Pedigo provided neutral testimony indicating a redundancy found while conducting a bed impact statement for **SB 97**. Ms. Pedigo suggested striking the phrase “or 21-3716” on page 5, line 42 of the bill. The change will not alter the presumptive disposition for a third conviction of aggravated burglary (Attachment 5).

Written testimony in support of **SB 97** was submitted by:

Ed Klumpp, Kansas Association of Chiefs of Police (Attachment 6)

There being no further conferees, the hearing on **SB 97** was closed.

Final action on **SB 37--Concerning the crime of smoking in indoor areas** continued.

Staff members provided information regarding questions pertaining to Senator Schmidt’s amendment proposed January 30. Questions answered included:

- grandfather clause would make the law non-uniform across the state;
- the term “private automobile” is not defined; therefore, consider using motor vehicle; and
- cities need to be included in the amendment because there is no existing law which allows smoking; therefore, the cities do not have a way to “opt out”.

Senator Schmidt distributed an addition to the amendment he proposed January 30 (Attachment 7). The amendment addresses the uniformity problem by allowing cities to adopt a more stringent ordinance.

Senator Schmidt moved, Senator Donovan seconded, to adopt the amendments proposed by Senator Schmidt. Motion carried.

Senator Schmidt moved, Senator Goodwin seconded, to recommend **SB 37** favorably for passage.

Senator Bruce made a substitute motion to pass **SB 37** as amended without recommendation. Senator Goodwin seconded the motion. Motion carried.

The meeting adjourned at 10:28 A.M. The next scheduled meeting is February 1, 2007.